

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

COPYRIGHT REVISION BILL APPROVED BY THE SENATE

By unanimous vote of 97 yeas, the United States Senate approved on February 19, 1976, the bill for general revision of the copyright law (Title 17 of the United States Code). The bill, S. 22, which was introduced by Senator John L. McClellan, Chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee, was amended in some particulars on the floor of the Senate before passage.

Entitled "An Act," the bill as passed by the Senate, is essentially the same as S.1361, which the Senate had approved on September 9, 1974. However, the 1976 Act contains a provision (Section 118) for the compulsory licensing by noncommercial educational broadcast of nondramatic literary, musical, pictorial, graphic, or sculptural works, at royalty fees established by the Copyright Royalty Tribunal. The new bill also embodies an amendment to Section 111 designed to ease the burden of copyright liability for smaller CATV systems with annual revenues of less than \$160,000.

In its general terms, S. 22 is the same as the measure approved by the House of Representatives in 1967, except for a number of provisions not in the earlier version, including one relating to cable antenna television. The Senate version also includes, as Title II, a provision for the Protection of Ornamental Designs of Useful Articles.

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Before enactment into law, the House of Representatives must also take action on its bill for general revision of the copyright law, H. R. 2223. A report on this measure is now in preparation by the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary.

The Senate enactment constitutes a complete revision of U. S. copyright protection. The present statute which became law in 1909 would be replaced by a thoroughly modernized system. Noteworthy features include preemption of perpetual common law rights by a single term of Federal statutory protection for all works created after January 1, 1977; in place of the present 28-year term plus a renewal term, the new law would substitute a basic term of protection equal to the life of the author plus 50 years after his death. In addition, the Senate enactment specifically incorporates criteria of fair use, and exempts from liability certain reproductions of copyrighted works by libraries or archives. ■