



ANNOUNCEMENT

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

FINAL REGULATION

COPYRIGHT OFFICE; FEES

The following excerpt is taken from Volume 56, Number 228 of the Federal Register for Tuesday, November 26, 1991 (p. 59884)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 202, 203, 204, and 211

[Docket No. 91-4]

Copyright Office; Fees

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulation.

SUMMARY: The Copyright Office is making housekeeping amendments correcting the fees appearing in its regulations so that they correspond to the fee schedule enacted into law by the "Copyright Fees and Technical Amendments Act of 1989." Public Law 101-318, 104 Stat. 287, July 3, 1990.

EFFECTIVE DATE: November 26, 1991.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559. Telephone number (202) 707-8380.

SUPPLEMENTARY INFORMATION: The "Copyright Fees and Technical Amendments Act of 1989" increased the fees for all statutory fee services offered by the Copyright Office. In addition to increasing the fees, the Act also changed the manner in which the fees will be calculated in the case of recordation of transfers and other documents as provided by section 205, and for the issuance of certifications other than additional certificates of registration.

For the recordation, provided by section 205, of a transfer of copyright ownership or other document, the old fee was \$10 for a document of six pages

or less containing only one title. An additional 50 cents was charged for each page over six and for each title over one. Under the new schedule, the fee is \$20 for a document covering one title regardless of the number of pages plus \$10 for each group of not more than 10 additional titles.

For the issuance of certifications, other than an additional certificate of registration, the old fee was a flat \$4.00. Under the new fee schedule, the fee will be \$20 for each hour or fraction of an hour consumed with respect thereto.

We are making the technical adjustments necessary to references in the regulations to recordation of documents and to searches of the public record, in order to make the regulations consistent with the new statutory fee schedule. The following parts of the regulations are adjusted: Part 201 with respect to recordation of documents in general, notices of termination, agreements between copyright owners and public broadcasting entities, and contracts by cable systems located outside the 48 contiguous states; part 201 regarding notices of intention and royalty accounting statements pursuant to 17 U.S.C. 115; part 202 with respect to the general fee for recordation of a document and the fee for renewal registration; part 203 with respect to the fee for preparing copies of records under the Freedom of Information Act; and part 211 with respect to the fees for services associated with registration and recordation of mask work and mask work documents, respectively.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress, which is part of

the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, of U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that these regulations will have no significant impact on small business.

List of Subjects

37 CFR Part 201

Cable; Copyright; Fees.

37 CFR Part 202

Copyright; Fees; Registration.

37 CFR Part 203

Freedom of Information Act.

37 CFR Part 204

Privacy Act.

¹The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e. "all actions taken by the Register of Copyrights under this title (17), except with respect to the making of copies of copyright deposits) (17 U.S.C. 708(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

37 CFR Part 211

Computer technology.

Final Regulations

In consideration of the foregoing, parts 201, 202, 203, 204, and 211 of 37 CFR chapter II are amended in the manner set forth below.

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; § 201.7 is also issued under 17 U.S.C. 408, 409, and 410; § 201.16 is also issued under 17 U.S.C. 116.

2. Section 201.4 is amended by revising paragraph (d) to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

(d) Fees. For a document covering not more than one title, the basic recordation fee is \$20. For additional titles, a charge of \$10 is added for each group of not more than 10 titles.

§ 201.5 [Amended]

3. In § 201.5, paragraph (c)(1) introductory text and footnote 2 remove the fee of "\$10." and add in its place "\$20."

4. Section 201.9 is amended by revising paragraph (b) to read as follows:

§ 201.9 Recordation of agreements between copyright owners and public broadcasting entities.

(b) For a document covering not more than one title the basic recordation fee is \$20. For additional titles, a charge of \$10 is added for each group of not more than 10 titles.

5. Section 201.10 is amended by revising paragraph (f)(2) to read as follows:

§ 201.10 Notices of termination of transfers and licenses covering extended renewal term.

(f) Recordation.

(2) For a document covering not more than one title the basic recordation fee is \$20. For additional titles, a charge of \$10 is made for each group of not more than 10 titles.

6. Section 201.12 is amended by revising paragraph (b) to read as follows:

§ 201.12 Recordation of certain contracts by cable systems located outside of the forty-eight contiguous states.

(b) For a document covering not more than one title the basic recordation fee is \$20. For additional titles, a charge of \$10 is added for each group of not more than 10 titles.

§ 201.18 [Amended]

7. In § 201.18, paragraph (e)(1) remove the fee of "\$6.00" and add in its place "\$12." In paragraphs (e)(1) and (e)(3) remove the fee of "\$4.00" and add in its place "\$8."

§ 201.19 [Amended]

8. In § 201.19, paragraphs (e)(7)(ii)(D) and (f)(7)(iii)(D) remove the fee of "\$4.00" and "\$4" respectively and add in each place "\$8."

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

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

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; §§ 202.19, 202.20, and 202.21 are also issued under 17 U.S.C. 407 and 408.

§ 202.3 [Amended]

2. In § 202.3 paragraphs (b)(4)(ii)(B), (b)(5)(ii)(C), and (C)(2) remove the fee of "\$10." and add in its place "\$20."

§ 202.17 [Amended]

3. In § 202.17, paragraph (e)(2)(ii) remove the fee of "\$6." and add in its place "\$12."

§ 202.19 [Amended]

4. In § 202.19, paragraph (f)(3) remove the fee of "\$2." and add in its place "\$4."

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

1. The authority citation for part 203 continues to read as follows:

Authority: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2602 (17 U.S.C. 101-710).

§ 203.6 [Amended]

2. In § 203.6, paragraph (b)(1) remove the fee of "\$4." and add in its place "\$8"; in paragraph (b)(2) remove the ".45 per page" and add in its place, "a minimum fee of \$7 for up to 15 pages and \$45 per page over 15." In paragraph (b)(3) remove the fee of "\$10" and add in its place "\$20"; paragraph (b)(4) is revised

to read: "For the issuance of any certification, \$20 for each hour or fraction of an hour consumed in respect thereto."

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

1. The authority citation for part 204 continues to read as follows:

Authority: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2602 (17 U.S.C. 101-710).

§ 204.6 [Amended]

2. In § 204.6, paragraph (a), remove the language "computed at the rate of \$.45 per page for 24 pages or less, and \$.40 per page for 25 pages or more with a minimum fee of \$8.00" and add in its place "a minimum of \$7 for up to 15 pages and \$.45 per page over 15."

PART 211—MASK WORK PROTECTION

1. The authority citation for part 211 continues to read as follows:

Authority: 17 U.S.C. 701; 908.

2. In § 211.3, paragraph (a) is revised to read as follows:

§ 211.3 Mask work fees.

(a) The following fees or charges are established by the Register of Copyrights for services relating to mask works:

(1) For filing an application for registration of a mask work claim... \$20.00

(2) For the recordation of a document covering not more than one title, the basic recordation fee is \$20. For additional titles over one, a charge of \$10 is added for each group of not more than 10 titles;

(3) For a certified copy of a certificate of registration, \$8;

(4) For certifications of photocopies of other Copyright Office records, \$20 for each hour or fraction of an hour consumed with respect thereto;

(5) For issuance of a receipt of deposit, \$4;

(6) For each hour or fraction of an hour consumed in making and reporting a routine search, or for any related services, \$20;

(7) For special handling of an application for registration of a claim, \$200;

(8) For any special services not listed above requiring a substantial amount of time or expense, the fees will be fixed on the basis of the cost of providing the service.

Dated: November 12, 1991.

Ralph Oman,

Register of Copyrights.

Approved by:

James Billington,

The Librarian of Congress.

[FR Doc. 91-27079 Filed 11-25-91; 8:45 am]

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2 Error correction and additional material published in Volume 56, Number 241, page 65190 of the Federal Register of Monday, December 16, 1991, and reprinted in ML-439 dated December 1991.

3 Error; line should read: "(b)(4)(ii)(C) and (c)(2) remove the fee of"