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

INTERIM REGULATION

PART 202--REGISTRATION OF CLAIMS TO COPYRIGHT
RENEWAL OF COPYRIGHT

The following excerpt is taken from Volume 43, No. 3 of the Federal Register for Thursday, January 5, 1978 (pp. 964-5).

Please note the interim regulations are effective January 1, 1978, however, comments can be received on or before March 31, 1978.

[1410-03]

[ Docket RM 77-17]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT
Renewal of Copyright

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office
of the Library of Congress is adopting an interim regulation to implement section 304 (a) of the Act for General Revision of the Copyright Law. This section pertains to claims to renewal copyright in subsisting copyrights in their first term on January 1, 1978. The effect of the interim regulation is to permit conditions for the registration of such claims to renewal copyright. These regulations are issued on an interim basis in order to allow persons to apply for and secure renewal registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

DATES: The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Callender Bldg., Washington, D.C. 20559. Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1901 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: Paragraph (a) of section 304 of the first section of Pub. L. 84-653 (80 Stat. 2641) provides that "any copyright, the first term of which is subsisting on January 1, 1978," endures for 28 years from the date it was created, and the second term of copyright, lasting 47 years, can be secured by certain designated claimants if an application for renewal is made to the Copyright Office "within one year after the expiration of the original term of copyright." With one exception, this provision is essentially a reaffirmation of the renewal provision in effect before 1978; the exception involves the lengthening of the second (renewal) term from 28 to 47 years. It applies to works originally copyrighted between January 1, 1950, and December 31, 1977. We are implementing the provisions of paragraph (a) of section 304, by the reissue of § 302.17 of the regulations of the Copyright Office, 37 FR 302.17. In order to persons to apply for and secure renewal registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and our Office the benefit of experience with the new renewal form before issuing final regulations. Accordingly, the regulation is issued on an interim basis, and comments should be submitted if the fee is $50.00 through CPRR run to the end of the calendar year in which it would otherwise expire." This involves a change in the renewal time-limits. Since all claims for renewal registration will run from December 1st of the 27th year of the copyright, and will end on December 31st of the following year. This change is reflected in the revised regulation.

(2) Comments are invited generally on provisions problems that have arisen under the pre-1978 renewal provisions that could be considered in the Copyright Office regulations. In addition, specific comments are invited on two points:
(i) The necessity for original registration of a work that is in the United States Copyright Convention; and
(ii) The correct renewal claimant and statement of claims in cases where the author has no surviving widow, widower, or children and left a will naming executor, but terms previously have been discharged. Interim Regulations. Part 302 of 37 CFR, Chapter II, is amended by reissuing § 302.17, on an interim basis, to read as follows:

§ 302.17 Renewals.

(a) Renewal Time-Limits. (1) For works originally copyrighted between January 1, 1950, and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term which begins on December 31 of the 27th year of the copyright, and runs through December 31 of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, the registration is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(2) Whenever a renewal application has cause to believe that a formal application for renewal (Form RE), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by 17 U.S.C. section 304(a), he or she may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

(b) Application for Renewal Registration. (1) For the purpose of renewal registration, the Register of copyrights has prescribed a form (Form RE) to be used for all renewal applications submitted on and after January 1, 1978. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2)(i) An application for copyright registration may be submitted by any renewal claimant, or the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be submitted on Form_RE, and shall be accompanied by a fee of $5. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) The handwritten signature of such claimant or agent, accompanied by the typed or printed name of that person; (C) A declaration that the statements made in the application are correct to the best of the applicant's knowledge; and (D) The date of certification.

(c) Renewal Claims. Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new manner.

(17 U.S.C. 207, and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 84-653: Secs. 300, 305, 702, 708.)


BARBARA RINGER,
Register of Copyrights.

Approved:

DAVID J. BORENSTEIN,
Librarian of Congress.

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