

# Announcement

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

## ADVANCE NOTICE OF PROPOSED RULEMAKING

### COPYRIGHT OFFICE REQUESTS COMMENTS REGARDING USE OF WARNING OF COPYRIGHT BY LIBRARIES AND ARCHIVES

The following excerpt is taken from Volume 42, No. 61 of the Federal Register for Wednesday, March 30, 1977 (pp. 16838-39).

[ 37 CFR Part 201 ]

[ Docket EM 77-5 ]

#### WARNING OF COPYRIGHT FOR USE BY LIBRARIES AND ARCHIVES

##### Advance Notice of Proposed Rulemaking

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** This advance notice of proposed rulemaking is issued to advise the public that the Copyright Office of the Library of Congress is considering adoption of a new regulation designed to implement a section of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, pertaining to the use and display by libraries and archives of certain warnings of copyright in connection with their photoduplication and related activities. This notice is intended to elicit public comment, views, and information which will assist the Copyright Office in considering alternatives and formulating a tentative regulation to be later issued as a proposed rule for additional comment.

**DATES:** Initial comments should be received on or before May 6, 1977. Reply comments on or before May 23, 1977.

**ADDRESS:** Interested persons should submit five copies of their written comments to: Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559.

#### FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559. (703-557-8731).

**SUPPLEMENTARY INFORMATION:** Sections 108(d) and 108(e) of the first section of Pub. L. 94-553 set forth conditions under which specified libraries and archives, or their employees acting

within the scope of their employment, may make and distribute single copies and phonorecords of certain copyrighted works, or parts of works, without the consent of the copyright owner. Among other conditions specified in the Act, the library or archive must "display prominently, at the place where orders (for copies or phonorecords) are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation."

We have determined that it is desirable to secure information and views from the public before adopting a proposed regulation governing library and archive warnings of copyright. All comments relevant to the content, use, and manner of display of these warnings will be considered by the Copyright Office in developing a proposed regulation. In addition, information and examples are specifically requested with respect to: (a) the kinds of order forms currently used by libraries and archives in relation to their photoduplication and similar activities; and (b) the kinds of copyright legends, warnings, and the like currently in use on order forms and photocopying machines, and displayed in connection with photocopying and similar activities.

Copies of all comments will be available for inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room No. 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553; §§ 108; 702.)

Dated: March 23, 1977.

BARBARA RINGER,  
*Register of Copyrights.*

Approved:

DANIEL J. BOORSTIN,  
*Librarian of Congress.*

[FR Doc. 77-9506 Filed 3-29-77; 8:45 am]