



# ANNOUNCEMENT

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

## FINAL REGULATIONS.

### FEEES

The following excerpt is taken from Volume 63, Number 102 of the  
*Federal Register* for Thursday, May 28, 1998 (pp.29137-29139)

#### LIBRARY OF CONGRESS

#### Copyright Office

37 CFR Parts 201, 202, 203, 204 and  
211

[Docket No. 98-2A]

#### Fees

**AGENCY:** Copyright Office, Library of  
Congress.

**ACTION:** Final regulations.

**SUMMARY:** The Copyright Office is  
issuing final regulations for fees it charges  
for special services. The Office is initiating  
new fees and amending other existing fees  
based on the actual costs to the Office of  
providing such services. The Office is  
establishing these fees so it can more nearly  
recover the costs of providing these services  
to the public.

**EFFECTIVE DATE:** July 1, 1998.

#### FOR FURTHER INFORMATION

**CONTACT:** Marilyn J. Kretsinger, Assistant  
General Counsel, or Patricia L. Sinn, Senior  
Attorney, Copyright GC/I&R, P.O. Box  
70400, Southwest Station, Washington, D.C.  
20024. Telephone: (202)707-8380. Fax:  
(202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 708 of title 17, United States  
Code, authorizes the Register of Copyrights  
to charge fees for services the Copyright  
Office provides as described in section

708(a)(1)-(9), such as registration,  
recording, and certification. Nonspecified  
fees, called "special," or "discretionary" fees,  
are addressed in section 708(a)(10). This  
section authorizes an assessment for "any  
other special services requiring a substantial  
amount of time or expense, such fees as the  
Register of Copyrights may fix on the basis  
of the cost of providing the service." *Id.*

Examples of such services include special  
handling, full term storage of deposits, and  
provision of services on an expedited basis.  
The Office last increased fees in 1994 to  
reflect costs of performing certain services.  
See 58 FR 38369 (July 28, 1994).

On April 1, 1998, the Office published a  
Notice of Proposed Rulemaking (NPR)  
seeking public comments on amendments to  
existing fees and establishing new fees for  
certain services. See 63 FR 15802 (April 1,  
1998). As described in the NPR the Office  
completed a comprehensive economic  
analysis of the operating costs involved in  
providing special services to users to  
determine whether or not these fees should  
be adjusted. Using its own

[[Page 29138]]

analysis, reflection on analysis done by the  
Government Accounting Office, and the  
results of studies conducted by private sector  
consultants, the Office determined that it  
must adjust fees for special services in order  
to more nearly recapture the actual costs for  
providing them. It also determined that it  
must charge fees for other services such as  
appeals and servicing underfunded deposit  
accounts.

In addition to publishing the proposed  
new fee schedule in the *Federal Register*, the  
Office made it available online and mailed an  
announcement about the proposed fee  
increase to deposit account holders.

##### II. Comments

The Motion Picture Information Service  
(MPIS) submitted the only comment the  
Copyright Office received in response to the  
NPR. The commenter asserts that the  
deposit account system is inconvenient and  
should be abolished and "replaced with a  
simple cash, check, debit card, or credit card  
system." The commenter states that this  
would bring the Office into line with current  
business practices, and would eliminate  
inconvenience and administrative burdens for  
both the public and the Office. MPIS  
comment at 1.

##### III. Final Regulations

The Copyright Office realizes that there  
are benefits for both claimants and the Office  
by accepting credit cards for payment of  
copyright fees. It has just completed a two-  
year pilot program in which credit cards were  
accepted for the filing of claims and  
recording of documents under the provisions  
of the Uruguay Round Agreements Act  
(URRA), Public Law 103-465; 108 Stat.  
4809 (1994). It is now in the process of  
evaluating the resources needed in order to  
plan for implementation of a credit card  
system.

The Office also believes some customers  
prefer the convenience of deposit accounts  
and will continue to use them even if credit  
cards are accepted. The fees on deposit  
accounts will only be assessed when there  
are insufficient funds in the account to cover  
current requests for services. The Office  
mails monthly statements to deposit account  
holders notifying them of the status of their  
accounts.

The Office received no comments on any  
of the other proposed fees. It is adopting the  
proposed fee schedule in its entirety, effective  
July 1, 1998, other than the short fee charge

which will not take effect until a date which will be announced later.

**List of Subjects**

- 37 CFR Part 201  
Copyright, General Provisions.
- 37 CFR Part 202  
Copyright, Registration.
- 37 CFR Part 203  
Freedom of Information Act.
- 37 CFR Part 204  
Privacy.
- 37 CFR Part 211  
Mask work protection, Fees.

In consideration of the foregoing, parts 201, 202, 203, 204, and 211 of 37 CFR chapter II are amended as follows:

**PART 201—GENERAL PROVISIONS**

1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

2. Section 201.32 is amended by revising the special services fee chart to read as follows:

**§201.32 Fees for Copyright Office special services.**

\*\*\*\*\*  
[[Page 29139]]

**PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT**

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

**Authority:** 17 U.S.C. 702.

**§ 202.23 [Amended]**

4. Section 202.23(e)(1) and (2) are amended by removing "\$270.00" each place it appears and adding in its place "\$365.00."

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

5. The authority citation for part 203 continues to read as follows:

**Authority:** 17 U.S.C. 702; and 5 U.S.C. 552(a)(1).

**§203.6 [Amended]**

6. Section 203.6(b)(2) is amended by removing "\$7 for up to 15 pages and \$.45 per

page over 15." and adding in its place "\$15.00 for up to 15 pages and \$.50 per page over 15."

**PART 204—PRIVACY ACT: POLICIES AND PROCEDURES**

7. The authority citation for part 204 continues to read as follows:

**Authority:** 17 U.S.C. 702; and 5 U.S.C. 552(a).

**§204.6 [Amended]**

8. Section 204.6(a) is amended by removing "\$7 for up to 15 pages and \$.45 per page over 15." and adding in its place "\$15.00 for up to 15 pages and \$.50 per page over 15."

**PART 211—MASK WORK PROTECTION**

9. The authority citation for part 211 continues to read as follows:

**Authority:** 17 U.S.C. 702 and 908.

**§ 211.3 [Amended]**

10. In Sec. 211.3(a)(1) and (2) remove "\$20.00" each place it appears and add in its place "\$75.00."

Special services	Fees
1. Service charge for deposit account overdraft .....	\$ 70
2. Service charge for dishonored deposit account replenishment check .....	\$ 35
3. Service charge for short fee payment .....	\$ 20
4. Appeals	
a. First appeal .....	\$200
Additional claim in related group .....	\$ 20
b. Second appeal .....	\$500
Additional claim in related group .....	\$ 20
5. Secure test processing charge, per hour .....	\$ 60
6. Copying charge, first 15 pages, per page .....	\$ 1
Each additional page .....	\$ .50
7. Inspection charge .....	\$ 65
8. Special handling fee for a claim .....	\$500
Each additional claim using the same deposit .....	\$ 50
9. Special handling for recordations of a document .....	\$330
10. Full-term storage of deposits .....	\$365
11. Surcharge for expedited Certifications and Documents Section services	
a. Additional certificates, per hour .....	\$ 75
b. In-process searches, per hour .....	\$ 75
c. Copy of assignment, per hour .....	\$ 75
d. Certification, per hour .....	\$ 75
e. Copy of registered deposit	
First hour .....	\$ 95
Each additional hour .....	\$ 75
f. Copy of correspondence file	
First hour .....	\$ 95
Each additional hour .....	\$ 75
12. Surcharge for expedited Reference & Bibliography searches	
First hour .....	\$125
Each additional hour .....	\$ 95

<sup>a</sup> Error; should read as follows: "each place it appears and add in its"

11. In Sec. 211.3(a)(7), remove "\$330"  
and add in its place "\$500.00."

Dated: May 20, 1998.  
**Marybeth Peters,**  
*Register of Copyright*

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

[FR Doc. 98-14086 Filed 5-27-98; 8:45 am]

**BILLING CODE 1410-30-P**