



ANNOUNCEMENT

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

TECHNICAL AMENDMENT; CORRECTION.

COPYRIGHT RULES AND REGULATIONS

The following excerpt is taken from Volume 63, Number 230 of the
Federal Register for Tuesday, December 1, 1998 (pp. 66041-66042)

LIBRARY OF CONGRESS

Copyright Office

37 CFR, Part 201

Copyright Rules and Regulations

AGENCY: Copyright Office, Library of Congress.

ACTION: Technical amendment; correction.

SUMMARY: The Copyright Office is making one amendment to its rule at 37 CFR 201.22(e) and one correction to its interim rule at 37 CFR 201.5 to update these portions of the copyright regulations. The amendment concerns service of advance notice of potential infringement of certain works, the fixation of which is made simultaneously with their transmission, and the correction concerns applications for supplementary registration.

EFFECTIVE DATE: December 1, 1998.

FOR FURTHER INFORMATION

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SUPPLEMENTARY INFORMATION:

The Copyright Office is amending its regulation concerning service of Advance Notice of Potential Infringement of certain works pursuant to 17 U.S.C. 411(b), which was amended by section 6 of the Copyright Technical Amendments Act, Pub. L. 105-80 (1997). Section 411(b) provides that a copyright owner of a work consisting of

sounds, images, or both, the fixation of which is made simultaneously with its transmission, may institute an action for copyright infringement if the copyright owner has served a notice on the infringer identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work. The copyright owner must also register the work within three months after its first transmission. Prior to the 1997 amendment, section 411(b) required that the notice be served on the infringer "not less than ten or more than thirty days before such fixation." The 1977^a

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amendment changed the time period to "not less than 48 hours before such fixation." The amendment to 37 CFR 201.22(e) similarly changes the period of time in which notice must be served from "at least ten days but not more than thirty days" to "not less than 48 hours".

The Office also corrects recently amended language in 37 CFR 201.5(b)(2)(iii)(A) by inserting the word "As" at the beginning of the sentence that comprises that paragraph. The word "As" was inadvertently omitted when the amendment was made. See 63 FR 59235 (November 3, 1998).

List of Subjects in 37 CFR Part 201

Copyright, General provisions.
For the reasons stated above, the rules at 37 CFR part 201 are corrected and amended as follows:

^aError; line should read:
"The 1997"

PART 201--GENERAL PROVISIONS

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

Authority: 17 U.S.C. 702.

§201.5 [Corrected]

2. In Sec. 201.5(b)(2)(iii)(A), add "As" before the phrase "an amplification,".

3. Section 201.22 is amended by revising paragraph (e)(1) to read as follows:

§201.22 Advance notices of potential infringement of works consisting of sounds, images, or both.

(e) ***

(1) An Advance Notice of Potential Infringement shall be served on the person responsible for the potential infringement not less than 48 hours before the first fixation and simultaneous transmission of the work as provided by 17 U.S.C. 411(b)(1).

Dated: November 20, 1998.

Marybeth Peters,
Register of Copyrights.

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