



ANNOUNCEMENT

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

FINAL REGULATIONS

PAYMENT AND REFUND OF COPYRIGHT OFFICE FEES; GENERAL PROVISIONS

37 CFR Part 201

The following excerpt is taken from Volume 46, Number 88, of the Federal Register for Thursday, May 7, 1981 (pp. 25442-25443).

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 81-1]

Payment and Refund of Copyright Office Fees; General Provisions

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 an amendment of § 201.6 of the Copyright Office regulations. The effect of the amendment is to permit the Copyright Office to retain application fees in cases where an application is rejected and to provide that in cases of a mistaken or excess payment, refunds in the amount of \$5 or less will be made only on specific request.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 287-8380.

SUPPLEMENTARY INFORMATION: Under section 708(c) of the Copyright Act of 1976, title 17 of the United States Code, the Register is authorized to deduct all or any part of the registration fee otherwise prescribed by section 708, to cover the administrative costs of processing a refusal to register a claim

to copyright under section 410(b). That section authorizes the Register to refuse registration of the claim to copyright when the material deposited does not constitute copyrightable subject matter, or when the claim is invalid for any other reason.

Until now, it has been the policy of the Copyright Office to refund fees submitted for registration purposes when the claim is rejected. However, following a review of this refund policy, the Copyright Office has decided that it should invoke the authority of section 708(c) and deduct the administrative costs of processing section 410(b) rejection cases.

Currently, the income from copyright registration and related fees covers less than 30 percent of the expenditures of the Copyright Office. The Copyright Office does not recoup its operating costs through application fees even in cases where applications are accepted for registration without correspondence. Processing costs in rejection cases are higher since more administrative steps are involved; for example, a letter is written, typed, and mailed. Since the cost of processing any application is greater than \$10, we have determined that the reasonable administrative cost of processing a section 410(b) claim is at least \$10 for first term or ordinary and supplementary registration, and \$8 for a renewal registration claim.

On and after the effective date of this regulation, the Copyright Office will therefore not refund the fee submitted

for claims for which registration is refused under section 410(b). The Office will however refund payments made by mistake or in excess of the statutory fee schedule. If the excess amount is higher than \$5, the refund will be made without specific request. Amounts of \$5 or less will not be refunded except by specific request.

Accordingly, Part 201 of 37 CFR Chapter II is amended by revising § 201.6(c) to read as follows:

§ 201.6 Payment and refund of Copyright Office fees.

(c) *Refunds.* Money remitted to the Copyright Office for original, basic, supplementary or renewal registration will not be refunded if the claim is rejected because the material deposited does not constitute copyrightable subject matter or because the claim is invalid for any other reason. Payments made by mistake or in excess of the statutory fee will be refunded, but amounts of \$5 or less will not be refunded unless specifically requested, and refunds of less than \$1 may be made in postage stamps.

(17 U.S.C. 702; 708(c))

Dated: April 27, 1981.

David Ladd,
Register of Copyrights.

Approved:
Daniel J. Boorstin,
The Librarian of Congress.

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