ANNOUNCEMENT
from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

FINAL RULE.

"BEST EDITION" OF PUBLISHED COPYRIGHTED WORKS FOR
THE COLLECTIONS OF THE LIBRARY OF CONGRESS

The following excerpt is taken from Volume 62, Number 191 of the
Federal Register for Thursday, October 2, 1997 (p. 51603)

SUPPLEMENTARY INFORMATION:

Two comments to the proposed amendment were received. Both commenters expressed concern that, because of the proposed changes in the ranking preferences in the video formats, the Copyright Office would no longer accept 3/4" videocassette copies for registration of published television productions but would request the higher quality Betacam or D-2 formats instead. The Office will generally continue its policy of accepting 3/4" videocassettes for registration of television programs and series. Where, however, certain television programs are published in copies of a higher quality format, the Library of Congress reserves the right to request the better archival format for its collections. However, the Library will continue to be flexible in its requests and in working through the Copyright Office in granting special relief under 37 CFR 202.19 and 202.20 from the deposit requirements when compliance with the requirements would be unduly burdensome on the applicant.

The amended regulation eliminates this criterion as a ranking preference for film prints is to discourage the deposit of 1/2" videocassettes where a better published format exists. As stated in the Notice of Proposed Rulemaking, the 1/2" gauge does not represent an acceptable archival quality medium for the Library's purposes.

The amended regulation changes the second category in the Best Edition Statement under III Motion Pictures from videotape to video format in order to reflect more accurately that the preferential list contains a format other than videotapes. The regulation also adds a second high quality format, "Betacam SP," to the prioritized list.

List of Subjects in 37 CFR Part 202
Claims, Copyright.

Final Regulations
In consideration of the foregoing, the Copyright Office amends part 202 of 37 CFR in the manner set forth below:

Appendix B to Part 202--"Best Edition" of Published Copyrighted Works for the Collections of the Library of Congress

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


2. In part 202, App. B, "III. Motion Pictures" is revised to read as follows:

III. Motion Pictures

Film medium is considered a better quality than any other medium.

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The formats under "film" and "video formats" are listed in descending order of preference:

A. Film
1. Preprint material with special arrangement.
2. 35mm positive prints.
3. 16mm positive prints.

B. Video Formats
1. One-inch open reel tape
2. Betacam SP
3. D-2
4. Betacam
5. Videodisc
6. Three-quarter inch cassette
7. One-half inch VHS cassette

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Nanette Petruzzelli,
Acting General Counsel.

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

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