



# ANNOUNCEMENT

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

## NOTICE OF POLICY DECISION

NEW

### POLICY REGARDING PUBLIC USE OF IN-PROCESS FILES

The following excerpt is taken from Volume 46, Number 198 of the Federal Register for Wednesday, October 14, 1981 (pp.50625-6).

#### LIBRARY OF CONGRESS

##### Policy Regarding Public Use of In-Process Files

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

**ACTION:** Notice of policy decision.

##### Public Use of In-Process Files

*In-Process Files* are those which the Copyright Office makes for its own immediate internal use in connection with pending applications for registration or the recordation of documents and which are preliminary to the completion of the public record. These files include the Master Index Card File, the Temporary Title Card File,<sup>1</sup> accounting files, open U.S. (unfinished business) files, and other files of a similar nature. These files are maintained and are constantly used to facilitate the internal administrative operations of the Office in processing applications for registration and recording documents. They are not a part of the records that are required by section 705 of the Copyright Act, to be open to public inspection.

#### I. General Policy

**A. Denial of Direct Access to In-Process Files.** It is the general policy of the Copyright Office to deny *direct* public access to in-process files and to any work (or other) areas where they are kept. Likewise, direct public use of computer terminals intended to access the automated equivalents of these files is not permitted.

**B. Access to Information.** Information contained in Copyright Office in-process files may be obtained by anyone upon request to the Information and Reference Division, in accordance with the procedures described below.

1. In general all requests by the public for information in the in-process and open U.B. files should be made to the Public Information Office. A report of the findings will be given for each request.

2. For other than numbered works, the report shall provide the following information.

a. The date(s) of receipt of:

(i) The application(s) for registration that may have been submitted and is (are) in process;(ii) The document(s) that may have been submitted for recordation and is (are) in-process;

(iii) The copy or copies (or phonorecords) that may have been submitted.

b. The title of the work(s).

c. The name of the remitter.

3. Such searches of the in-process files will be given priority to the extent permitted by the demands of normal workflow on the affected sections of the Copyright Office.

#### II. Exceptions to the General Policy

**A. Direct Public Inspection by Claimants.** Direct public access to pending applications for registration, documents for recordation, and deposits will be afforded in the case of applications for registration upon the request of the copyright claimant or his/her authorized representative, or, in the case of documents, upon the request of at least one of the persons who executed the document or by an authorized representative of that person. These requests should be made to the Public Information Office, and the claimant or authorized representative will be permitted to review these materials there.

**B. Limited, Provisional Public Access to Certain In-Process Files.** The Copyright Office recognizes that some

members of the public wish to conduct searches of certain in-process files in order to obtain up-to-date information. In this policy announcement, the Copyright Office has endeavored to accommodate this public interest without permitting undue interference with normal workflow to the detriment of the general public interest.

As an exception to the general policy of denying direct public access to in-process files and to the work areas containing them, the Copyright Office therefore will permit direct access by members of the public under the following conditions:

1. Access is limited to the Master Index Card File and the Temporary Title Card File, presently located in the Files Services and Administrative Support Unit, Room LM-429 of the James Madison Memorial Building.

2. Hours of public access to the above files shall be from 10:00 a.m. to 11:00 a.m. Monday through Friday, on days the Copyright Office is open for business.

3. Cards may not be removed from the files.

4. In no case will direct access be permitted to open U.B. files, or to any financial or accounting records.

5. The Copyright Office reserves the right to deny direct access to the in-process files mentioned in paragraph 1 above in the case of any person who violates the stated conditions of the privilege.

Dated: September 29, 1981.

David Ladd,  
*Register of Copyrights.*

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

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<sup>1</sup>Error; lines should read:  
"Card File, the Temporary Title Card File,  
accounting files, open U.B. (unfinished)"