



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

FINAL RULE

REGISTRATION OF CLAIMS TO COPYRIGHT; GROUP REGISTRATION OF DAILY NEWSLETTERS

The following excerpt is taken from Volume 60, Number 59 of the Federal Register for Tuesday, March 28, 1995 (pp. 15874-15875)

LIBRARY OF CONGRESS**Copyright Office****CFR Part 202****[Docket No. RM 95-2]****Registration of Claims to Copyright;
Group Registration of Daily
Newsletters****AGENCY:** Copyright Office, Library of Congress.**ACTION:** Final Rule.

SUMMARY: The Copyright Office of the Library of Congress is adopting a new regulation that permits group registration of daily newsletters. Publishers of daily newsletters, which are issued routinely at least two times per week, may register these newsletters in groups at a reduced fee, on a single application, if they meet certain requirements. The group registration privilege is contingent upon the publisher or claimant meeting the conditions specified in the regulation. The final rule implements a portion of section 408(c)(1) of the Copyright Act of 1976 relating to the deposit requirements for copyright registration.**EFFECTIVE DATE:** This rule will become effective March 28, 1995.**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/l&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.**SUPPLEMENTARY INFORMATION:** Under section 407 of the Copyright Act of 1976,

title 17 of the U.S. Code, the owner of copyright, or of the exclusive right of publication, in a work published in the United States is required to deposit two copies of the work in the Copyright Office for the use or disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect the copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights.

Section 408 of title 17 requires deposit of material in connection with applications for voluntary registration of claims to copyright in unpublished and published works. Subsection 408(c)(1) authorizes the Register of Copyrights to establish by regulation the nature of the deposit that is required. These regulations may require or permit "a single registration for a group of related works."

On December 7, 1990, the Copyright Office issued regulations permitting group registration of serials [55 FR 50556 (Dec. 7, 1990)] and on September 1, 1992, it issued regulations permitting group registration of daily newspapers [57 FR 39615 (Sept. 1, 1992)]. Both of those regulations are unchanged and continue to govern group registration of serials, other than daily newsletters. For purposes of this regulation, a daily newsletter is defined as a serial published and distributed by mail or electronic media (telefacsimile, cassette tape, diskette or CD-ROM). Publication must occur at least two days per week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate house organs, schools, colleges, and churches).

Daily newsletters are published series that are not available on newsstands. They are customarily sold by subscription and distributed electronically or by mail.

The Copyright Office is now publishing a regulation that permits group registration of daily newsletters that meet all of the specified conditions. Under the regulation, daily newsletters that are published routinely at least two times per week may be registered in groups at a reduced fee if all other requirements are met. Publishers that meet these qualifications may register all newsletters bearing issue dates within a single calendar month under the same continuing title on a single Form SE/Group with the deposit of a single copy of each issue and a \$10 filing fee for each issue. Each issue must be an essentially new collective work or all new issue that has not been published before and must be a work made for hire. The author(s) and claimant(s) must be the same for all of the issues. If the Library of Congress makes a written request, the publisher must give the Library up to two complimentary subscriptions of the specified newsletter.

Registration of claims to copyright is optional, although registration confers several benefits. If a publisher cannot meet any one of the specified conditions and he or she wishes to register then a separate registration is required for each issue. Form SE or Short Form SE should be used.

The Copyright Office is also amending §202.3(b)(3)(ii) and footnote 6 to §202.3(c)(2) to conform to the addition of a new §202.3(b)(8).

List of Subjects in 37 CFR Part 202

Copyright Registration.

Final Regulation

In consideration of the foregoing, the

Copyright Office amends 37 CFR part 202 in the manner set forth below:

PART 202—[AMENDED]

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

Authority: 17 U.S.C. 702; 202.3, 202.19, 202.20, 202.21, and 202.22 are also issued under 17 U.S.C. 407 and 408.

2. In §202.3, paragraph (b)(8) is redesignated as paragraph (b)(9) and a new paragraph (b)(8) is added to read as follows:

§ 202.3 Registration of Copyright

* * * *

(b) * * *

(8) *Group registration of daily newsletters.* Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that, on the basis of a single application, deposit, and filing fee, a single registration may be made for a group of two or more issues of a daily newsletter if the following conditions are met:

(i) As used in this regulation, daily newsletter means a serial published and distributed by mail or electronic media (online, telefacsimile, cassette tape, diskette or CD-ROM). Publication must occur at least two days per week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate house organs, schools, colleges, and churches).

(ii) The works must be essentially all new collective works or all new issues that have not been published before.

(iii) Each issue must be a work made for hire.

(iv) The author(s) and claimant(s) must be the same person(s) or organization(s) for all of the issues.

(v) All the items in the group must bear issue dates within a single calendar month under the same continuing title.

(vi) If requested in writing by the Copyright Acquisitions Division of the Library of Congress, the publisher of the newsletter must give the Library of Congress up to two complimentary subscriptions of the newsletter in the edition most suitable to the Library's needs. Subscription copies must be mailed or transmitted to the separate address specified by the Copyright Acquisitions Division in its request. Subscription copies are not required unless expressly requested by the Library of Congress.

(vii) A Form SE/Group shall be submitted for daily newsletters bearing issue dates within a single month, together with one copy of each issue, and a filing fee of \$10 for each issue included in the group registration.

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3. Section 202.3(b)(3)(ii) is amended by removing "(b)(7)" and adding "(b)(8)".

4. Footnote 6 to § 202.3(c)(2) is revised to read as follows:

⁶In the case of applications for group registration of newspapers, contributions to periodicals, and newsletters, under paragraphs (b)(6), (b)(7), and (b)(8) of this section, the deposits and fees shall comply with those specified in the respective paragraphs.

Dated: March 14, 1995

Marybeth Peters
Register of Copyrights

Approved by:
James H. Billington
The Librarian of Congress

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