



ANNOUNCEMENT

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

NOTICE OF POLICY DECISION

POLICY DECISION FIXING FEES FOR THE SPECIAL HANDLING OF IMPORT STATEMENTS AND DOCUMENTS

The following excerpt is taken from Volume 50, Number 215 of the Federal Register for Wednesday, November 6, 1985 (pp.46206-46208)

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Fixing Fees for the Special Handling of Import Statements and Documents

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Policy decision.

SUMMARY: The purpose of this notice is to inform the public that, in accordance with 17 U.S.C. 708(a)(11), the Register of Copyrights has fixed a fee for providing the special service of expedited processing (i.e., "special handling") of requests to issue import statements and to record documents pertaining to copyright. The fee for special handling of a request to record a document has been fixed at \$200; the fee for special handling of a request to issue an import statement has been fixed at \$100 when it is submitted alone, and at \$50 when it accompanies a request for special handling of a Form TX (for registration of nondramatic literary works). Each fee has been set by the Register at the cost of providing the service.

EFFECTIVE DATE: December 6, 1985.

Notice of Policy Decision

Fees for Special Handling of Import Statements and Documents

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 remitters with exigent circumstances must wait for the Office to process an application for registration of a claim to copyright, or the recordation of a document, or the issuance of an important statement.¹ Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to copyright remitters who have compelling reasons for the expedited service.

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 processing. 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, certificate of recordation of a document, or the issuance of an import statement can impact many steps or every step of the processing procedures. Under normal procedures, applications, documents and import statements 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 staff time than claims in the normal work flow since employees could otherwise be more efficiently occupied processing ordinary claims.

The fee for special handling of a registration of a claim to copyright has been fixed by the Register of Copyrights at \$200, based upon the cost of providing this service. 49 FR 39741. This applies to the special handling of the various classes of registration: TX SE, PA, VA,³ SR, RE, CA, GR/CP, and MW.

The special handling fee is chargeable for each application for registration for which special handling service is requested and granted, with one exception. If special handling is requested for only one of several claims submitted at the same time with a single deposit, which is an acceptable deposit for all the claims, the fee for processing the additional claims is \$50 each plus the filing fee for each claim. The claim for which special handling was requested will be processed for the \$200 special handling fee plus the filing fee. The Office emphasizes that this is a narrow exception to the usual rule that the \$200 fee applies to each application

¹Error; line should read: "issuance of an import statement."

²Error; line should read: "efficient. A claim that receives special"

³Error; line should read: "classes of registration: TX SE PA VA"

given expedited processing. It applies only where a single set of deposit copies may appropriately be submitted to register multiple claims, in accordance with the practices of the Copyright Office. The applicant will be given the option of submitting an additional set of copies for each application to avoid assessment of the special \$50 fee. If multiple applications are accompanied by individual sets of deposit copies, claims for which special handling is not requested will be processed routinely.⁴ Only the claims(s) for which special handling is requested and granted will be processed specially.

Although the Office has occasionally received requests for the special handling of requests to record a document or to issue an import statement, the Register had not fixed a fee for these special services. This notice establishes fees for these services.

2. Policy Decision: Fees for Recordation of Document and Issuance of Import Statement

Under the authority of section 708(a)(11) the Register of Copyrights has determined that the requestor of special handling for recordation of documents or issuance of an import statement should pay, in addition to the normal fees for these services, the cost of additional staff time involved in the special handling computed at overtime rates plus a reasonable administrative fee. The fee for the special handling of a recordation of a document has been fixed by the Register of Copyrights at \$200, based upon the cost of this service. The fee for special handling of the issuance of an import statement has been fixed by the Register of Copyrights at \$50 when it accompanies a request for special handling for a Form TX (submitted with its special handling fee of \$200) and \$100 when the request for special handling of the import statement is submitted alone. In fixing these fees the Register of Copyrights has reviewed the experience of the Office since June

1982 when a special handling fee was set for registrations, has re-evaluated the nature and number of requests submitted and the cost of the special administrative procedures required by⁵ special handling.

If the request for special handling is granted, the fee is not refundable. The Copyrights Office will make every effort to process the claim, document or import statement within five (5) working days after the request *has been approved*. Within that period the Office will issue the certificate of registration, certificate of recordation, or import statement, or notify the applicant of any defects. The fee may be charge to a deposit account⁶ established in the Copyrights 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 either be paid in person at the Public Information Office in Washington, D.C., or 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. Cash should not be sent by mail, however.

A request for special handling will be granted only in cases involving pending⁷ or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate or import statement. special handling procedures⁸ may be applicable to cases pending in the Copyrights Office, provided the⁹ previously mentioned criteria are met. The Copyrights Office may refuse special handling if the request is not sufficiently justified.

3. Procedure for Requesting Special Handling

Requests for special handling may be made in person on the form available in the Public Information Office of the Copyrights Office, Room LM-401, James Madison Memorial Building, Library of Congress, 101 Independence Avenue,

SE., Washington, DC. 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 the requestor's knowledge. A mailed request for special handling should be sent to:¹⁰

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

The outside of the envelope and the letter inside should clearly indicate that the correspondence 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 special handling fee plus the applicable filing fee (\$10 for a registration application, except \$8 for a renewal application; \$3 for an import statement) or recordation fees (for a document of six pages or less, covering no more than one title, \$10; for each page over six and each title over one, 50 cents additional).

Dated: October 22, 1985

Ralph Oman,
Register of Copyrights.

Approved by:

Daniel J. Boorstin,
The Librarian of Congress.
[FR Doc. 85-26409 Filed 11-5-85; 8:45 am]
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⁴Error; line should read:
"requested will be processed routinely."

⁵Error; line should read:
"administrative procedures required by"

¹⁰Error; line should read:
"should be sent to:"

⁶Error; line should read:
"established in the Copyright Office. If"

⁷Error; line should read:
"granted only in cases involving pending"

⁸Error; line should read:
"statement. Special handling procedures"

⁹Error; line should read:
"the Copyright Office, provided the"