



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
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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 96-6A]

"Best Edition" of Published Copy- righted Works for the Collections of the Library of Congress

AGENCY: Copyright Office, Library of
Congress.

ACTION: Final rule.

SUMMARY: This rule amends the Library of Congress's Best Edition Statement concerning motion pictures deposited under Title 17, section 407, mandatory deposit, and section 408, registration deposit. The Statement sets out the criteria to be applied in determining the best edition for each of several types of motion picture materials which are listed in descending order of format preference in an Appendix to Copyright Office Regulations. The amendment removes the previously listed "most widely distributed gauge" as a selection factor of the "best edition" and adds new video formats to the prioritized list of deposit material preferences based on current industry practices with respect to motion picture media and formats.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION

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SUPPLEMENTARY INFORMATION:

On November 15, 1996, the Copyright Office published in the *Federal Register*, a notice of proposed rulemaking on the revision of the best edition selection criteria for published motion pictures. (61 FR 54897). The Best Edition Statement criteria are published in 37 CFR 202.19, 202.20 and Appendix B to Part 202--"Best Edition of Published Copyrighted Works for the Collections of the Library of Congress." The criteria for "Motion Pictures" are set forth in 37 CFR 202, APP. B III.

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 the "gauge in which most widely distributed" as a criterion for the deposit format for either motion picture or video formats. The major objective in

eliminating 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:

Authority: 17 U.S.C. 702.

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

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III. Motion Pictures

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

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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Dated: September 25, 1997.
Nanette Petruzzelli,
Acting General Counsel.

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

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