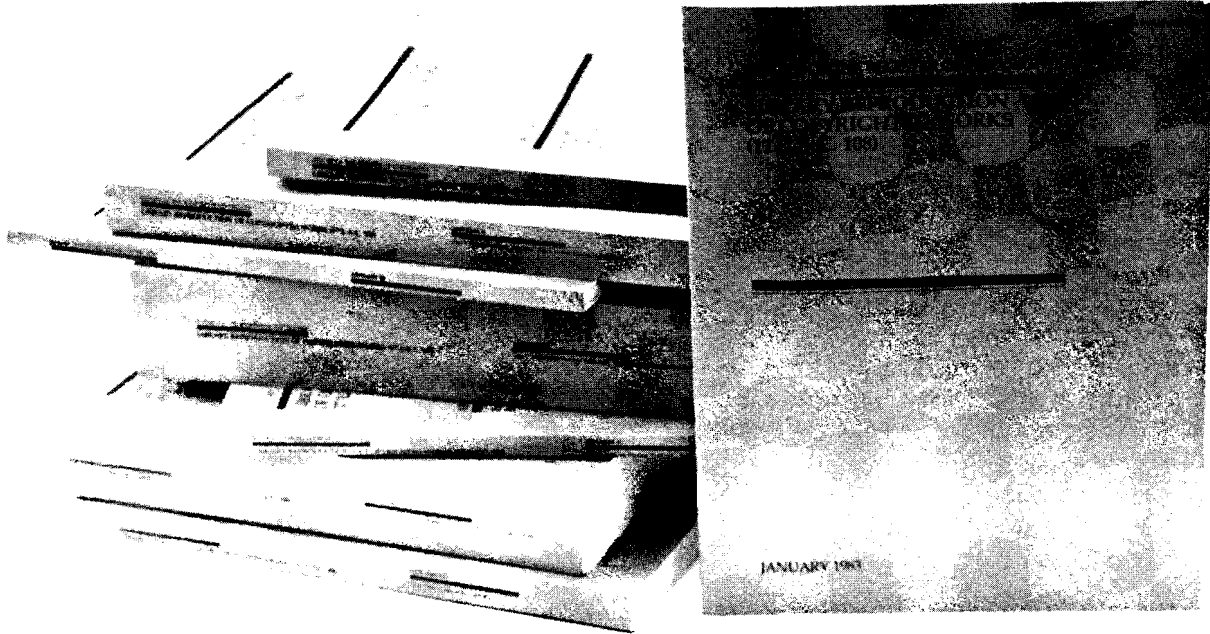


# ANNOUNCEMENT

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



## COPYRIGHT OFFICE REPORTS TO THE CONGRESS ON PHOTOCOPYING ISSUE

During the first week of January, the Copyright Office delivered to Congress a report focused on the copying practices of libraries and archives, and their clients—a report which looks at the effectiveness of the photocopying provisions in the copyright law in creating a balance between the rights of creators and the needs of users of copyrighted works.

Provisions governing photocopying in libraries and archives were included in the current copyright law after much negotiation; the law in section 108 requires the Copyright Office to report to Congress at 5-year intervals on the effectiveness of those provisions in creating a balance.

In its report the Copyright Office concludes that those provisions provide a workable framework for obtaining a balance between creators' rights and users' needs, but that, in certain instances, a balance has not been achieved in practice, either because the intent of Congress has not been carried out fully or because that intent is not clear to those whose behavior is within the ambit of the law.

According to the report, the existence of the intended statutory "balance" can be supported by evidence showing that between 1976 and 1980 library acquisition expenditures increased faster than the rate of inflation, that during the same period, the ratio of serial "births" to "deaths" was 3.4 to 1, that some types of photocopying in certain classes of libraries have increased very slowly or even decreased, and that serial publishers' revenues increased.

However, the Copyright Office also pointed to other information showing that there might be an imbalance—"substantial quantities of the photocopies prepared by and for library patrons are made for job-related reasons, rather than for the type of private scholarship, study, or research most favored by the law," the report said. The Office noted empirical evidence that in roughly one-quarter of the library photocopying transactions, two or more copies are made, and yet section 108 of the Copyright Act only permits the making of a single copy.

According to the report, there appears to be significant

confusion among many librarians about how the copyright law works and why its enforcement is frequently their responsibility.

Furthermore, publishers contend that the present system is seriously imbalanced, and some of them have asserted their views in print and by bringing lawsuits.

The Office made recommendations to rectify what it perceived to be shortcomings in present practices and in the present law. According to the report, these recommendations, both statutory and nonstatutory, should aid in achieving understandings which would permit legitimate photocopying while protecting copyright interests.

These recommendations include the encouragement of voluntary guidelines and of collective photocopying licensing agreements, studies of possible surcharges on photocopying equipment and of compensation systems based on sampling techniques, and the encouragement of agreements concerning archival preservation issues. Other recommendations relate to revisions of specific provisions in the copyright law.

During the 5-year interval leading to this report the Copyright Office held nationwide hearings—in Chicago, Houston, Anaheim, New York City, and Washington, D.C. The Office also commissioned a survey from King Research, Inc., a survey which took a look at more than 500 libraries and as many publishers to see how they are faring under the new provisions. In May 1982 King Research delivered the survey to the Copyright Office; its empirical data were considered by the Office in preparing the final report.

The Copyright Office also consulted with an advisory committee made up of representatives of authors, publishers, librarians, and users of copyrighted works.

Copies of the report are available for public inspection

and copying in the Public Information Office of the Copyright Office, Madison Building, LM-401, Library of Congress, Washington, D.C. Microfiche or bound copies of the report and its seven appendixes also may be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 (NTIS Sales Desk: 703-487-4650).

NTIS prices and accession numbers are as follows:

**Report of the Register of Copyrights—Library  
Reproduction of Copyrighted Works (17 U.S.C. 108)**

	NTIS Accession No.	Price	
		Paper Copy	Microfiche
<b>Entire Set.</b> 3,592 pages.	PB83 148239	100.00	31.50
<b>Report Only.</b> 395 pages.	PB83 148247	17.50	4.50
<b>Appendix I</b> (King Report). 256 pages.	PB83 148254	15.50	4.50
<b>Appendix II</b> (Chicago Hearing and Written Comments). 477 pages.	PB83 148262	17.50	4.50
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<b>Appendix VII</b> (Final Written Comments). 282 pages.	PB83 148312	15.50	4.50

For further information or copies of the Executive Summary and the Copyright Office Recommendations, contact Copyright Office Public Information Office, (202) 287-8700.