

ANNOUNCEMENT

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

NOTICE OF POLICY DECISION

POLICY STATEMENT ON DEPOSIT RETENTION SCHEDULE

The following excerpt is taken from Volume 48, Number 60 of the Federal Register for Monday, March 28, 1983 (pp. 12862-12863)

LIBRARY OF CONGRESS

Copyright Office

Policy Statement on Deposit Retention Schedule

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of policy decision.

SUMMARY: Pursuant to section 704(d) of the Copyright Act, the Register of Copyrights and The Librarian of Congress have determined that it is no longer practicable to retain published materials deposited in connection with registration of claims to copyright for more than five years from the date of deposit (except for works of the visual arts (Class VA), which will be retained for ten or more years, if possible). This notice informs the public of that policy determination.

FOR FURTHER INFORMATION CONTACT: Michael Pew, Library of Congress, Department D.S., Washington, D.C. 20540; telephone: (202) 287-8370.

SUPPLEMENTARY INFORMATION: Section 704 of the 1976 Copyright Act (title 17 of the U.S. Code) requires the Copyright Office to retain the material deposited in connection with the registration of a claim to copyright in an unpublished work during its term of copyright, unless a facsimile reproduction of the entire deposit has been made a part of Office records. 17 U.S.C. 704(d). Published works are to be "retained under the

control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress." 17 U.S.C. 704(d). The Copyright Office realizes the importance and significance of retaining all deposit material submitted in connection with the registration of claims to copyright. However, storage space limitations have necessitated decisions here announced.

In order to ensure that the Copyright Office continues to fulfill its statutory obligation to keep unpublished deposits for the term of copyright, it has become necessary to modify the policy respecting the retention of copies of published works. After careful study of the space available, the projected growth in registrations, and the use made of the deposits, the Register of Copyrights and The Librarian of Congress have made a determination under section 704(d) of the Copyright Act that it is no longer practicable to retain published deposits more than five years from the date of deposit (excluding works of the visual arts (VA deposits), which will be kept for ten or more years, if possible, because they are the subject of litigation to a greater degree than deposits in other classes). The Copyright Office has therefore revised its retention schedule for published deposits in such a manner that will ensure not only continued compliance with the law and continued service to the public, but also the most efficient use of the limited space

available for storage. Unpublished deposits will continue to be kept for the term of copyright, as provided by law, unless a facsimile reproduction has been made. All deposits removed from storage under the revised schedule will first be offered to the Library of Congress for its collections; any materials not selected may be transferred by the Library under its exchange and gift programs to other libraries.

Section 704(e) of title 17 provides that, "[t]he depositor of copies, phonorecords, or identifying material under section 408, or the copyright owner of record, may request retention, under the¹ control of the Copyright Office, of one or more of such articles for the full term of copyright in the work." The statute also provides that Copyright Office Regulations shall prescribe, " * * * the conditions under which such requests are to be made and granted * * *." Only a few requests for full-term retention have been received since 1978. Based on these requests, certain deposits are being held for full-term storage, pending issuance of a regulation. A regulation is in preparation and publication is anticipated no later than March 31, 1983.

Dated: February 28, 1983.

David Ladd,
Register of Copyrights.

Approved:
Daniel J. Boorstin,
The Librarian of Congress.

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¹Error; line should read:
"may request retention, under the"