

Announcement

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

CHANGES IN COPYRIGHT DEPOSIT AND REGISTRATION UNDER THE NEW COPYRIGHT ACT

IMPORTANT

Beginning on January 1, 1978 (the effective date of the new copyright law) deposit copies or phonorecords must be accompanied by an application and fee if they are to be used for copyright registration. If copies or phonorecords are sent separately they will not be held to await connection with an application and fee. Copies or phonorecords received without an application or other clear-cut instructions concerning their use will be used to satisfy the mandatory deposit requirements of the new law. The deposit of additional copies or phonorecords will then be necessary if copyright registration is desired at a later time.

Explanation of the Change

This change in our operating procedures will result from provisions of the Copyright Act of October 19, 1976 (Public Law 94-553, 90 Stat. 2541). The new law takes a different approach with respect to deposit for the Library of Congress and deposit for purposes of making copyright registration.

Now. Under the old law (in effect through December 31, 1977), deposit of copies for the collections of the Library and for registration are treated as the same thing. When you submit copies for registration they are automatically available for selection by the Library.

Under the new Copyright Act. The new law regards deposit for the Library and deposit for registration as separate acts:

- Deposit for the Library is generally mandatory when copies with a copyright notice have been published in the United States. (There will be exceptions to this requirement.)

- Registration is generally voluntary, and can be made for either unpublished or published works at any time during the copyright term by depositing the necessary number of copies or phonorecords with an application and fee. (Although registration is optional in most cases, it will be necessary as a condition for certain rights and remedies under the new law.)

Special provision of the new Copyright Act. With respect to works published in the United States, the new law contains a special provision under which a single deposit will satisfy both the deposit requirements for the Library and the registration requirements. This provision requires that the deposit for the Library be "accompanied by" the necessary materials for registration. Thus, after the new law goes into effect, if you deposit copies or phonorecords in the Copyright Office without simultaneously submitting an application and registration fee, the deposit will be used for the Library of Congress but not for registration.

A Suggestion to Insure Dual Use of Deposits

Although the new law will not become effective until January 1, 1978, we suggest you begin now to arrange for depositing the required copies or phonorecords with the application for registration in a single package. Unless the registration fee is to be charged against a deposit account it should also be enclosed. If you are now sending deposits and applications from different points, you should review your shipping and handling practices and make the necessary changes as soon as possible.

FREE MAILING PRIVILEGE NO LONGER AVAILABLE

Under the old law (in effect through December 31, 1977) you may mail the copies and applications required for copyright registration without charge for postage.

There is no such provision in the new copyright law. The free mailing privilege will be discontinued on January 1, 1978.