



# ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

## FINAL RULE, AMENDMENTS

### COPYRIGHT, FREEDOM OF INFORMATION ACT, MASK WORKS, PRIVACY ACT, REGISTRATION, AND ROYALTIES

The following excerpt is taken from Volume 60, Number 126 of  
the *Federal Register* for Friday, June 30, 1995 (pp. 34167-34169)

#### LIBRARY OF CONGRESS

#### Copyright Office

**37 CFR Parts 201, 202, 203, 204, 211  
and 255**

[Docket No. 95-6]

#### Copyright, Freedom of Information Act, Mask Works, Privacy Act, Registration, and Royalties

AGENCY: Copyright Office, Library of  
Congress.

ACTION: Final rule, amendments.

**SUMMARY:** This amendment rule will  
update Office regulations to reflect  
organizational changes and correct errors  
in section citations and misspellings,  
grammatical errors, and other non-  
substantive errors. We take this action to  
make our regulations accurate and  
thereby not misinform anyone who uses  
them.

**EFFECTIVE DATE:** June 30, 1995.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

Copyright Office regulations are being  
updated to reflect the current  
organizational structure of the Office by  
amending §§202.19(b)(1)(ii),  
202.19(b)(1)(iii)(B), 202.19(e)(3),  
202.22(d)(6)(iii), 204.4(a), 204.5a and  
204.7(a) to include current titles and  
section names, and §203.3 to include the  
entire current organization of the Office.  
Fees that were incorrectly stated are  
amended in §202.23(e)(1) and (2).

Numbering for parts of a section and  
numbers within a section referring to  
another section are being corrected in  
§§201.1(b), 201.11(g)(3)(iii)(B),  
201.11(g)(3)(v), 201.17(b)(2), 201.17(c)(1),  
201.17(g), 255.3(h)(2), and 255.3(h)(3).

Section 201.16 concerning coin-  
operated phonorecord players is deleted  
in its entirety. It is duplicated in §254.  
Section 202.20(b)(2)(iii) is amended  
in its entirety to conform with  
§202.20(c)(2)(xv), which pertains to the  
same matter.

The following sections are amended  
to correct misspelled words, incorrect  
symbols, or improper punctuation:  
§§201.5(b)(2)(iv), 201.5(c)(1), 201.10(d)(1),  
201.11(f), 201.11(g)(3)(iii)(B),  
201.11(g)(3)(vi), 201.15(c),  
201.17(h)(4)(iii), 201.17(h)(8),  
201.26(b)(2), 202.2(b)(1), 202.3(b)(5)(i)(D),  
211.5(a), 211.6(b)(1), and §A.2(i) of  
Appendix A to Part 202. Section  
201.10(d)(3) is amended by removing a  
reference to a section which no longer  
exists.

#### List of Subjects

37 CFR Part 201

Copyright; General Provisions.

37 CFR Part 202

Copyright; Registration.

37 CFR Part 203

Freedom of Information Act.

37 CFR Part 204

Privacy Act.

37 CFR Part 211

Mask Work Protection.

37 CFR Part 255

Royalties; Sound Recordings.

#### Final Rule

In consideration of the foregoing,  
parts 201, 202, 203, 204, 211, and 255 of 37  
CFR chapter II are amended in the  
manner set forth below:

#### PART 201—GENERAL PROVISIONS

1. The authority citation for part 201  
is revised to read as follows:

Authority: 17 U.S.C. 702.

#### § 201.1 [Amended]

2. Section 201.1(b) is amended by  
removing "(17 U.S.C. 111, 115, 116, and  
118)" and adding in its place "(17 U.S.C.  
111, 115, 118, and 119)".

#### § 201.5 [Amended]

3. Section 201.5(b)(2)(iv) is amended  
by removing the period after the word  
claim in the second sentence and adding  
a comma in its place.

#### § 201.5 [Amended]

4. Section 201.5(c)(1) is amended by  
adding a comma after Copyright Office  
and by removing the period at the end of  
paragraph (iii) and adding a semi-colon.

#### § 201.7 [Amended]

5. Section 201.7(c)(4)(ii) is amended  
by adding the phrase "published before  
March 1, 1989," after the word "work".

#### § 201.10 [Amended]

6. Section 201.10(d)(1) is amended by  
removing one of the two phrases "notice  
of".

7. Section 201.10(d)(3) is amended by  
removing the phrase "as defined by  
section 116(e)(3) of title 17, U.S.C.". .

#### § 201.11 [Amended]

8. Section 201.11(f) is amended by  
removing the word "paument" and  
adding the word "payment".

**§ 201.11 [Amended]**

9. Section 201.11(g)(3)(iii)(B) is amended by removing the word "title" and adding the word "title" and by removing "(e)(14)" and adding "(e)(9)."

**§ 201.11 [Amended]**

10. Section 201.11(g)(3)(v) is amended by removing "(e)(10)" and adding "(e)(9)".

**§ 201.11 [Amended]**

11. Section 201.11(g)(3)(vi) is amended by removing the word "owned" and adding the word "owner".

**§ 201.15 [Amended]**

12. Section 201.15(c) is amended by removing the letter "k" from the word "ksubmitting".

**§ 201.16 [Amended]**

13. Section 201.16 is removed and reserved. The index referring to §201.16 is also amended by removing "Recordation and certification of coin-operated phonorecord players" and adding "reserved".

**§ 201.17 [Amended]**

14. Section 201.17(b)(2) is amended by redesignating "(A)" and "(B)" in the last sentence as "(i)" and "(ii)" respectively.

**§ 201.17 [Amended]**

15. Section 201.17(c)(1) is amended by removing "(2)" after 111(d) and adding "(1)".

**§ 201.17 [Amended]**

16. Section 201.17(g) is amended by removing "(2)" after 111(d) and adding "(1)".

**§ 201.17 [Amended]**

17. Section 201.17(h)(4)(iii) is amended by removing "in" after the word return and adding "it".

**§ 201.17 [Amended]**

18. Section 201.17(h)(8) is amended by removing the word "expended" and adding the word "expanded".

**§ 201.26 [Amended]**

19. Section 201.26(b)(2) is amended by removing the word "documented" and adding the word "document".

**PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT**

20. The authority citation for part 202 is revised to read as follows:  
Authority: 17 U.S.C. 702.

**§ 202.2 [Amended]**

21. Section 202.2(b)(1) is amended by removing the symbol "≠" and adding the symbol "©".

**§ 202.3 [Amended]**

22. Section 202.3(b)(5)(i)(D) is amended by removing the word

"published" and adding the word "published".

**§ 202.18 [Amended]**

23. Section 202.18 is removed and reserved.

**§ 202.19 [Amended]**

24. Sections 202.19(b)(1)(ii) and 202.19(b)(1)(iii)(B) are amended by removing "Deposits and Acquisitions Division of the Copyright Office" and adding "Copyright Acquisitions Division".

**§ 202.19 [Amended]**

25. Section 202.19(e)(3) is amended by removing "Chief, Deposits and Acquisitions Division of the Copyright Office" and adding "Chief, Examining Division".

**§ 202.20 [Amended]**

26. Section 202.20(b)(2)(iii) is amended by removing the entire text after the heading and adding "In the case of a published contribution to a collective work, a "complete" copy is one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work".

**§ 202.22 [Amended]**

27. Section 202.22(d)(6)(iii) is amended by removing "Chief, Acquisitions and Processing Division of the Copyright Office" and adding "Copyright Acquisitions Division".

**§ 202.23 [Amended]**

28. Sections 202.23(e)(1) and (2) are amended by removing "\$135.00" and adding "\$270.00".

**Appendix A to Part 202 [Amended]**

29. Appendix A to part 202 is amended in section A.2(i) by removing the word "mechanical" and adding the word "mechanical".

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

30. The authority citation for part 203 is revised to read as follows:

Authority: 17 U.S.C. 702; and 5 U.S.C. 552(a)(1).

31. Section 203.3 is revised to read as follows:

**§ 203.3 Organization**

(a) *In General.* The Office of the Register exercises overall direction of the work of the Copyright Office, including work in conjunction with copyright legislation and promulgation of copyright regulations. The Office of the Register of Copyrights includes the legal and administrative, and automation staff.

(b) The Associate Register of

Copyright for Operations has oversight of the operating divisions of the Copyright Office. The operating divisions are:

(1) The Receiving and Processing Division, which receives incoming materials, dispatches outgoing materials and establishes control over fiscal accounts.

(2) The Examining Division, which\* examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims, and which determines whether the materials deposited constitute copyrightable subject matter\*\* and whether the other legal and formal requirements of Title 17 have been met.

(3) The Cataloging Division, which prepares the bibliographic description of all copyrighted works registered in the Copyright Office, including the recording of legal facts of copyright pertaining to each work, in an on-line database in which copyright records can be searched; and which also examines and catalogs in an on-line database documents submitted for recordation.

(4) The Information and Reference Division, which provides a national copyright information service through the Public Information Office, educates the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service on certain matters.

The Information and Reference Division also develops, services, stores, and preserves the official records and catalogs of the Copyright Office, including applications for registration, historical records, and materials deposited for copyright registration that are not selected by the Library of Congress for addition to its collections.

(5) The Licensing Division, which implements the sections of the Copyright Act dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of nondramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting. The Licensing Division is in charge of collecting the statutory royalties and distributing these royalties based on

\*Error; line should read:

"(2) The Examining Division, which"

\*\*Error; line should read:

"constitute copyrightable subject matter"

either a voluntary agreement among the interested parties or a determination of the Copyright Arbitration Royalty Panels.

(c) The Copyright General Counsel is a principal legal officer of the Office. The General Counsel has overall supervisory responsibility for the legal staff and primary responsibility for providing liaison on legal matters between the Office and the Congress, the Department of Justice and other agencies of Government, the courts, the legal community, and a wide range of interests affected by the copyright law. The Copyright General Counsel has responsibility for overseeing all functions related to the administration of the compulsory licenses including oversight of the Copyright Arbitration Royalty Panels.

(d) The Associate Register of Copyrights for International Affairs and Policy is a principal legal adviser to the Register with primary responsibility for the international aspects of copyright protection, as well as legislative and policy matters.

(e) The Associate Register of Copyrights for National Programs is primarily responsible for initiating, planning, developing, and implementing projects and activities related to the Copyright Office electronic registration, recordings, and deposit system (CORDS).

(f) The Office has no field organization.

(g) The Office is located in The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, S.E., Washington, D.C. 20559. The Public Information Office is located in Room LM-401. Its hours are 8:30 a.m. to 5:00 p.m., Monday through Friday except legal holidays. The phone number of the Public Information Office is (202) 707-3000. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(h) All Copyright Office forms may be obtained free of charge from the Public Information Office or by calling the Copyright Office Hotline anytime day or night at (202) 707-9100.

(i) Copyright Office records in machine-readable form cataloged from January 1, 1978, to the present including registration information and recorded documents are now available over Internet. Most Copyright Office circulars and all regulations and announcements are also available over Internet.

#### **PART 204—PRIVACY ACT: POLICIES AND PROCEDURES**

32. The authority citation for part 204 is revised to read as follows:

**Authority:** 17 U.S.C. 702; and 5 U.S.C. 552(a).

##### **§ 204.4 [Amended]**

33. Section 204.4(a) is amended by removing "Information and Publishing Section" and adding "Information Section."

##### **§§ 204.5 and 204.7 [Amended]**

34. Sections 204.5(a) and 7(a) are amended by removing "Information and Publications Section" and adding "Information Section".

#### **PART 211—MASK WORK PROTECTION**

35. The authority citation for part 211 continues to read as follows:

**Authority:** 17 U.S.C. 702 and 908.

##### **§ 211.5 [Amended]**

36. Section 211.5(a) is amended by removing the word "proscribes" and adding the word "prescribes".

##### **§ 211.6 [Amended]**

37. Section 211.6(b)(1) is amended by removing the phrase "the symbol `M'", or the symbol `\''" and adding the phrase "the symbol `M' or the symbol `©'".

#### **PART 255—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS.**

38. The authority citation for part 255 continues to read:

**Authority:** 17 U.S.C. 801(b)(1) and 803.

##### **§ 255.3 [Amended]**

39. New section 255.3(h)(2) is amended by removing "(g)(1)" in both places it appears and adding "(h)(1)" in both places.

##### **§ 255.3 [Amended]**

40. New section 255.3(h)(3) is amended by removing "(g)" and adding "(h)".

Dated: June 27, 1995

Marilyn J. Kretsinger,

Acting General Counsel.

[FR Doc. 95-16120 Filed 6-29-95; 8:45 am]

**BILLING CODE 1410-30-M**