



ANNOUNCEMENT

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

NOTICE OF POLICY DECISION

POLICY DECISION ANNOUNCING AN INCREASE IN THE FEE FOR SPECIAL HANDLING OF APPLICATIONS FOR COPYRIGHT REGISTRATION

The following excerpt is taken from Volume 49, Number 197 of the Federal Register for Wednesday, October 10, 1984 (pp. 39741-39742)

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Announcing an Increase in the Fee for Special Handling of Applications for Copyright Registration

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Policy Decision.

EFFECTIVE DATE: November 9, 1984.

New Fee for Special Handling

1. Background

Section 708(a) of the Copyright Act, title 17 of the United States Code, prescribes a schedule of fees that must be remitted to the Copyright Office on filing applications to register claims to copyright and for other services rendered to the public under the Act. Subsection (11) of section 708(a) gives the Register of Copyrights the authority to fix a fee for any special services requiring a substantial amount of time or expense based on the cost of providing the special service.

"Special handling" is a procedure established within the Copyright Office to reduce the length of time required to process an application for registration of a claim to copyright. Special handling is granted at the discretion of the Register of Copyrights in a limited number of cases as a service to copyright registrants who have compelling reasons for the expedited issuance of a certificate of registration. Before June 1982, the Copyright Office absorbed the additional costs of special handling, but

the Office announced at the time that it¹ could not continue to do so in the face of the rising number of such requests and the fiscal restraints under which it must operate. A special handling fee of \$120.00 for each application for registration was fixed by the Register of Copyrights.

Special handling of requests for issuance of a certificate of registration impacts upon every step of the registration process. Under normal procedures applications for registration pass through the various processing steps in groups which are administratively efficient. A claim that receives special handling must be processed outside of the normal work flow necessitating individual handling at each step and individual routing between work stations. A separate system of controls must be maintained for the special handling of claims to assure both that they move expeditiously through the necessary procedures and that they can be located quickly if the need should arise. Each of these activities involves more employee time than claims in the normal work flow since employees could otherwise be more efficiently occupied processing ordinary claims.

The Copyright Office has reviewed the experience of the past two years and has re-evaluated the costs associated with special handling of registration applications. The Office has found that processing of special handling requests involves more special administrative procedures than we had identified at the time the Register set the current special handling fee. The Office has also found that the large number of special

handling requests is more disruptive of routine processing procedures than we anticipated. The Register of Copyrights has consequently determined that the special handling fee must be increased to recover the administrative costs of providing this special service.

The Office has also experienced problems in processing multiple applications, which are accompanied by a single deposit for all applications, but where the request for special handling is limited to one or less than all of the multiple claims. The Register has decided to establish a special fee for processing the additional claims, but at a lesser amount than for special handling of single claims.

2. Policy Decision—New Fee

Under the authority of section 708(a)(11) the Register of Copyrights has determined that the requestor of special handling service should pay, in addition to the normal applicable filing fee, the cost of additional staff time involved in the special handling of cases, computed at overtime rates plus a reasonable administrative fee.

The fee for special handling of a registration of a claim to copyright has been fixed by the Register of Copyrights at \$200.00, based upon the cost of providing this service. In fixing this new fee, the Register of Copyrights has reviewed the experience of the Office since June 1982, has re-evaluated the nature and number of requests submitted, and the cost of the special administrative procedures required by special handling, and has determined that these costs are greater than initially estimated in 1982. Inflationary increases

¹Error; line should read:
"the Office announced at that time that it"

in salaries have also been taken into account in fixing the new fee. The special handling fee is in addition to the filing fee set by statute.

The special handling fee is chargeable for each application for registration for which special handling service is requested and granted, with the following exception: if special handling is requested for only one of several claims submitted at the same time with a *single* deposit, which is an acceptable deposit for all the claims, the fee for processing the additional claims will be \$50.00 each plus the filing fee for each claim. The claim for which special handling was requested will be processed for the \$200.00 special handling fee plus the filing fee. The Office emphasizes that this is a narrow exception to the usual rule that the \$200.00 fee applies to each application given expedited processing. It applies only where a single set of deposit copies may appropriately be submitted to register multiple claims, in accordance with the practices of the Copyright Office. The applicant will be given the option of submitting an additional set of copies for each application to avoid assessment of the special \$50.00 fee. If multiple applications are accompanied by individual sets of deposit copies, claims for which special handling is not requested will be processed routinely. Only the claim(s) for which special handling is requested and granted will be processed specially.

If the request for special handling is granted, the fee is not refundable. The Copyright Office will make every effort to process the claim within five working days after the request has been

approved. Within that period the Office will either issue the certificate of registration or notify the applicant of any defect in the claim. The fee may be charged to a deposit account established in the Copyright Office. If the deposit account contains insufficient funds to cover the total special handling fee, or if the remitter does not maintain a deposit account, the total special handling fee may be paid either in person at the Public Information Office in Washington, D.C., or it may be remitted by mail. Such payment must be in cash or in the form of a certified check, cashier's check, or money order made payable to the Register of Copyrights. Cash should not be sent by mail, however.

A request for special handling will be granted only in cases involving pending or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate. Special handling procedures may be applied to cases pending in the Copyright Office, provided the previously mentioned ² criteria are met.

3. Procedure for Requesting Special Handling

Requests for special handling may be made in person on the form available in the Public Information Office of the Copyright Office, Room LM-1410, James³ Madison Memorial Building, Library of Congress, 101 Independence Avenue, SE., Washington, D.C. The Office will also consider requests by mail providing the Special Handling Request form is used or a cover letter is submitted containing answers to the following

questions that are required to be answered in the special handling form: "Why is there an urgent need for special handling"; If it is because of litigation, is the litigation actual or prospective? Are you or your client the plaintiff or defendant? What are the names of the parties and the name of the court where the action is pending or expected?" It is also necessary to certify that the answers to these questions are correct to the best of the requestor's knowledge. A mailed request for special handling should be sent to:

Library of Congress, Department DS, *
Washington, D.C. 20540, Attention:
Acquisitions and Processing Division
Office.

The outside of the envelope and the letter inside should clearly indicate that it is a request for special handling.

The request for special handling of a registration must be accompanied by a completed application, the required deposit copies, phonorecords, or identifying material, and the \$200.00 fee plus the applicable filing fee (\$10.00,** except \$6.00 for renewal applications).

Dated: September 28, 1984.

David Ladd,
Register of Copyrights.

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

[FR Doc. 84-28447 Filed 10-9-84; 8:45 am]

BILLING CODE 1410-03-M

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FOR SPECIAL HANDLING REQUESTS ONLY

MAIL TO: Library of Congress
Box 100
Washington D.C. 20540

²Error; line should read:
"provided the previously mentioned"

³Error; line should read:
"Copyright Office, Room LM-401, James"

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The registration fee for copyright claims on Forms TX, VA, PA, SR, CA, SE, MW, and GR/CP is \$20 each. The minimum fee is \$20 for Forms SE/Group. The fee is \$20 for renewals on Form RE. Group registration of daily newspapers on Form G/DN is \$40.