



ANNOUNCEMENT

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

INTERIM RULE; CORRECTIONS.

CORRECTIONS AND AMPLIFICATIONS OF COPYRIGHT REGISTRATIONS; APPLICATIONS FOR SUPPLEMENTARY REGISTRATION

The following excerpt is taken from Volume 63, Number 212 of the
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LIBRARY OF CONGRESS

Copyright Office

37 CFR, Part 201

[Docket No. RM 98-10]

Corrections and Amplifications of Copyright Registrations; Applications for Supplementary Registration

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim rule; corrections.

SUMMARY: Subsection 408(d) of the Copyright Act authorizes the Register of Copyrights to accept applications for supplementary registration to correct errors or amplify information in basic registrations. The Copyright Office of the Library of Congress is now changing the regulatory language to clarify the type of amplification that may be made to a basic registration through supplementary registration.

EFFECTIVE DATE: November 3, 1998.

FOR FURTHER INFORMATION

CONTACT: David O. Carson, General Counsel, or Renee Coe, Attorney Advisor, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380 or Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

Subsection 408(d) of the Copyright Act authorizes the Register of Copyrights to accept applications for supplementary

registration. The purpose of supplementary registration is to correct errors or amplify information in a basic registration. The regulations for supplementary registration are contained in 37 CFR 201.5, which took effect on January 1, 1978, to implement the 1976 revision of the Copyright Act. Since that time, only minor technical amendments have been made to Sec. 201.5.

The Copyright Office is now revising portions of Sec. 201.5(b) to convey more clearly the Copyright Office's practices and procedures regarding the kind of amplifications that may be made to a basic registration through supplementary registration. The purpose of this notice is to remove any ambiguity concerning paragraph (b) that might exist by clarifying what has been standard practice for many years.

The Copyright Office determined that paragraph (b) should be clarified after it recently became aware that a member of the public misinterpreted the kind of amplification that may be made to a basic application through supplementary registration. Under this misinterpretation, paragraph (b) would prevent an amplification to add the name of someone who is a co-claimant or co-owner of a copyright but who is not also a co-author. The Copyright Office recognizes that paragraph (b) may be susceptible of such a misinterpretation. This amendment will preclude such an interpretation by clarifying that supplementary registration may be used to add the name of a co-owner or co-claimant who is not a co-author but whose name should have been provided at the time the basic registration was made.

This clarification is made by limiting amplifications to the information that is required by the application for the basic registration. See Sec. 201.5(b)(2)(ii)(A). Defined this way, it is clear that supplementary registration may be made to

add information about claimants, whether or not they are also authors, if such information constitutes a correct statement of the facts that existed at the time of the original submission of the claim already on record. The information that is required in an application for a basic registration is set forth at 17 U.S.C. 409. The Copyright Office follows the general policy of requiring all authors and copyright claimants to supply information, consistent with 17 U.S.C. 409, concerning the authorship being claimed in the application for registration.

As revised, Sec. 201.5(b)(2)(ii)(A) now expressly states that a supplementary registration may be made to provide information "such as the identity of a co-author or co-claimant." This amendment also clarifies that an amplification may not be made through supplementary registration to add information about an owner or claimant who acquired a copyright claim on or after the effective date of registration. See Sec. 201.5(b)(2)(iii)(A).

These changes clarify what have been the Copyright Office's longstanding practices and procedures. There will be no change in Copyright Office procedures as a result of this amendment.

List of Subjects in 37 CFR Part 201

Copyright, Registration.

Interim Rule

For the reasons stated above, 37 CFR 201.5 is amended as set forth below:

PART 201--GENERAL PROVISIONS

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

Authority: 17 U.S.C. 702.

Sec. 201.5 [Amended]

2. Amend Sec. 201.5 to revise paragraphs (b)(2)(ii) and (b)(2)(iii)(A) to read as follows:

* * * * *

(b) * * *

(2) * * *

(ii) An amplification is appropriate:

(A) To supplement or clarify the information that was required by the application for the basic registration and should have been provided, such as the identity of a co-author or co-claimant, but was omitted at the time the basic registration was made, or

(B) To reflect changes in facts, other than those relating to transfer, license, or ownership of rights in the work, that have occurred since the basic registration was made.

(iii) * * *

(A) an amplification, to reflect a change in ownership that occurred on or after the effective date of the basic registration or to reflect the division, allocation, licensing or transfer of rights in a work; or

* * * * *

Dated: October 25, 1998.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

Librarian of Congress.

[FR Doc. 98-29383 Filed 11-2-98; 8:45 am]

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