



ANNOUNCEMENT

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

POLICY DECISION

DOCUMENT COVER SHEET AVAILABILITY

The following excerpt is taken from Volume 58, Number 5 of the *Federal Register* for Friday, January 8, 1993 (pp. 3297-3299)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 92-3]

Document Cover Sheet Availability

AGENCY: Copyright Office, Library of Congress.

ACTION: Policy decision: Document Cover Sheet.

SUMMARY: This is to inform the public that the Copyright Office is making available a Document Cover Sheet, which may be submitted to the Office with documents to be recorded under the recording systems specified in the Copyright Act, title 17 of the United States Code. This Document Cover Sheet will expedite the recordation of documents and constitutes the second step in changes in the Copyright Office's document procedures to ensure the more timely recordation of documents.

On a voluntary basis, a Document Cover Sheet, which contains all of the information required by the Office to process a document for recordation. The Office will rely on the information provided on the Document Cover Sheet, and will not examine the document itself except for actual signature (when required) and legibility.

EFFECTIVE DATE: January 8, 1993.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress Washington, DC 20540.¹ Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION:

1. Background

The Copyright Office records a wide variety of documents under sections 203, 205, 302(c) and 304(c) of the Copyright Act and section 803(b) of the Semiconductor Chip Act. These sections contain minimal requirements for recordation. For example: The only statutory requirements to record a transfer or other document pertaining to a copyright under 17 U.S.C. 205 are that the document must (1) bear the actual signature of the person(s) who executed it, or (2) be accompanied by a sworn or official certification that it is a true copy of the original signed document, and (3) be accompanied by the recording fee.

On June 17, 1992, 57 FR 27074, the Copyright Office informed the public of new examining practices with respect to recordation of documents pertaining to copyrights. This Office announced that it would examine documents submitted for recordation only for compliance with the requirements of the Copyright Act and Office regulations. The Office does not examine documents for apparent legal sufficiency. This change in practices was made to accelerate the recordation process in order to provide more timely public access to documents submitted for recordation. This Policy Decision constitutes a second step in changes intended to process documents faster.

2. Document Cover Sheet Policy Decision

In order to shorten the processing time for document recordation, the Copyright Office adopts a Policy Decision encouraging recordation of

documents by means of a Document Cover Sheet procedure.

This Notice informs the public of changes in Office procedures for those documents voluntarily submitted with a Document Cover Sheet. Attached as an appendix to this Announcement is a copy of the New Document Cover Sheet with instructions for its completion.

The Document Cover Sheet, when fully completed, will contain all of the information required by the Copyright Office to complete the recordation procedure on a priority basis. The Office will not examine the document itself except for actual signature, when required, and legibility.

The Copyright Office will record the document based on the information contained on the Document Cover Sheet and will not verify the correctness of the information by reference to the document. The person submitting the document bears the responsibility for correctly completing the Document Cover Sheet.

The Document Cover Sheet will be recorded with the document. The Certificate of Recordation of the Office's index record of the recordation will be based on the Document Cover Sheet. An error on a recorded Document Cover Sheet can only be corrected by making a new recordation. This can be done by submitting a corrected Document Cover Sheet, a new document, and a new recording fee. The original, allegedly incorrect recordation will also remain in the records of the Copyright Office. The corrected Document Cover Sheet must be marked clearly at the top of the sheet: "Corrected Document Cover Sheet."

Use of the Document Cover Sheet is voluntary. There are, however, advantages to its use both for the

¹Error: line should read: Congress, Washington, DC 20540

remitter and the Office. Documents submitted with fully completed Document Cover Sheets will be given priority in processing. Use of this Document Cover Sheet procedure by a majority of remitters should result in significant reduction in average processing time for recordation of documents. Documents submitted with incomplete Document Cover Sheets will be processed in the order in which they are received along with documents submitted without a Document Cover Sheet.

The Office suggests that a properly certified copy of the document rather than the original signed document be submitted for recordation in all cases, to avoid the delays associated with returning the original document, if it is submitted for recordation. The Document Cover Sheet itself provides a sworn certification at Space 11, to facilitate submission of copies of documents. Copies of documents on file in a Federal, state or local government office must be accompanied by an official certification by the appropriate Government official.

The Document Cover Sheet procedure places the obligation on the remitter to complete the Document Cover Sheet correctly and in conformity with the accompanying document. The remitter must make certain that the document is legally sufficient to accomplish the purpose for which it is intended. The remitter must ensure that the document satisfies the requirements of the Copyright Office for recordation under the Office regulations applicable to that class of document.

Regulations issued by the Copyright Office under authority of the Copyright Act concerning documents are found in 37 CFR 201.4, 201.10, 201.25, and 201.26. No separate regulation concerning recordation has been issued under the Semiconductor Chip Protection Act. Documents pertaining to masks works are governed by section 903, title 17 U.S.C. They are recorded under the procedure for copyright-related documents, 37 CFR 201.4.

All documents submitted for recordation must be both legible to read and capable of being legibly recorded on microform. The Office will continue to examine for legibility.

In the case of documents submitted with Document Cover Sheets, however, the office will no longer examine a² document for compliance with the following regulatory requirements: That transfers and other documents pertaining to copyright submitted under section 205 of the Copyright Act are complete by their own terms; that terminations of transfers submitted under section 304(c) of the Act are complete and exact duplicates of the

notice of termination as served and include the actual signature, or a reproduction of the actual signature, and are accompanied by a statement setting forth the date on which the notice was served and the manner of service.

In addition, the Copyright Office will rely solely on the information provided at Space 4 of the Document Cover Sheet concerning completeness of documents. Office regulations at 37 CFR 201.4 continue to require that a transfer or other document pertaining to a copyright must be complete by its own terms to be recordable. A document is complete by its own terms if any schedule, appendix, exhibit, addendum or other material referred to in the document is submitted for recordation with the document, or if the reference is deleted by the parties to the document. If an attachment is completely unavailable for recordation, is not essential to identify the subject matter of the document, and, if it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference, the Office regulations permit recordation "as is." Completion of Space 4 to indicate that the document is not complete but should be recorded "as is," is deemed to be a written request for recordation "as is," which satisfies the conditions for such a request in the regulations.

Although the Document Cover Sheet procedure is voluntary at this time, its use is encouraged.

Two copies of a fully completed Document Cover Sheet should accompany each document to be recorded. Submission of two copies facilitates priority processing.

A fully completed Document Cover Sheet is one that contains all of the requested information and required signature(s). The Document Cover Sheet will be recorded with the document and form the basis for the catalog record of the document. The Copyright Office will not examine the document to verify the correctness of the information contained on the Document Cover Sheet, except for the correctness of the number of titles it contains.

Recordation of a document with or without a Document Cover Sheet does not constitute a determination by the Copyright Office of the validity of a document or the effect of that document. The determination can only be made by a court of law.

Document Cover Sheets are supplied free of charge by the Copyright Office and may be ordered at anytime by telephoning (202) 707-8100. Orders will be recorded automatically and filled as quickly as possible. Please specify that you need Document Cover Sheets and

the number needed. The Office will accept photocopies of the Document Cover Sheet. All Document Cover Sheets and attachments should be 8½ x 11 inches in size. The Office prefers that all documents also be the same size to promote uniformity of the microform records. Documents should be typed or printed preferably, but the Office does not make that a requirement for recordation.

Dated: December 14, 1992.

Ralph Oman,
Register of Copyrights.

Approved:
James H. Billington,
The Librarian of Congress.

BILLING CODE 1410-07-01

²Error: line should read the Office will no longer examine a

Document Cover Sheet

BASIC INFORMATION

Read these instructions before completing this form. Make sure all applicable spaces have been filled in before you return this form, or the form cannot be used.

When to Use This Form: Use the Document Cover Sheet when you are submitting a document for recordation in the U.S. Copyright Office.

Mailing Requirements: It is important that you send two copies of the Document Cover Sheet, any additional sheets, the document, and the fee together in the same envelope or package. The Copyright Office cannot process them unless they are received together. Send to: Documents Unit, LM-462, Cataloging Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Two copies of this Document Cover Sheet and any additional sheets you include, which must measure 8 1/2 x 11 inches, should accompany each document. Cover sheets should be typed or printed. The cover sheet, when completed, should contain all of the information necessary for the Copyright Office to process the document and ensure that the correct data is recorded promptly. The Copyright Office will process the document on the basis of information contained in the cover sheet without verifying its correctness from the document itself. However, to be recordable, a document must

satisfy the recordation requirements of the Copyright Act and Copyright Office regulations.

The person(s) submitting a document with a cover sheet are solely responsible for verifying the correctness of the cover sheet and the sufficiency of the document. Recording a document submitted with or without a cover sheet does not constitute a determination by the Copyright Office of the document's validity or the effect of that document. Only a court of law may make such determinations.

This cover sheet and any additional sheets will be recorded with the document as part of the official recordation.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is title 17 U.S.C., sec. 205. Furnishing the requested information is voluntary. But if the information is not provided, it may be necessary to delay recordation.

The principal uses of the requested information are the establishment and maintenance of a public record and the evaluation for compliance with legal requirements.

Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright recordations, and preparation of search reports upon request.

NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this cover sheet.

SPACE-BY-SPACE INSTRUCTIONS

1 SPACE 1: Name of Party or Parties to the Document

Name all of the parties to this document. If additional space is needed, use a white, 8 1/2 x 11 inch sheet of paper to list the parties. The document will be indexed under the names of these parties. For transfers, notices of termination, and other two-party documents, indicate which is assignor, grantor, or party 1 and which is assignee, grantee, or party 2.

2 SPACE 2: Description of Document

Describe the document. This description will be entered in the catalog record of the recordation.

3 SPACE 3: Title(s) of Work(s)

List the titles of all works which are included in the document. Include registration number, names of authors, and other information to identify the work(s) and link them to the original registration. Additional sheets the same size as the cover sheet may be attached, if needed. Indicate that the titles on any additional sheets are additions to Space 3.

4 SPACE 4: Completeness of Document

All section 205 documents must be complete by their own terms in order to be recordable. Examples of section 205 documents include transfers of copyright ownerships and other documents pertaining to a copyright such as exclusive and non-exclusive licenses, contracts, mortgages, powers of attorney, certificates of change of corporate name or title, wills, and decrees of distribution.

5 SPACE 5: Number of Titles in Document

The number of titles determines the recordation fee. The fee for a document of any length containing one title is \$20. Additional titles are \$10 for each group of 10 or fewer. The Copyright Office will verify title counts.

6 SPACE 6: Fee

Calculate the fee from the information given in Space 5.

NOTE: The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

7 SPACE 7: Deposit Account

If a Deposit Account is to be charged, give the Deposit Account number.

8 SPACE 8: Date of Execution

Give the date the accompanying document (not this Cover Sheet) was executed and/or became effective.

9 SPACE 9: Affirmation

This space is to be completed by all applicants. The party to the document submitting it for recordation or his/her authorized agent should sign the affirmation and authorization contained in this space. This affirmation and authorization is not a substitute for the certification required for documents containing a photocopy signature. (See Certification, Space 10.)

10 SPACE 10: Certification

Complete this section only if submitting photocopied documents in lieu of a document bearing the actual signature.

Certification: Any transfer of copyright ownership or other document pertaining to a copyright (section 205) may be recorded in the Copyright Office if the document bears the actual signature of the person or persons who executed (signed) the documents. If a photocopy of the original signed document is submitted, it must be accompanied by a sworn or official certification. A sworn certification signed by at least one of the parties to the document or their authorized representative (who is identified as such) at Space 10 will satisfy that requirement.

Copies of documents on file in a Federal, state, or local government office must be accompanied by an official certification.