



ANNOUNCEMENT

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

NOTICE OF FINAL COMMENT PERIOD

REPORT OF THE REGISTER OF COPYRIGHTS ON THE EFFECTS OF 17 U.S.C. 108 ON THE RIGHTS OF CREATORS AND THE NEEDS OF USERS OF WORKS REPRODUCED BY CERTAIN LIBRARIES AND ARCHIVES; FINAL COMMENT PERIOD

The following excerpt is taken from Volume 47, Number 102 of the Federal Register for Wednesday, May 26, 1982 (pp. 23061-2)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. LPR 80-6]

Report of the Register of Copyrights on the Effects of 17 U.S.C. 108 on the Rights of Creators and the Needs of Users of Works Reproduced by Certain Libraries and Archives; Final Comment Period

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of final comment period.

SUMMARY: The Copyright Office of the Library of Congress is preparing a report for Congress in accordance with 17 U.S.C. 108(i). The subject of the report to the extent to which 17 U.S.C. 108 has achieved the intended balance between the rights of creators and the needs of users of copyrighted works which are reproduced by certain libraries and archives. Five regional public hearings have been held to elicit views, comments, and information from all interested persons, including authors, copyright proprietors, libraries, and users of all types of libraries. This notice announces that the Copyright Office desires to receive the written comments of organizations and individuals whose informed opinions may contribute to the preparation of that report.

The Office also announces the

availability of, and invites written comment on, the report of library photocopying prepared by King Research, Inc. under contract to the Library of Congress.

DATE: To become part of the record, and to be fully evaluated in preparing the report, all comments must be received by the Copyright Office on or before July 15, 1982.

ADDRESSES: Written comments should be submitted as follows:

If sent by mail: Office of the General Counsel, Department D.S., Library of Congress, Washington, D.C. 20540.

If hand-delivered: Office of the General Counsel, Madison Building, Room 407, First and Independence Avenue SE., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Department D.S., Library of Congress, Washington, D.C. 20540, Telephone: (202) 287-8380.

SUPPLEMENTARY INFORMATION:

1. Background and Purpose of the Copyright Office Report

A thorough background statement concerning the Copyright Office report, section 108 of the Copyright Act appears in all prior notices requesting comments, most recently at pages 79202 through 79204 of the Federal Register for Friday, November 28, 1980 (Vol. 45, No. 231) and is herein incorporated by reference.

2. Specific Questions

The Copyright Office is interested in receiving comments and testimony about any issues relevant to section 108 which concern authors, copyright owners, librarians, and their patrons. Of particular interest are answers to the following questions:

1. To what extent has section 108 changed library procedures? Has there been any significant effect on users' and librarians' access to information?

2. To what extent has section 108 affected established patterns in the publishing industry and the relationship between authors, libraries, and library users?

3. Depending upon the type of library involved, describe the effect, if any, of section 108 upon the type and amount of copying performed by the library on its own behalf or on behalf of users. To what extent have publishers and authors experienced a change in the number of requests from libraries to reproduce works since the present law went into effect?

4. In what manner has the establishment of the Copyright Clearance Center affected your experience under section 108? Would the creation of a National Periodical Center affect your operations? (The intent of these questions is to elicit responses from publishers and authors on the one hand and libraries and library users on the other.)

5. Describe the impact, if any, that section 108 has had upon the replication of nonprint materials, including the ability of libraries to reproduce phonorecords and audiovisual works dealing with news. In response to this question describe any problems which have been encountered as the result of the narrower exemptions for nonprint materials under section 108.

6. How have the CONTU guidelines worked in practice? How should periodicals more than five years old be treated?

7. What is your opinion of the relationship between section 107 ("fair use") and section 108 ("reproduction by libraries and archives")?

8. How should foreign copyrighted works and requests from foreign libraries be treated under section 108 and, in practice, how are they treated now?

9. If problems do exist, can they be resolved without resort to legislative amendment? If so, what are the problems, and how could they best be

resolved? If not, what changes should be made in the law?

3. King Report

The Library of Congress awarded a contract to King Research, Inc., to perform several statistical surveys concerning library photocopying, to assist the Copyright Office in preparing the report to Congress mandated by, 17 U.S.C. 108(i). Results of three surveys of libraries, two of library patrons, and one of publishers are contained in a report by King Research which will be available in late May or early June, 1982 for purposes of written public comment to the Copyright Office. Copies may be ordered in advance directly from King Research by sending a check or money order (payable to King Research, Inc.) in the amount \$25.00 (\$30.00 for delivery outside the United States) to King Research, Inc., P.O. Box 70, Rockville, MD 20850. Only prepaid orders can be accepted. Domestic deliveries will be by first class mail; deliveries outside the United States will be by airmail.

In addition, a limited number of copies will be available at the Copyright Office for reading or lending in the Washington, D.C. area. Subject to availability, a copy can be borrowed for partial or complete reproduction outside the Copyright Office; the borrowed copy must be returned within 24 hours to the Copyright Office. These copies will be in the Information Office, Room, 401, Madison Building, 1st and Independence Avenues, SE., Washington, D.C., and will be available weekdays (except holidays) between 8:30 a.m. and 5:00 p.m.

(17 U.S.C. 108)

Dated: May 18, 1982.

Michael R. Pew,

Associate Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

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