
ANNOUNCEMENT

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

FINAL REGULATIONS AND CORRECTION

PRIVACY ACT OF 1974; FREEDOM OF INFORMATION ACT; POLICIES AND PROCEDURES

The following excerpts are taken from Volume 47, Number 164 of the Federal Register for Tuesday, August 24, 1982 (pp. 36819-36821) and Volume 47, Number 174 of the Federal Register for Wednesday, September 8, 1982 (pp. 39483-39484)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 203 and 204

Privacy Act of 1974; Freedom of Information Act; Policies and Procedures

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting final regulations that amend §§ 203.3, 203.4, 203.6, 204.3, 204.4, 204.5, 204.6, and 204.7. Section 203.3 is amended to reflect the current organizational structure of the Copyright Office, the duties of its principal officers, and a change in the location of the Office. Sections 203.4 (c) and (d), 204.4(a), 204.5(a), and 204.7(a) are amended to show the present address, phone number, and public hours of the Public Information Office of the Copyright Office. Sections 203.6(b)(2) and 204.6(a) are amended to reflect a change of fees for copies. Section 204.3 is amended to limit the number of systems of records maintained by the Copyright Office that are available to the public for inspection and copying. Section 204.4(a) is amended to clarify and limit the number of systems of records maintained by the Copyright Office that are open to public inspection,

Section 204.5(a) is amended to provide that the written request from an individual desiring access to records containing information pertaining to him or her must be signed either by the individual or his or her duly authorized agent.

FOR FURTHER INFORMATION CONTACT: Victor Marton, Supervisory Copyright Information Specialist, Copyright Office, Library of Congress, Washington, D.C. 20559. (202) 287-8700.

SUPPLEMENTARY INFORMATION: (1) *Organization.* There have been some changes in areas of responsibility and titles in the Office of the Register of Copyrights. Section 203.3 has been amended to state the present organizational structure, as well as to reflect the change in location of the Office from Arlington, Va. to Washington, D.C.

(2) *Public Information Office.* Freedom of Information Act and Privacy Act requests are made through the Public Information Office. That office has been relocated in The James Madison Memorial Building of the Library of Congress in Washington, D.C. Sections 203.4 (c) and (d), 204.4(a), 204.5(a), and 204.7(a) have been amended to show the current address, room number, and telephone number of the Public Information Office.

(3) *Fees.* The fees for copies of records made under the Freedom of Information Act and the Privacy Act have been changed. Sections 203.6(b)(2) and 204.6(a) have been amended to show the

changes.

(4) *Copyright Office Records.* Section 204.3 is amended to clarify that it is those systems of records created under section 705 of Title 17 that are open to public inspection, and to further state that, with the exception of copyright deposits, it is only those systems of records that are open for public copying. A further paragraph is added to § 204.3 explaining that the Copyright Office maintains other systems of records whose routine use is consultation and use by Copyright Office employees in the performance of their duties. Mailing lists developed by the Copyright Office will not be made publicly available. Section 204.4(d) is also amended to clarify that only Copyright Office records created under 17 U.S.C. 705 are open to public inspection. Section 204.5(a) is amended to provide that individuals desiring access to Copyright Office information pertaining to them, other than information contained in the public records of the Office, should submit a written request which either they or their duly authorized agent has signed.

List of Subjects in 37 CFR Parts 203 and 204

Privacy.

Final Regulations

PART 203—FREEDOM OF INFORMATION ACT; POLICIES AND PROCEDURES

Part 203 of 37 CFR Chapter II is

amended:

1. By revising § 203.3 to read as follows:

§ 203.3 Organization.

(a) *In general.* The organization of the Copyright Office consists of the Office of the Register of Copyrights and six operating divisions. The Office of the Register of Copyrights includes the Register of Copyrights, the Associate Registers, the Assistant Register, the International Copyright Officer, the Executive Officer, and the Administrative Office. The Register of Copyrights provides overall direction of the work of the Copyright Office. The Register is assisted by the Associate Registers of Copyright and other Officers, who have delegated responsibilities for particular aspects of the activities of the Copyright Office.

(b) The Associate Register of Copyrights serves as a deputy to the Register of Copyrights and has oversight of the operating divisions of the Copyright Office. The operating divisions are:

(1) The Acquisitions and Processing Division, which receives incoming materials, dispatches outgoing materials, establishes control over fiscal accounts and controls over materials acquired for the collections of the Library of Congress under the deposit requirements of the copyright statute.

(2) The Examining Division, which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims and for recordation of documents, and which determines whether the materials deposited constitute copyrightable subject matter and whether the other legal and formal requirements of Title 17 have been met.

(3) The Cataloging Division, which prepares the bibliographic description of all copyrighted works registered in the Copyright Office, including the recording of legal facts of copyright pertaining to each work, and creates a data base from which catalog cards and the Catalog of Copyright Entries are produced.

(4) The Information and Reference Division, which provides a national copyright information service through the public information office, educates staff and the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service on certain matters.

(5) The Licensing Division, which implements the sections of the Copyright Act dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of nondramatic musical works, public performances through coin-operated phonorecord players, and use of published nondramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

(6) The Records Management Division, which develops, services, stores, and preserves the official records and catalogs of the Copyright Office, including applications for registration, historical records, and materials deposited for copyright registration that are not selected by the Library of Congress for addition to its collections.

(c) The Associate Register of Copyrights for Legal Affairs and Copyright General Counsel is the principal legal officer of the Office. The General Counsel has overall supervisory responsibility for the legal staff and primary responsibility for providing liaison on legal matters between the Office and the Congress, the Department of Justice and other agencies of Government, the courts, the legal community, and a wide range of interests affected by the copyright law.

(d) The Associate Register of Copyrights for Special Programs is primarily responsible for initiating, planning, developing, and implementing projects and activities covering the broad range of legal, international, and scholarly matters with which the Copyright Office deals.

(e) The Office has no field organization.

(f) The Office is located in The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE., Washington, D.C. 20559. The Public Information Office is located in Room LM-401. Its hours are 8:30 a.m. to 5 p.m., Monday through Friday except legal holidays. The phone number of the Public Information Office is (202) 287-8700. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(g) All Copyright Office forms may be obtained free of charge from the Public Information Office.

2. By revising paragraphs (c) and (d) of § 203.4 to read as follows:

§ 203.4 Methods of operation.

* * * * *

(c) The material and indexes referred to in paragraphs (a) and (b) of this section are available for public inspection and copying at the Public Information Office of the Copyright Office, Room LM-401, The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m., Monday through Friday except legal holidays.

(d) The Supervisory Copyright Information Specialist is responsible for responding to all initial requests submitted under the Freedom of Information Act. Individuals desiring to obtain access to Copyright Office information under the Act should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, SE., Washington, D.C.

If a request is made by mail, both the request and the envelope carrying it should be plainly marked Freedom of Information Act Request. Failure to so mark a mailed request may delay the Office response.

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3. By revising § 203.6 (b)(2) to read as follows:

§ 203.6 Schedule of fees and method of payment for services rendered.

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(b) * * *

(2) For copies of all other Copyright Office records not otherwise provided for in this section \$.45 per page for 24 pages or less, and \$.40 per page for 25 pages or more, with a minimum fee of \$6.00.

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PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

Part 204 of 37 CFR Chapter II is amended:

1. By revising § 204.3 to read as follows:

§ 204.3 General policy.

The Copyright Office serves primarily as an office of public record. Section 705 of Title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordations, and other actions taken under Title 17. Therefore, a routine use of all Copyright Office systems of records created under

section 705 of Title 17 is disclosure to the public. All Copyright Office systems of records created under section 705 of Title 17 are also available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction is governed by section 706(b) and the regulations issued under that section. In addition to the records mandated by section 705 of Title 17, the Copyright Office maintains other systems of records which are necessary for the Office effectively to carry out its mission. These systems of records are routinely consulted and otherwise used by Copyright Office employees in the performance of their duties. The Copyright Office will not sell, rent, or otherwise make publicly available any mailing list prepared by the Office.

2. By revising paragraphs (a) and (d) of § 204.4 to read as follows:

§ 204.4 Procedure for notification of the existence of records pertaining to individuals.

(a) The Copyright Office will publish annually in the **Federal Register** notices of all Copyright Office systems of records subject to the Privacy Act. Individuals desiring to know if a Copyright Office system of records contains a record pertaining to them should submit a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C.

(d) Since all Copyright Office Records created under section 705 of Title 17 are open to public inspection, no identity verification is necessary for individuals who wish to know whether a system of records created under section 705 pertains to them.

3. By revising paragraph (a) of § 204.5 to read as follows:

§ 204.5 Procedures for requesting access to records.

(a) Individuals desiring to obtain access to Copyright Office information pertaining to them in a system of records other than those created under section 705 of Title 17 should make a written request, signed by themselves or their duly authorized agent, to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress,

Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C.

4. By revising paragraph (a) of § 204.6 to read as follows:

§ 204.6 Fees.

(a) The Copyright Office will provide, free of charge, one copy to an individual of any record pertaining to that individual contained in a Copyright Office system of records, except where the request is for a copy of a record for which a specific fee is required under section 708 of Title 17 of the United States Code, in which case that fee shall be charged. For additional copies of records not covered by section 708 the fee will be computed at the rate of \$.45 per page for 24 pages or less, and \$.40 per page for 25 pages or more with a minimum fee of \$6.00. The Office will require prepayment of fees estimated to exceed \$25.00 and will remit any excess paid or bill an additional amount according to the differences between the final fee charged and the amount prepaid. When prepayment is required, a request is not deemed "received" until prepayment has been made.

5. By revising paragraph (a) of § 204.7 to read as follows:

§ 204.7 Request for correction or amendment of records.

(a) Any individual may request the correction or amendment of a record pertaining to her or him. With respect to an error in a copyright registration, the procedure for correction and fee chargeable is governed by section 408(d) of Title 17 of the United States Code, and the regulations issued as authorized by that section. With respect to an error in any other record, the request shall be in writing and delivered either by mail addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays, at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

(17 U.S.C 701; 702)

Dated: August 16, 1982.

David Ladd,
Register of Copyrights.

Approved:

Daniel L. Boorstin,
The Librarian of Congress.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 203 and 204

Privacy Act of 1974; Freedom of Information Act; Policies and Procedures; Correction

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations; correction.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is correcting the Copyright Office Announcement in the **Federal Register** on August 24, 1982 (47 FR 36819) adopting final regulations that amend §§ 203.3, 203.4, 203.6, 204.3, 204.4, 204.5, 204.6, and 204.7. The announcement failed to give the date upon which the amendments became effective.

EFFECTIVE DATE: August 24, 1982.

Dated: August 30, 1982.

Michael R. Pew,
Associate Register of Copyrights.

Approved:

Daniel L. Boorstin,
The Librarian of Congress.

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