



ANNOUNCEMENT

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

NOTICE OF POLICY DECISION

POLICY DECISION ANNOUNCING FEE FOR SPECIAL HANDLING OF APPLICATIONS FOR COPYRIGHT REGISTRATION

The following excerpt is taken from Volume 47, Number 86 of the Federal Register for Tuesday, May 4, 1982 (pp. 19254-19255)

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Announcing Fee for Special Handling of Applications for Copyright Registration

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

EFFECTIVE DATE: June 1, 1982.

1. Background

Section 708(a) of the Copyright Act, title 17 of the United States Code, prescribes a schedule of fees that must be remitted to the Copyright Office in payment of registration and other services rendered to the public under the Act. Subsection 11 of section 708(a) gives the Register of Copyrights the authority to fix a fee for any special services requiring a substantial amount of time or expense based on the cost of providing the special service.

Special handling is a procedure established within the Copyright Office to reduce the length of time required to process an application for registration of a claim to copyright. Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to copyright registrants who have compelling reasons for the expedited issuance of a certificate of registration. In the past the

Copyright Office absorbed the additional costs of special handling but cannot continue to do so in the face of the rising number of such requests and the fiscal restraints under which it must operate.

A request for special handling will be granted only in cases involving pending or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate. Special handling procedures may be applicable to cases pending in the Copyright Office, provided the previously mentioned criteria are met.

Special handling of requests for issuance of a certificate of registration impacts upon every step of the registration process. Under normal procedures applications for registration pass through the various processing steps in groups which are administratively efficient. A claim that receives special handling must be processed outside of the normal work flow necessitating individual handling at each step and individual routing between work stations. A separate system of controls must be maintained for the special handling of claims to assure both that they move expeditiously through the necessary procedures and that they can be located quickly if the need should arise. Each of these activities involves more employee time than claims in the normal work flow since employees could otherwise be more efficiently occupied processing ordinary claims.

2. Policy Decision

Under the authority of section 708(a)(11) the Register of Copyrights has determined that the requestor of special handling service should pay, in addition to the normal applicable registration fee, the cost of additional staff time involved in the special handling of cases, computed at overtime rates plus a reasonable administrative fee.

The fee for special handling of a registration of a claim to copyright has been fixed by the Register of Copyrights at \$120.00, based upon the cost of providing this service. To this must be added the basic registration fee of \$10.00. The fee is chargeable for each application for registration for which special handling service is requested and granted. If the request for special handling is granted the \$120.00 fee is not refundable. The fee may be charged to a deposit account established in the Copyright Office. If the deposit account contains insufficient funds to cover the total special handling fee, or if the remitter does not maintain a deposit account, the total special handling fee may be paid either in person at the Public Information Office or it may be remitted by mail. Such payment must be in cash or in the form of a certified check, cashier's check, or money order made payable to the Register of Copyrights.

3. Filing Requests For Special Handling

Requests for special handling may be made in person on the form available in

the Public Information Office of the Copyright Office, Rm. LM-401, James Madison Memorial Building, Library of Congress. The Office will also consider requests by mail providing the Special Handling Request form is used or a cover letter is submitted containing answers to the following questions that are required to be answered in the special handling form: "Why is there an urgent need for special handling?; If it is because of litigation is the litigation actual or prospective?; Are you or your client the plaintiff or defendant?; What are the names of the parties and the name of the court where the action is pending or expected?" It is also

necessary to certify that the answers to these questions are correct to the best of your knowledge. A mailed request for special handling should be sent to:

Library of Congress, Department DS,
Washington, D.C. 20540, Attention:
Acquisitions and Processing Division
Office.

The outside of the envelope and the letter inside should clearly indicate that it is a request for special handling.

The request for special handling of a registration must be accompanied by a completed application, the required deposit copies, phonorecords, or identifying material, and the \$130.00 fee

(\$120.00 special handling fee and \$10.00 registration fee). A minimum of five working days must be allowed for processing a claim under special handling procedures.

Dated: April 21, 1982.

David Ladd,
Register of Copyrights.

Approved:

Daniel J. Boorstin,
The Librarian of Congress.

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