



# ANNOUNCEMENT

## NOTICE OF POLICY DECISION

### GENERAL PROVISIONS— COPYRIGHT RESTORATION OF CERTAIN MEXICAN AND CANADIAN WORKS

The following excerpt is taken from Volume 59, Number 6 of the Federal Register for Monday, January 10, 1994 (pp. 1408-1409)

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**LIBRARY OF CONGRESS****Copyright Office**

[Docket No. RM 93-13]

**General Provisions - Copyright Restoration  
of Certain Mexican and Canadian Works**

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

**ACTION:** Notice of policy decision.

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**SUMMARY:** The Copyright Office publishes this notice to inform the public that the North American Free Trade Agreement which entered into force on January 1, 1994, and its implementing legislation (Pub.L. 103-182) authorizes the Copyright Office to establish procedures for copyright restoration of certain works first fixed or published in Mexico or Canada after January 1, 1978 and before March 1, 1989. This notice is intended to summarize the content of that legislation. Copyright owners of affected works must file a statement of intent with the Copyright Office to restore copyright for eligible works; details of new procedures to file these statements will be published within the next 60 days.

**FOR FURTHER INFORMATION CONTACT:** Eric Schwartz, Policy Planning Advisor, Copyright Office, Library of Congress, Washington, D.C. 20540. Telephone: (202) 707-8350. Fax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** The North American Free Trade Agreement

and the North American Free Trade Agreement Implementation Act (Pub.L. 103-182) provide for the restoration of copyright for certain works that are currently in the public domain in the United States. Under new section 104A of title 17, copyright protection may be restored for certain motion pictures that were first fixed or published in Mexico or Canada, and any work included in such motion pictures that was first fixed or published with these motion pictures, if the work "entered the public domain in the United States because it was first published on or after January 1, 1978, and before March 1, 1989, without the notice required by sections 401, 402, or 403 of [title 17], the absence of which has not been excused by the operation of section 405 of [title 17], as such sections were in effect during that period." 17 USC 104A(a) (1993). A motion picture or underlying work (such as original music or dramatic text embodied in the motion picture) meeting these requirements "shall have copyright protection under [title 17] for the remainder of the term of copyright protection to which it would have been entitled in the United States had it been published with such notice." *Id.*

Copyright owners of qualifying works must file a "statement of intent" with the Copyright Office between January 1, 1994 (the date on which the Agreement entered into force) and January 1, 1995 to notify the public of their intent to restore copyright protection for these works in the United States. After January 1, 1995, the Copyright Office must publish in the Federal

Register, the list of works for which statements have been filed and which are determined to be properly qualified for protection. The restoration of copyright protection for these works will be provided at that time in accordance with section 104A of title 17. Section 104A(c) of title 17 provides that persons who are copying, performing or selling copies of such works may continue such activities for a period of one year following publication of the 1995 Federal Register notice. This exemption applies only to copies produced or acquired before the date of enactment of the implementing legislation (December 8, 1993).

Within the next 60 days, the Copyright Office will announce in the Federal Register the procedures necessary to file a "statement of intent" with the Office, including the applicable statements and materials that must be submitted. In the meantime, copyright owners and other interested parties can contact Eric Schwartz, Policy Planning Advisor, Copyright Office, at (202) 707-8350, for additional information.

January 3, 1994

**Barbara Ringer,**  
*Acting Register of Copyrights.*

**James H. Billington,**  
*The Librarian of Congress.*

**BILLING CODE:** 1410-07F