



# ANNOUNCEMENT

from the Copyright Office, Library of Congress,  
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

FINAL RULE.

## REGISTRATION OF CLAIMS TO COPYRIGHT; GROUP REGISTRATION OF DAILY NEWSLETTERS

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### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Part 202

[Docket No. RM 99-3]

#### Registration of Claims to Copyright; Group Registration of Daily Newsletters

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is adopting a new regulation that permits group registration of daily newsletters under conditions similar to those presently in place for group registration of daily newspapers and for the same fee, but with different deposit requirements. A claimant in daily newsletters that are routinely issued at least two days each week may register these newsletters in a group at a reduced fee, on a single application, if they meet certain requirements. The group registration privilege is contingent upon the claimant meeting the conditions specified in the regulation.

**EFFECTIVE DATE:** This rule will become effective July 1, 1999.

#### FOR FURTHER INFORMATION

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**SUPPLEMENTARY INFORMATION:** Under section 407 of the Copyright Act of 1976, title 17 of the U.S. Code, the owner of

copyright, or of the exclusive right of publication, in a work published in the United States is required to deposit two copies of the work in the Copyright Office for the use or

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disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect the copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights.

Section 408 of title 17 requires deposit of material in connection with applications for registration of claims to copyright in unpublished and published works. Subsection 408(c)(1) authorizes the Register of Copyrights to establish by regulation the nature of the deposit that is required. These regulations may require or permit "a single registration for a group of related works."

On December 7, 1990, the Copyright Office issued regulations permitting group registration of serials [55 FR 50556 (Dec. 7, 1990)]; on September 1, 1992, it issued regulations permitting group registration of daily newspapers [57 FR 39615 (Sept. 1, 1992)]; and on March 28, 1995, it issued regulations permitting group registration of daily newsletters [59 FR 15874 (Mar. 28, 1995)]. The regulations adopted in 1990 and 1992 continue to govern group registration of serials other than those daily newsletters qualified to register under this new regulation.

On October 1, 1998, the Copyright Office conducted public hearings prior to proposing increased fees for providing certain services including registration. [Hearing on Proposed Fee Increase, U.S. Copyright Office (October

1, 1998); 63 FR 43426, (Aug. 13, 1998)]. At this hearing, and in response to written comments submitted to the Office during this process, publishers of daily newsletters argued that they should be entitled to a price reduction for registering groups of claims similar to that presently enjoyed by publishers of daily newspapers. The Office agrees that daily newsletters should be treated similarly in terms of required registration fees, but it believes that the deposit requirements for daily newsletters should be different in order to respond to the acquisitions needs of the Library of Congress.

#### Definition

For purposes of this regulation, a daily newsletter is defined as a serial published and distributed by mail or electronic media (online or telefacsimile) or in any medium including, but not limited to, paper, cassette tape, diskette or CD-ROM. Publication must occur on at least two days each week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate in-house groups, schools, colleges, or churches).

#### Requirements

The Copyright Office is now amending its regulation that permits group registration of daily newsletters in order to permit qualified newsletters that meet all of the specified conditions to use the same form and pay the same fee as daily newspapers. Under the regulation, daily newsletters that are published routinely on at least two days each week may be registered in groups at a reduced fee if all other requirements are met. Claimants in works that meet these qualifications may register all newsletters

bearing issue dates within a single calendar month under the same continuing title on a single Form G/DN with the deposit specified below. Each issue must be an essentially new collective work or all new issue that has not been published before and must be a work made for hire. The author(s) and claimant(s) must be the same for all of the issues. To accommodate the Library's need for timely receipt of these published materials, registration of the group must be sought within three months from the date of publication of the last issue included in the group registration application. If a claimant wishes to register a claim in a group of daily newsletters that meet the above definition, but is unable to submit the deposit requested by the Library or has failed to seek registration within the prescribed three months from the publication date of the last issue included in the group, that claimant is not eligible for this group registration and may file Form SE or Short Form SE, along with the fee corresponding to the appropriate form.

#### Deposit

The deposit required for a group of daily newsletters on Form G/DN shall be as follows: One complete copy of each issue included in the group must be submitted with the application form. In addition, if the Library of Congress makes a written request before an application for registration is submitted, the claimant must give the Library up to two complimentary subscriptions of the specified newsletter or, at the Library's alternative written request, a single microfilm of the issues included in the group. Any microfilm deposit must consist of positive, 35 mm silver halide microfilm meeting the Library's best edition criteria that reproduces in their entirety all issues published as final editions with issue dates in the designated calendar month.

#### Effective Date

This regulation and the new procedures it establishes will be applied prospectively only to the issues of daily newsletters first published on or after the effective date of the regulation. The regulation is issued in final form for these reasons: The regulation confers a positive benefit on the public affected; the regulation establishes an optional procedure; other procedures are available for registering newsletters; and the Copyright Office prepared the regulation based upon its experience in administering other group registrations and its review of comments received in response to an earlier request for comments. [63 FR 43426 (Aug. 13, 1998)].

#### List of Subjects in 37 CFR Part 202 Copyright registration.

#### Final Regulation

In consideration of the foregoing, the Copyright Office amends 37 CFR part 202 in the manner set forth below:

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

1. The authority citation for part 202 continues to read as follows:

**Authority:** 17 U.S.C. 702, 202.3, 202.19, 202.20, 202.21, and 202.22 are also issued under 17 U.S.C. 407 and 408.

2. In Sec. 202.3, paragraph (b)(8) and the footnote to paragraph (c)(2) are revised to read as follows:

#### §202.3 Registration of Copyright

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(b) \*\*\*

(8) Group registration of daily newsletters. Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that, on the basis of a single application, deposit, and filing fee, a single registration may be made for a group of two or more issues of a daily newsletter if the following conditions are met:

(i) As used in this regulation, daily newsletter means a serial published and distributed by mail or electronic media (online or telefacsimile), or in any medium including but not limited to, paper, cassette tape, diskette or CD-ROM). Publication must occur on at least two days each-week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate in-house groups, schools, colleges, or churches).

(ii) The works must be essentially all new collective works or all new issues that have not been published before.

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(iii) Each issue must be a work made for hire.

(iv) The author(s) and claimant(s) must be the same person(s) or organization(s) for all of the issues.

(v) All the items in the group must bear issue dates within a single calendar month under the same continuing title.

(vi) Deposit. (A). The deposit for newsletters registered under this section is one complete copy of each issue included in the group.

(B). In addition, if requested in writing by the Copyright Acquisitions Division before an application for registration is submitted, the claimant must give the Library of Congress whichever of the following the Library prefers: either as many as two complimentary subscriptions of the newsletter in the edition most suitable to the Library's needs, or a single positive, 35 mm

silver halide microfilm meeting the Library's best edition criteria that includes all issues published as final editions in the designated calendar month. Subscription copies must be delivered to the separate address specified by the Copyright Acquisitions Division in its request. Subscription copies of a microfilm are not required unless expressly requested by the Copyright Acquisitions Division.

(C) The copyright owner of any newsletter that cannot meet the criteria set out in this section may continue to register on Form SE or Short Form SE.

(vii) Registration is sought within three months after the publication date of the last issue included in the group.

(viii) A Form G/DN shall be submitted for daily newsletters bearing issue dates within a single month, together with one copy of each issue, and a filing fee. The application shall designate the first and last day that issues in the group were published.

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(c) \*\*\*

(2) \*\*\*<sup>6</sup>

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Dated: May 17, 1999.  
**Marybeth Peters,**  
*Register of Copyrights.*

Approved by:  
**James H. Billington,**  
*The Librarian of Congress.*

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<sup>6</sup> In the case of applications for group registration of newspapers, contributions to periodicals, and newsletters, under paragraphs (b)(6), (b)(7), and (b)(8) of this section, the deposits shall comply with the deposits specified in the respective paragraphs, and the fees with those specified in Sec. 201.3.