



# ANNOUNCEMENT

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

## FINAL REGULATIONS

### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

#### DEPOSIT REQUIREMENTS; MOTION PICTURES

The following excerpt is taken from Volume 43, No. 140 of the Federal Register for Thursday, July 20, 1978 (pp. 31132-31133).

[1410-03]

#### Title 37—Patents, Trademarks, and Copyrights

#### CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 78-3]

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

#### Deposit Requirements; Motion Pictures

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

**SUMMARY:** This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting amendments to §§ 202.19 and 202.20 of our regulations. The effect of the amendments is to modify the deposit requirements for published motion pictures, in order to reflect the availability of a special agreement that (i) provides for the return of such works to depositors under certain conditions; and (ii) establishes certain rights and obligations of the Library of Congress with respect to such works.

**EFFECTIVE DATE:** The amended regulations are effective on July 20, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Jane Collins, Head, Deposits and Acquisitions Section, Acquisitions and Processing Division, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-0310.

**SUPPLEMENTARY INFORMATION:** Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit two copies of the work in the Copyright Office for the use or disposition of the Library of Congress. 17 U.S.C. 408 also requires deposit of two copies in connection with applications for copyright registration. After establishing general rules governing the nature of the deposit, these sections authorize the Register of Copyrights to prescribe regulations to "permit the deposit of only one copy" where two would normally be required.

On January 4, 1978, we published in the FEDERAL REGISTER (Docket 77-11, 43 FR 763, effective January 1, 1978) final regulations implementing the deposit requirements of sections 407 and 408. Those regulations did reduce the deposit requirements to one copy in the case of published motion pictures. Those regulations also eliminated the availability of the so-called "motion picture agreement" which, under the copyright law in effect before January 1, 1978, allowed return of deposit copies subject to later recall by the Library of Congress.

A number of objections were raised by representatives of motion picture copyright owners to the elimination of the motion picture agreement. The Motion Picture Association of America, Inc. argued, for example, that the motion picture agreement had "minimized the financial burden on copyright owners by giving them the use of valuable prints early in the life of a motion picture" and provided important safeguards to the film industry against unauthorized performance or reproduction by users of the motion picture collection of the Library of Congress. Representatives of the Li-

brary of Congress, however, expressed concern over assuring the return of copies recalled under the agreement and the adequate archival quality of those copies.

In our notice of rulemaking (Docket RM 77-11, 43 FR 763, January 4, 1978) we noted the arguments made by motion picture copyright owners for retention of the motion picture agreement and we referred to "the possibility of negotiation of new agreements (between copyright owners and the Library of Congress) in the immediate future."

After further discussions among representatives of motion picture interests and the Library of Congress, the Library did agree to make a new motion picture agreement available to depositors. On March 24, 1978 (Docket RM 78-3, 43 FR 12320) we published interim amendments to our regulations to reflect the availability of the new agreement. Comments on both the amendments and the terms of the agreement were invited until May 12, 1978.

One comment, from Jack Valenti, President of the Motion Picture Association of America and the Copyright Committee of the Motion Picture Association of America, was received in response to the interim regulations. That comment supported our proposal and "urge[d] its adoption as a final regulation of the Copyright Office."

The interim regulations, as published on March 24, 1978, are adopted as final and are set forth below. Copies of the Motion Picture Agreement form are available upon request to the Deposits and Acquisitions Section of the Copyright Office.

Dated: July 7, 1978.

WALDO C. MOORE,  
Assistant Register of  
Copyrights for Registration.

Approved:

DANIEL J. BOORSTIN,  
*The Librarian of Congress.*

Part 202 of 37 CFR, Chapter II (as amended on January 1, 1978) is amended as follows: 1. In § 202.19, paragraph (d)(2)(ii) is revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \*

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit for a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of

such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

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2. In § 202.20, paragraph (c)(2)(ii) is revised to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of two copies. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of

Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library of Congress with respect to such copies. In the event of termination of such an agreement by the Library, it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public but have not been published), the deposit of indentifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy.

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