NOTICE OF POLICY DECISION

PUBLICATION OF CATALOG OF COPYRIGHT ENTRIES

The following excerpt is taken from Volume 61, Number 195 of the Federal Register for Monday, October 7, 1996 (pp. 52465-52467)
for searching copyright information outside of Washington were not readily available. Reservations included
acknowledgment that the publications were not widely used by the public at large and publication appeared relatively
expensive. In conclusion, most commentators urged a "flexible"
approach. Elizabeth K. Dunne and Joseph W. Rogers, Copyright Law
In his report to Congress in 1961 summing up the problems to be
considered in drafting a new copyright statute, the Register of Copyrights noted:

Only a small fraction of the cost of producing the printed catalog is recovered from
sales. In 1959, for example, the total cost of assembling, printing, and binding the
entire yearly catalog came to about $109,000, while receipts from the year's sales totaled
slightly over $4,000. Most of the copies printed are distributed free of charge to
libraries and Government agencies.
During the revision process others concurred with the Register that the rigid
requirements of the 1909 Act for publication of the catalog should be
alleviated and that "a more flexible
authorization to determine the form and
frequency of publication of each part of the
provision intended to encourage a more
flexible approach was put forward:

(a) CATALOG OF COPYRIGHT
ENTRIES. - The Register of Copyrights shall
compile and publish catalogs of all
copyright registrations at periodic intervals,
but provides "discretion to determine, on
the basis of practicability and usefulness, for
the form and frequency of publication of each
particular part.\" This provision will in no
way diminish the utility or value of the
present catalogs, and the flexibility of
approach, coupled with use of the new
mechanical and electronic devices now
becoming available, will avoid waste and
result in a better product.

III. Copyright Office Budget Constraints
Despite the authorization for
continued publication of the catalog in
the copyright law, the Office has been
unable to meet this responsibility on a
timely basis due to increasing budget
constraints. In 1982, the Office changed
the format of publication of the catalogs
from print to microfiche and issued the
eight parts of the 1979 edition in that
format. Since 1982, delays in issuing the
catalog have increased. Currently, the
Office is essentially fourteen years
behind; it published the 1982 edition in
microfiche in 1994 and that has been the
last issue to date.

The major cost in producing the CCE is that of creating a master copy from
which microfiche copies can be
produced. The costs are between $2,500
and $5,000 per master for each part of the
catalog. Since each year consists of eight
parts, a complete edition would cost
approximately between $35,000 and
$40,000. Costs for Copyright Office staff
who prepare the material for
microfilming must also be considered. In
1991, the Office estimated that it would
cost over $268,000 to publish the
The Office has maintained the CCE
volumes published so far; some of which are identified in Circular 2. Publications
on Copyright, as available for sale. The
volume of sales has been quite low.
Should the Office resume publication in
print or microfiche, as many as 1500
federal depository libraries and
government agencies would be entitled
to free copies. Although not all of those
entitled to receive free copies elect to
receive all or any part of the catalog, a
heavy printing burden would be
imposed on the Office.

IV. On-line Availability of Copyright
Registration Information
Despite the existing lengthy
publication delay, there has been little
public comment that the CCE is not
delivered on a timely basis, indicating
that relatively few people currently rely
on the published CCE to secure
copyright registration information.

While the Copyright Office has
maintained public records since 1870, the
information has never been so readily
and widely available before. This is due
to the fact that in 1994 the Copyright
Office inaugurated remote public access
via Internet to its computerized database of post 1977 copyright registration and
recordation information. Public
information on how to use the
registration system, including forms and
circulars, was included as part of the on-
line system.
The registration information and
recorded documents which are available
over Internet are limited to Copyright
Office records produced in machine-
readable form from January 1, 1978, to
the present. These include the following
files: COHM, which contains all original
and renewal registrations except
serials; COHD, which contains documents; and
COHS, which contains serials. Locating
information through on-line searches of the record eliminates the need to search
individual volumes of the published
CCE and is, therefore, far more efficient.

V. Conclusion
While the Copyright Office has
historically been assigned the
responsibility of creating and
maintaining a public record of copyright
registration information, the Office has
had difficulty in serving the needs of
individuals who were unable to come to
the Copyright Office. Since the Catalog
of Copyright Entries addressed this need,
maintained some level of support
within the copyright community. The
Office is now providing broad public
access on a timely basis via Internet, and
there is no longer any reason for
maintaining publication of the Catalog of
Copyright Entries.
Publication of the catalog has always
been quite costly due to the low volume
of sales. Moreover, publication of the
catalog serves relatively few people since
existence of the catalog is not widely
known, and only a few hundred copies of
each edition of the catalog is
distributed. Individuals with access to
the Internet, on the other hand, number
in the millions; therefore, making
copyright registration information
available over the Internet is a far more
efficient means for publicly
disseminating copyright registration
information.
The Office has determined that the
language of section 707(a) of the
Copyright Act is sufficiently flexible to
authorize publishing copyright
registration information over the
Internet. The legislative history of this
section emphasizes flexibility and
actually mentions "electronic devices" as
a suitable means for enhancing
distribution efficiency. For these reasons, the Copyright Office is discontinuing publication by print or microfiche of the Catalog of Copyright Entries and will meet its responsibilities under 17 U.S.C. 707(a) through publication over Internet. The Office will continue to maintain the volumes of CCE printed so far.

Dated: September 30, 1996

Marilyn J. Kretsinger,
Acting General Counsel.

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