



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

NOTICE OF INQUIRY.

REGISTRATION PROCEDURES

The following excerpt is taken from Volume 62, Number 55 of the *Federal Register* for Friday, March 21, 1997 (pp. 13715-13722)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 97-2]

Registration Procedures

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office issues this Notice of Inquiry to seek information relating to the proposed adoption of a different design for certificates of registration issued through the Copyright Office Electronic Registration, Recordation, & Deposit System (CORDS). The considerable additional time and cost to program software to create certificates which identically reproduce the paper-based system led the Copyright Office to consider alternatives.

DATE: Comments should be received on or before April 21, 1997.

ADDRESSES: Interested parties should submit 15 copies of their written comments to the Office of the General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Comments delivered by hand should be submitted to the Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 403, First Street and Independence Avenue, S.E., Washington, D.C. 20559-6000.

FOR FURTHER INFORMATION

CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, or Kent Dunlap, Principal Legal Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

1. Background

One of the most significant responsibilities assigned to the Copyright Office by Title 17 of the U.S. Code is the registration of copyright claims. Sections 408-412 generally set forth the nature of the registration system. Central to the administration of this system is the issuance of certificates of registration, which are legal documents providing evidence of the validity of the copyright claim and the underlying facts.

The content of the application is determined by section 409, enumerating ten items of information relevant to the copyright claim and granting the Register of Copyrights discretion to require additional information.

Sections 410(a) and (c) primarily determine the nature of the certificate of registration. Section 410(a) authorizes the Register of Copyrights after examination to issue "a certificate of registration under the seal of the Copyright Office" containing "the information given in the application, together with the number and effective date of the registration." Section 410(c) provides: "In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of

the validity of the copyright and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration made thereafter shall be within the discretion of the court."

2. The CORDS Registration System

The Copyright Office has always manually handled all of the materials submitted for copyright registration. A goal of CORDS is to develop and test an electronic system for copyright registration with copyright applications and copies of works transmitted in digital form over communications networks, such as the Internet. Signatures on these CORDS electronic claims will be digital rather than handwritten.

CORDS has been under development since 1993, as a joint project of the U.S. Copyright Office and the Library of Congress, working with the Corporation for National Research Initiatives (CNRI). Developing the testbed system with support from the Defense Advanced Research Projects Agency (DARPA) and the Library of Congress, CNRI is leading a national effort with the Copyright Office to develop an infrastructure for linking digital works. The Office proved the concept of CORDS electronic copyright registration and deposit with its initial test in 1996 using computer science technical reports from Carnegie Mellon University. Additional tests with other partners are planned for 1997.

CORDS will allow applicants to submit copyright applications and deposit their digitized works electronically. Claimants will prepare their applications, attach deposit

materials in machine readable format, "sign" their submissions using public key/private key encryption technology, and transmit applications and deposits to the Copyright Office over the Internet using Privacy Enhanced Mail.

The CORDS system will interface with three existing Copyright Office automated systems – COINS (the Copyright Office in-process tracking system), COPICS (Copyright Office Publication and Interactive Cataloging System) and CIS (the Copyright Imaging System, which produces copyright registration certificates). The new CORDS system automatically enters information into COINS (the tracking system), the remitter's deposit account is debited for the filing fee, and an in process tracking record (giving the status of the application, fee, and deposit) is created, all electronically.

In addition, using CORDS, the Copyright Office staff will complete examination and cataloging of the digital applications and works and enter data into COPICS (the cataloging system). Registration certificates will be issued through the Copyright Imaging System (CIS). The Office's digital repository will hold these digital copyright deposits in a secure and verifiable manner.

In future test phases over the next few years, the Copyright Office will work with several other small groups of representative copyright owners. Subsequent phases of CORDS testing will receive and process selected applications and deposits in other formats of copyrighted works starting with a limited number of published textual works, some with graphics, then images, sound recordings, video, and other formats. These tests and modification phases will continue while the Internet environment itself is maturing.

3. The Current Process for Certificate

From 1978 to 1993, internal processing of applications and creation of certificates was done by hand. After the Examining Division cleared the claim for registration, a registration number was stamped on the application. A certificate was then created by photocopying the numbered application onto "certificate paper," paper printed with the Copyright Office seal and the signature of the Register of Copyrights appearing in the upper left corner. The certificate was then mailed to the applicant. See Copyright Office Announcement, *Changes in Registration Procedures Effective January 1, 1978*, ML-171. (Nov. 1977).

Since 1993, portions of the numbering and certification process have been

automated. The numbering clerk enters the In-Process Number by wand; the system generates barcoded registration number labels that are placed on the application and deposit. The clerk then scans the numbered application into the Copyright Imaging System (CIS), which records a digital image of the application. CIS interfaces with COINS to verify the availability of the fee and record the registration number assigned to the claim. The system transmits the image to a printer, which reproduces the image onto the "certificate paper." The certificate is mailed to the applicant.

4. CORDS Certificates

The Office originally envisioned that certificates issued under CORDS would be identical to certificates issued through the paper-based system. In developing the system, however, programming problems in designing certificates that would accommodate the variations in classes of works made this goal costly to achieve. Therefore the Office designed a certificate which is identical to the current certificate in certain standard fields but which allows flexibility in other fields of information to accommodate the variations in classes of works and information provided by the applicant.

The certificates produced from CORDS registration records would therefore be different in appearance than those produced from paper applications. All information provided by the applicant will be included in the certificate, in accordance with section 410(a) of the copyright law. However, where an item of non-essential information, such as a "previous or alternative title," is not provided by the applicant, the heading for that information would not appear. Headings for essential information, such as the "publication date," would appear even if left blank by the applicant. The information would be presented in the same sequence in the CORDS certificates, but the individual fields would vary in length to optimize space and to keep all of the information of one type together (e.g., all titles listed together, all authors listed together, all claimants listed together). This system would also alleviate the need for continuation pages.

Two sample CORDS TX certificates reproduced as Appendix A and Appendix B illustrate the principles described above. Appendix A represents a simple claim and Appendix B a complicated claim that would have required a continuation sheet if filed using a printed form. Certain standard items, e.g., location of the seal, registration and effective date, and certificate address would appear in the same areas as they

do on the printed forms.

5. Scope of Public Comments

The Copyright Office is interested receiving public comments on domestic or international difficulties, if any, in the Office's plan for issuing such certificates of registration under CORDS.

APPENDIX

DRAFT

FORM CORDS 

For a Literary Work

UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX 8-999-999

EFFECTIVE DATE OF REGISTRATION

January 18, 1997

Application received: 18Jan97

Fee received: 18Jan97

Deposit received: 18Jan97

TITLE OF WORK:

The Big Book of Cranberries

PUBLICATION AS A CONTRIBUTION TO:

The Big Fruit Book Series

Name of Author: Tutti Frutti Publishing Co., Inc.

"Work made for hire"? Yes

Country of origin: USA

Domiciled in: USA

Nature of authorship: Entire text, photographs and illustrations

YEAR OF CREATION: 1996

PUBLICATION:

Date: January 6, 1997

Nation: USA

COPYRIGHT CLAIMANT:

Tutti Frutti Publishing Co., Inc.
34 Plum Tree Lane
Orange, CA 90009

PREVIOUS REGISTRATION: Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

No

DEPOSIT ACCOUNT: The fee for this registration is charged to the following account:

Name: University of Pueblo Printing Office
Account number: DA00010

Examined by: MJD
Correspondence: No

CORRESPONDENCE: Correspondence about this application may be addressed to:

Cherry Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

Daytime phone number: 301-999-9999
email address: capp@attynet.com

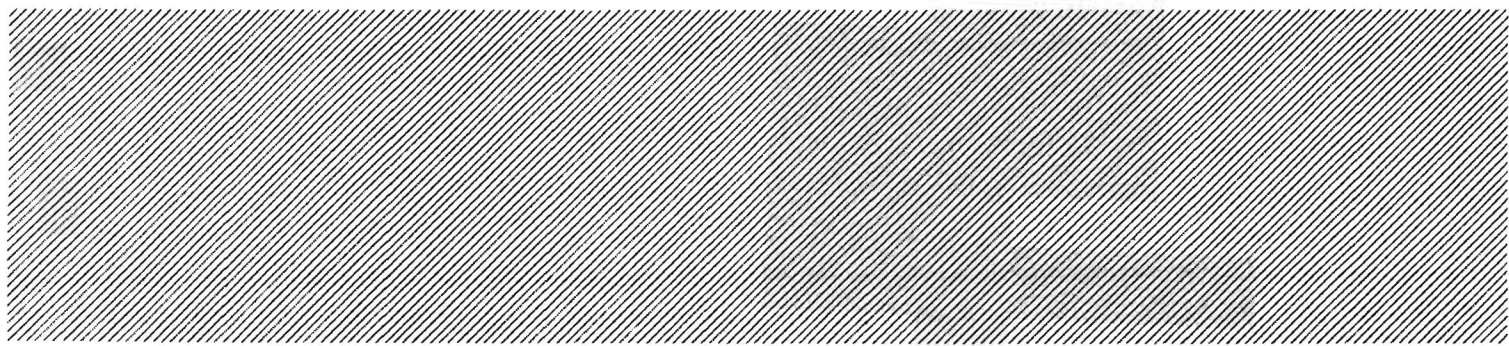
PERSON TO CONTACT FOR RIGHTS AND PERMISSIONS:

Cherry Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

Fax number: 301-222-2299

CERTIFICATION: I, the undersigned, hereby certify that I am the authorized agent of the Tutti Fruitti Publishing Co., Inc. and that the statements made by me in this application are correct to the best of my knowledge.

Cherry T. Appleby
The digital signature of the applicant is on file.



MAIL CERTIFICATE TO:

Cherry T. Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

* 17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

DRAFT

FORM CORDS

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX 9-000-000

EFFECTIVE DATE OF REGISTRATION

January 28, 1997

Application received: 28Jan97

Fee received: 28Jan97

Deposit received: 28Jan97

TITLE OF WORK:

The Last Word on Space: Suns, Planets, Moons, Asteroids, Galaxies, Nebulae, Quarks, Black Holes, Novas, You Name It , It's There, and the UFOs are Going Beat Us To It If We Don't Get Moving

Name of Author: Marjorie Moon, Ph.D.

"Work made for hire"? No

Date of birth: 1950

Citizen of: Canada

Pseudonymous contribution? Yes

Nature of authorship: Chapters 1 - 4

Name of Author: Tom Taurus

Date of birth: 1950

Citizen of: Canada

Domiciled in: USA

Nature of authorship: Chapters 5 - 8

Name of Author: Venus Montgomery

Date of birth: 1923

Date of death: 1995

Citizen of: USA

Domiciled in: USA

Nature of authorship: Chapters 9 - 12

Name of Author: Julian Callendar

Date of birth: 1934

Domiciled in: USA

Pseudonymous contribution? Yes

Nature of authorship: Chapters 13 - 16, Index

Examined by: MJD
Correspondence: No.

YEAR OF CREATION: 1995

PUBLICATION:
Date: January 10, 1997
Nation: USA

COPYRIGHT CLAIMANT(S):

University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

University of Jackson, Publishing Division
12021 Helium Balloon Avenue
Jackson Hole, WY 78808

University of British Vancouver
Bureau of Intellectual Property and Publishing
Mount Shepard
Prince Rupert, BC A4UM7W Canada

TRANSFER: By assignment

PREVIOUS REGISTRATION: Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

Yes. This is a changed version of the work.

Previous registration number: Txu 1-111-111

Year of registration: 1994

DERIVATIVE WORK OR COMPILATION:

Preexisting material: Chapters 1 and 2 previously published in a collection of essays

New material in which copyright is claimed:

Revisions to Chapters 1 and 2, Chapters 3 - 16 all new text, index

DEPOSIT ACCOUNT: The fee for this registration is charged to the following account:

Name: University of Pueblo Printing Office
Account number: DA00010

TX 9-000-000
(continued)

EFFECTIVE DATE OF REGISTRATION

January 28, 1997

CORRESPONDENCE: Correspondence about this application may be addressed to:

George Jupiter, Editor
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

Daytime phone number: 804-444-2222
Evening phone number: 804-444-4444
email address: gjup@uazpo.edu

PERSON TO CONTACT FOR RIGHTS AND PERMISSIONS:

Michael Mercury, Editor-in-Chief
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

Daytime phone number: 804-555-5555
email address: mmer@uazpo.edu

CERTIFICATION: I, the undersigned, hereby certify that I am the authorized agent of the University of Pueblo Printing Office and that the statements made by me in this application are correct to the best of my knowledge.

/C=US/ST=AZ/O=University of Pueblo/CN=George Jupiter
The digital signature of the applicant is on file.

MAIL CERTIFICATE TO:

Michael Mercury, Editor-in-Chief
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

Dated: March 18, 1997
Marybeth Peters,
Register of Copyrights.

BILLING CODE 1410-30-P