The following excerpt is taken from Vol. 42, No. 192 of the Federal Register for Tuesday, October 4, 1977 (p. 5396).

Section 111(e)(2) of the Act deals with exchanges of videotapes and similar recordings of programs between cable systems located in these areas. It provides that recordings embodying a program non-simultaneously transmitted by a system may, under certain circumstances, be transferred to another system, but only "pursuant to a written nonprofit contract providing for the equitable sharing of the costs of such videotape and its transfer." Among other conditions it also requires that a copy of such contract be filed, within thirty days after such contract is entered into, with the Copyright Office (which Office shall make such contract available for public inspection) "..."

On August 17, 1977, we published in the Federal Register (42 FR 41438; corrected 42 FR 42362) a proposal that the filing and recordation of these documents be covered by the addition of a new § 201.12 to the regulations of the Copyright Office. Interested parties were given until September 16, 1977, to submit comments.

No comments have been received. The proposed regulation is adopted without change and is set forth below:

§ 201.12 Recordation of certain contracts by cable systems.

(a) Written, nonprofit contracts providing for the equitable sharing of costs of videotapes and their transfer, as identified in section 111(e)(2) of Title 17 of the United States Code as amended by Pub. L. 94-553, will be filed in the Copyright Office by recordation upon payment of the fee prescribed by this section. The document submitted for recordation shall meet the following requirements:

1. It shall be an original instrument of contract; or it shall be a legible photocopy or other full-size facsimile reproduction of an original, accompanied by a certification signed by at least one of the parties to the contract, or an authorized representative of that party, that the reproduction is a true copy;

2. It shall bear the signatures of all persons identified as parties to the contract, or of their authorized agents or representatives;

3. It shall be complete on its face, and shall include any schedules, appendices, or other attachments referred to in the instrument as being part of it; and

4. It shall be clearly identified, in its body or a covering transmittal letter, as being submitted for recordation under 17 U.S.C. 111(e).

(b) For a document consisting of six pages or less the recordation fee is $10; an additional charge of 50 cents is made for each page over six. If titles of works are specified in the contract, an additional charge of 50 cents is made for each title over one.

(c) The date of recordation is the date when all of the elements required for recordation, including the prescribed fee, have been received in the Copyright Office. A document is filed in the Copyright Office and a filing in the Copyright Office takes place on the date the document is recorded. After recordation the document is returned to the sender with a certificate of record.

BARBARA RIGGS, Register of Copyrights.

Approved:

DAVID J. BOORETH, Librarian of Congress.

Part 201 of 37 CFR chapter II is amended by adding a new § 201.12 to read as follows: