

–CITE–

17 USC CHAPTER 7 – COPYRIGHT OFFICE 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

.

–HEAD–

CHAPTER 7 – COPYRIGHT OFFICE

–MISC1–

Sec.

701. The Copyright Office: General responsibilities and organization.

702. Copyright Office regulations.

703. Effective date of actions in Copyright Office.

704. Retention and disposition of articles deposited in Copyright Office.

705. Copyright Office records: Preparation, maintenance, public inspection, and searching.

706. Copies of Copyright Office records.

707. Copyright Office forms and publications.

708. Copyright Office fees.

709. Delay in delivery caused by disruption of postal or other services.

(710. Repealed.)

HISTORICAL AND REVISION NOTES

Chapter 7 entitled "Copyright Office," sets forth the administrative and housekeeping provisions of the bill.

Administrative Procedure Act. Under an amendment to section 701 adopted by the Committee, the Copyright Office is made fully subject to the Administrative Procedure Act (5 U.S.C. 551 et seq. and 701 et seq.) with one exception: under section 706(b), reproduction and distribution of copyright deposit copies would be made under the Freedom of Information Act (5 U.S.C. 552) only to the extent permitted by the Copyright Office regulations.

Retention and Disposition of Deposited Articles. A recurring problem in the administration of the copyright law has been the need to reconcile the storage limitations of the Copyright Office with the continued value of deposits in identifying copyrighted works. Aside from its indisputable utility to future historians and scholars, a substantially complete collection of both published and unpublished deposits, other than those selected by the Library of Congress, would avoid the many difficulties encountered when copies needed for identification in connection with litigation or other purposes have been destroyed. The basic policy behind section 704 is that copyright deposits should be retained as long as possible, but that the Register of Copyrights and the Librarian of Congress should be empowered to dispose of them under appropriate safeguards when they decide that it has become necessary to do so.

Under subsection (a) of section 704, any copy, phonorecord, or

identifying material deposited for registration, whether registered or not, becomes "the property of the United States Government."

This means that the copyright owner or person who made the deposit cannot demand its return as a matter of right, even in rejection cases, although the provisions of section 407 and 408 are flexible enough to allow for special arrangements in exceptional cases. On the other hand, Government ownership of deposited articles under section 704(a) carries with it no privileges under the copyright itself; use of a deposited article in violation of the copyright owner's exclusive rights would be infringement.

With respect to published works, section 704(b) makes all deposits available to the Library of Congress "for its collections, or for exchanges or transfer to any other library"; where the work is unpublished, the Library is authorized to select any deposit for its own collections or for transfer to the National Archives of the United States or to a Federal records center.

Motion picture producers have expressed some concern lest the right to transfer copies of works, such as motion pictures, that have been published under rental, lease, or loan arrangements, might lead to abuse. However, the Library of Congress has not knowingly transferred works of this sort to other libraries in the past, and there is no reason to expect it to do so in the future.

The Committee added a new subsection (c) to section 704, under which the Register is authorized to make microfilm or other record copies of copyright deposits before transferring or otherwise disposing of them.

For deposits not selected by the Library, subsection (d) provides that they, or "identifying portions or reproductions of them," are to be retained under Copyright Office control "for the longest period considered practicable and desirable" by the Register and the Librarian. When and if they ultimately decide that retention of certain deposited articles is no longer "practicable and desirable," the Register and Librarian have joint discretion to order their "destruction or other disposition." Because of the unique value and irreplaceable nature of unpublished deposits, the subsection prohibits their intentional destruction during their copyright term, unless a facsimile reproduction has been made. Subsection (e) of section 704 establishes a new procedure under which a copyright owner can request retention of deposited material for the full term of copyright. The Register of Copyrights is authorized to issue regulations prescribing the fees for this service and the "conditions under which such requests are to be made and granted."

Catalog of Copyright Entries. Section 707(a) of the bill retains the present statute's basis requirement that the Register compile and publish catalogs of all copyright registrations at periodic intervals, but provides for "discretion to determine, on the basis of practicability and usefulness the form and frequency of publication of each particular part". This provision will in no way diminish the utility or value of the present catalogs, and the flexibility of approach, coupled with use of the new mechanical and electronic devices now becoming available, will avoid waste and

result in a better product.

Copyright Office Fees. The schedule of fees set out in section 708 reflects a general increase in the fees of the Copyright Office from those established by the Congress in 1965. The basic fees are \$10 for registration, \$6 for renewal registration, \$10 for recordation of documents and \$10 per hour for searching. The section also contains new fee provisions needed because of new requirements or services established under the bill, and subsection (a)(11) authorizes the Register to fix additional fees, on the "basis of the cost of providing the service," "for any other special services requiring a substantial amount of time or expense." Subsection (b) makes clear that, except for the possibility of waivers in "occasional or isolated cases involving relatively small amounts," the Register is to charge fees for services rendered to other Government agencies.

Postal Interruptions. Section 709 authorizes the Register of Copyrights to issue regulation to permit the acceptance by the Copyright Office of documents which are delivered after the close of the prescribed period if the delay was caused by a general disruption or suspension of postal or other transportation or communications services.

Reproductions for the Blind and Handicapped. Section 710 directs the Register of Copyrights to establish by regulation forms and procedures by which the copyright owners of certain categories of works may voluntarily grant to the Library of Congress a license to reproduce and distribute copies or phonorecords of the work solely

for the use of the blind and physically handicapped.

AMENDMENTS

2000 – Pub. L. 106–379, Sec. 3(a)(1), Oct. 27, 2000, 114 Stat.

1445, struck out item 710 "Reproduction for use of the blind and physically handicapped: Voluntary licensing forms and procedures."

1997 – Pub. L. 105–80, Sec. 12(a)(17), Nov. 13, 1997, 111 Stat.

1535, substituted "Reproduction" for "Reproductions" in item 710.

–SECRET–

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 908, 912 of this title.

–CITE–

17 USC Sec. 701 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 701. The Copyright Office: General responsibilities and organization

–STATUTE–

(a) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office of the Library of Congress. The Register of Copyrights, together with the subordinate officers and employees of the Copyright Office, shall be appointed by the Librarian of Congress, and shall act under the

Librarian's general direction and supervision.

(b) In addition to the functions and duties set out elsewhere in this chapter, the Register of Copyrights shall perform the following functions:

(1) Advise Congress on national and international issues relating to copyright, other matters arising under this title, and related matters.

(2) Provide information and assistance to Federal departments and agencies and the Judiciary on national and international issues relating to copyright, other matters arising under this title, and related matters.

(3) Participate in meetings of international intergovernmental organizations and meetings with foreign government officials relating to copyright, other matters arising under this title, and related matters, including as a member of United States delegations as authorized by the appropriate Executive branch authority.

(4) Conduct studies and programs regarding copyright, other matters arising under this title, and related matters, the administration of the Copyright Office, or any function vested in the Copyright Office by law, including educational programs conducted cooperatively with foreign intellectual property offices and international intergovernmental organizations.

(5) Perform such other functions as Congress may direct, or as may be appropriate in furtherance of the functions and duties specifically set forth in this title.

(c) The Register of Copyrights shall adopt a seal to be used on and after January 1, 1978, to authenticate all certified documents issued by the Copyright Office.

(d) The Register of Copyrights shall make an annual report to the Librarian of Congress of the work and accomplishments of the Copyright Office during the previous fiscal year. The annual report of the Register of Copyrights shall be published separately and as a part of the annual report of the Librarian of Congress.

(e) Except as provided by section 706(b) and the regulations issued thereunder, all actions taken by the Register of Copyrights under this title are subject to the provisions of the Administrative Procedure Act of June 11, 1946, as amended (c. 324, 60 Stat. 237, title 5, United States Code, Chapter 5, Subchapter II and Chapter 7).

(f) The Register of Copyrights shall be compensated at the rate of pay in effect for level III of the Executive Schedule under section 5314 of title 5. The Librarian of Congress shall establish not more than four positions for Associate Registers of Copyrights, in accordance with the recommendations of the Register of Copyrights. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights. Each Associate Register of Copyrights shall be paid at a rate not to exceed the maximum annual rate of basic pay payable for GS-18 of the General Schedule under section 5332 of title 5.

–SOURCE–

(Pub. L. 94-553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2591;

Pub. L. 101–319, Sec. 2(b), July 3, 1990, 104 Stat. 290; Pub. L. 105–304, title IV, Sec. 401(a)(2), (b), Oct. 28, 1998, 112 Stat. 2887.)

–REFTEXT–

REFERENCES IN TEXT

The Administrative Procedure Act of June 11, 1946, referred to in subsec. (e), was repealed and the provisions thereof were reenacted as subchapter II of chapter 5, and chapter 7, of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 278.

–MISC2–

AMENDMENTS

1998 – Subsecs. (b) to (e). Pub. L. 105–304, Sec. 401(b)(1), added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 105–304 redesignated subsec. (e) as (f) and substituted "III" for "IV" and "5314" for "5315" in first sentence.

1990 – Subsec. (e). Pub. L. 101–319 added subsec. (e).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 5 of Pub. L. 101–319 provided that:

"(a) Effective Date. – The amendments made by this Act (amending this section and section 802 of this title and sections 5315 and 5316 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under section 101 of this title) shall take effect on the date of the enactment of this Act

(July 3, 1990).

"(b) Budget Act. – Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 (2 U.S.C. 651)) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriations Acts."

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 (title I, Sec. 101(c)(1)) of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

Pub. L. 93–573, title II, Sec. 201–208, Dec. 31, 1974, 88 Stat. 1873–1875, as amended by Pub. L. 94–314, June 21, 1976, 90 Stat. 692; Pub. L. 95–146, Oct. 28, 1977, 91 Stat. 1226, created in the Library of Congress a National Commission on New Technological Uses of Copyrighted Works to study and compile data on (1) the reproduction and use of copyrighted works of authorship (A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and (B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities, and (2) the creation of new works by the application or intervention of such automatic systems or machine reproduction,

required the Commission to submit a final report to the President and Congress on or before July 31, 1978, and provided that the Commission terminated the sixtieth day after submitting the final report.

–CITE–

17 USC Sec. 702 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 702. Copyright Office regulations

–STATUTE–

The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions and duties made the responsibility of the Register under this title. All regulations established by the Register under this title are subject to the approval of the Librarian of Congress.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2591.)

–CITE–

17 USC Sec. 703 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 703. Effective date of actions in Copyright Office

–STATUTE–

In any case in which time limits are prescribed under this title for the performance of an action in the Copyright Office, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2591.)

–CITE–

17 USC Sec. 704 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 704. Retention and disposition of articles deposited in Copyright Office

–STATUTE–

(a) Upon their deposit in the Copyright Office under sections 407 and 408, all copies, phonorecords, and identifying material, including those deposited in connection with claims that have been refused registration, are the property of the United States Government.

(b) In the case of published works, all copies, phonorecords, and identifying material deposited are available to the Library of

Congress for its collections, or for exchange or transfer to any other library. In the case of unpublished works, the Library is entitled, under regulations that the Register of Copyrights shall prescribe, to select any deposits for its collections or for transfer to the National Archives of the United States or to a Federal records center, as defined in section 2901 of title 44.

(c) The Register of Copyrights is authorized, for specific or general categories of works, to make a facsimile reproduction of all or any part of the material deposited under section 408, and to make such reproduction a part of the Copyright Office records of the registration, before transferring such material to the Library of Congress as provided by subsection (b), or before destroying or otherwise disposing of such material as provided by subsection (d).

(d) Deposits not selected by the Library under subsection (b), or identifying portions or reproductions of them, shall be retained under the control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress. After that period it is within the joint discretion of the Register and the Librarian to order their destruction or other disposition; but, in the case of unpublished works, no deposit shall be knowingly or intentionally destroyed or otherwise disposed of during its term of copyright unless a facsimile reproduction of the entire deposit has been made a part of the Copyright Office records as provided by subsection (c).

(e) The depositor of copies, phonorecords, or identifying

material under section 408, or the copyright owner of record, may request retention, under the control of the Copyright Office, of one or more of such articles for the full term of copyright in the work. The Register of Copyrights shall prescribe, by regulation, the conditions under which such requests are to be made and granted, and shall fix the fee to be charged under section 708(a)(10) if the request is granted.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2591; Pub. L. 101–318, Sec. 2(c), July 3, 1990, 104 Stat. 288.)

–MISC1–

AMENDMENTS

1990 – Subsec. (e). Pub. L. 101–318 substituted "708(a)(10)" for "708(a)(11)".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–318 effective 6 months after July 3, 1990, and applicable to (A) claims to original, supplementary, and renewal copyright received for registration, and to items received for recordation in Copyright Office, on or after such effective date, and (B) other requests for services received on or after such effective date, or received before such effective date for services not yet rendered as of such date, and with claims to original, supplementary, and renewal copyright received for registration and items received for recordation in acceptable form in Copyright Office before such effective date, and requests for services which are rendered before such effective date, to be governed by section

708 of this title as in effect before such effective date, see section 2(d) of Pub. L. 101–318, set out as a note under section 708 of this title.

–CITE–

17 USC Sec. 705 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 705. Copyright Office records: Preparation, maintenance, public inspection, and searching

–STATUTE–

(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared.

(b) Such records and indexes, as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection.

(c) Upon request and payment of the fee specified by section 708, the Copyright Office shall make a search of its public records, indexes, and deposits, and shall furnish a report of the information they disclose with respect to any particular deposits, registrations, or recorded documents.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2592;

Pub. L. 106–379, Sec. 3(a)(2), Oct. 27, 2000, 114 Stat. 1445.)

–MISC1–

AMENDMENTS

2000 – Subsec. (a). Pub. L. 106–379 amended subsec. (a)

generally. Prior to amendment, subsec. (a) read as follows: "The

Register of Copyrights shall provide and keep in the Copyright

Office records of all deposits, registrations, recordations, and

other actions taken under this title, and shall prepare indexes of

all such records."

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104A, 708 of this title.

–CITE–

17 USC Sec. 706 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 706. Copies of Copyright Office records

–STATUTE–

(a) Copies may be made of any public records or indexes of the Copyright Office; additional certificates of copyright registration and copies of any public records or indexes may be furnished upon request and payment of the fees specified by section 708.

(b) Copies or reproductions of deposited articles retained under

the control of the Copyright Office shall be authorized or furnished only under the conditions specified by the Copyright Office regulations.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2592.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701, 708 of this title.

–CITE–

17 USC Sec. 707 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 707. Copyright Office forms and publications

–STATUTE–

(a) Catalog of Copyright Entries. – The Register of Copyrights shall compile and publish at periodic intervals catalogs of all copyright registrations. These catalogs shall be divided into parts in accordance with the various classes of works, and the Register has discretion to determine, on the basis of practicability and usefulness, the form and frequency of publication of each particular part.

(b) Other Publications. – The Register shall furnish, free of charge upon request, application forms for copyright registration and general informational material in connection with the functions

of the Copyright Office. The Register also has the authority to publish compilations of information, bibliographies, and other material he or she considers to be of value to the public.

(c) Distribution of Publications. – All publications of the Copyright Office shall be furnished to depository libraries as specified under section 1905 of title 44, and, aside from those furnished free of charge, shall be offered for sale to the public at prices based on the cost of reproduction and distribution.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2592.)

–CITE–

17 USC Sec. 708 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

Sec. 708. Copyright Office fees

–STATUTE–

(a) Fees. – Fees shall be paid to the Register of Copyrights –

(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is

made;

(3) for the issuance of a receipt for a deposit under section 407;

(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

(7) for the issuance, under section 706, of an additional certificate of registration;

(8) for the issuance of any other certification; and

(9) for the making and reporting of a search as provided by section 705, and for any related services.

The Register is authorized to fix fees for other services, including the cost of preparing copies of Copyright Office records, whether or not such copies are certified, based on the cost of providing the service.

(b) Adjustment of Fees. – The Register of Copyrights may, by regulation, adjust the fees for the services specified in paragraphs (1) through (9) of subsection (a) in the following manner:

(1) The Register shall conduct a study of the costs incurred by the Copyright Office for the registration of claims, the

recording of documents, and the provision of services. The study shall also consider the timing of any adjustment in fees and the authority to use such fees consistent with the budget.

(2) The Register may, on the basis of the study under paragraph (1), and subject to paragraph (5), adjust fees to not more than that necessary to cover the reasonable costs incurred by the Copyright Office for the services described in paragraph (1), plus a reasonable inflation adjustment to account for any estimated increase in costs.

(3) Any fee established under paragraph (2) shall be rounded off to the nearest dollar, or for a fee less than \$12, rounded off to the nearest 50 cents.

(4) Fees established under this subsection shall be fair and equitable and give due consideration to the objectives of the copyright system.

(5) If the Register determines under paragraph (2) that fees should be adjusted, the Register shall prepare a proposed fee schedule and submit the schedule with the accompanying economic analysis to the Congress. The fees proposed by the Register may be instituted after the end of 120 days after the schedule is submitted to the Congress unless, within that 120-day period, a law is enacted stating in substance that the Congress does not approve the schedule.

(c) The fees prescribed by or under this section are applicable to the United States Government and any of its agencies, employees, or officers, but the Register of Copyrights has discretion to waive

the requirement of this subsection in occasional or isolated cases involving relatively small amounts.

(d)(1) Except as provided in paragraph (2), all fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section.

(2) In the case of fees deposited against future services, the Register of Copyrights shall request the Secretary of the Treasury to invest in interest-bearing securities in the United States Treasury any portion of the fees that, as determined by the Register, is not required to meet current deposit account demands. Funds from such portion of fees shall be invested in securities that permit funds to be available to the Copyright Office at all times if they are determined to be necessary to meet current deposit account demands. Such investments shall be in public debt securities with maturities suitable to the needs of the Copyright Office, as determined by the Register of Copyrights, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(3) The income on such investments shall be deposited in the

Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office.

–SOURCE–

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2593; Pub. L. 95–94, title IV, Sec. 406(b), Aug. 5, 1977, 91 Stat. 682; Pub. L. 97–366, Sec. 1, Oct. 25, 1982, 96 Stat. 1759; Pub. L. 101–318, Sec. 2(a), (b), July 3, 1990, 104 Stat. 287, 288; Pub. L. 102–307, title I, Sec. 102(f), June 26, 1992, 106 Stat. 266; Pub. L. 105–80, Sec. 7, Nov. 13, 1997, 111 Stat. 1532; Pub. L. 106–379, Sec. 3(a)(3), Oct. 27, 2000, 114 Stat. 1445.)

–MISC1–

AMENDMENTS

2000 – Subsec. (a). Pub. L. 106–379, Sec. 3(a)(3)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The following fees shall be paid to the Register of Copyrights:

"(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made, \$20;

"(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made, \$20;

"(3) for the issuance of a receipt for a deposit under section 407, \$4;

"(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document covering not more than one title, \$20; for additional titles, \$10 for each group of not more than 10 titles;

"(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license, \$12;

"(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author, \$20 for a document covering not more than one title; for each additional title, \$2;

"(7) for the issuance, under section 706, of an additional certificate of registration, \$8;

"(8) for the issuance of any other certification, \$20 for each hour or fraction of an hour consumed with respect thereto;

"(9) for the making and reporting of a search as provided by section 705, and for any related services, \$20 for each hour or fraction of an hour consumed with respect thereto; and

"(10) 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.

The Register of Copyrights is authorized to fix the fees for preparing copies of Copyright Office records, whether or not such copies are certified, on the basis of the cost of such

preparation."

Subsec. (b). Pub. L. 106–379, Sec. 3(a)(3)(B)(i), inserted introductory provisions and struck out former introductory provisions which read as follows: "In calendar year 1997 and in any subsequent calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) in the following manner:".

Subsec. (b)(1). Pub. L. 106–379, Sec. 3(a)(3)(B)(ii), substituted "adjustment" for "increase".

Subsec. (b)(2). Pub. L. 106–379, Sec. 3(a)(3)(B)(iii), substituted "adjust fees to not more" for "increase fees to not more".

Subsec. (b)(5). Pub. L. 106–379, Sec. 3(a)(3)(B)(iv), substituted "adjusted" for "increased".

1997 – Subsec. (b). Pub. L. 105–80, Sec. 7(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "In calendar year 1995 and in each subsequent fifth calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) by the percent change in the annual average, for the preceding calendar year, of the Consumer Price Index published by the Bureau of Labor Statistics, over the annual average of the Consumer Price Index for the fifth calendar year preceding the calendar year in which such increase is authorized."

Subsec. (d). Pub. L. 105–80, Sec. 7(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "All fees received under this section shall be deposited by the Register

of Copyrights in the Treasury of the United States and shall be credited to the appropriation for necessary expenses of the Copyright Office. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section."

1992 – Subsec. (a)(2). Pub. L. 102–307 struck out "in its first term" after "copyright" and substituted "\$20" for "\$12".

1990 – Subsec. (a). Pub. L. 101–318, Sec. 2(a), amended subsec.

(a) generally. Prior to amendment, subsec. (a) read as follows:

"The following fees shall be paid to the Register of Copyrights:

"(1) on filing each application for registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration if registration is made, \$10;

"(2) on filing each application for registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, \$6;

"(3) for the issuance of a receipt for a deposit under section 407, \$2;

"(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document of six pages or less, covering no more than one title, \$10; for each page over six and each title over one, 50 cents additional;

"(5) for the filing, under section 115(b), of a notice of intention to make phonorecords, \$6;

"(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author, \$10 for a document of six pages or less, covering no more than one title; for each page over six and for each title over one, \$1 additional;

"(7) for the issuance, under section 601, of an import statement, \$3;

"(8) for the issuance, under section 706, of an additional certificate of registration, \$4;

"(9) for the issuance of any other certification, \$4; the Register of Copyrights has discretion, on the basis of their cost, to fix the fees for preparing copies of Copyright Office records, whether they are to be certified or not;

"(10) for the making and reporting of a search as provided by section 705, and for any related services, \$10 for each hour or fraction of an hour consumed;

"(11) 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."

Subsecs. (b) to (d). Pub. L. 101-318, Sec. 2(b), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1982 – Subsec. (a)(1). Pub. L. 97-366, Sec. 1(1), substituted

provision for a \$10 fee on filing each application for registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration if registration is made, for provision for a \$10 fee for the registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration.

Subsec. (a)(2). Pub. L. 97–366, Sec. 1(1), substituted provision for a \$6 fee on filing each application for registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, for provision for a \$6 fee for the registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration.

Subsec. (c). Pub. L. 97–366, Sec. 1(2), struck out provision that, before making a refund in any case involving a refusal to register a claim under section 410(b), the Register could deduct all or any part of the prescribed registration fee to cover the reasonable administrative costs of processing the claim.

1977 – Subsec. (c). Pub. L. 95–94 substituted provisions relating to crediting of all fees received, to the appropriation for necessary expenses of the Copyright Office, for provisions relating to crediting of all fees received in the manner directed by the Secretary of the Treasury.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–379, Sec. 3(c)(1), Oct. 27, 2000, 114 Stat. 1445, provided that: "The amendments made by this section (amending this section and sections 121 and 705 of this title and repealing section 710 of this title) shall take effect on the date of the enactment of this Act (Oct. 27, 2000)."

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–307 effective June 26, 1992, but applicable only to copyrights secured between January 1, 1964, and December 31, 1977, and not affecting court proceedings pending on June 26, 1992, with copyrights secured before January 1, 1964, governed by section 304(a) of this title as in effect on the day before June 26, 1992, except each reference to forty–seven years in such provisions deemed to be 67 years, see section 102(g) of Pub. L. 102–307, as amended, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 2(d) of Pub. L. 101–318 provided that:

"(1) In general. – The amendments made by this section (amending this section and section 704 of this title) shall take effect 6 months after the date of the enactment of this Act (July 3, 1990) and shall apply to –

"(A) claims to original, supplementary, and renewal copyright received for registration, and to items received for recordation in the Copyright Office, on or after such effective date, and

"(B) other requests for services received on or after such effective date, or received before such effective date for

services not yet rendered as of such date.

"(2) Prior claims. – Claims to original, supplementary, and renewal copyright received for registration and items received for recordation in acceptable form in the Copyright Office before the effective date set forth in paragraph (1), and requests for services which are rendered before such effective date shall be governed by section 708 of title 17, United States Code, as in effect before such effective date."

EFFECTIVE DATE OF 1982 AMENDMENT; TRANSITIONAL RULE

Section 2 of Pub. L. 97–366 provided that: "This Act (amending this section, section 110 of this title, and section 3 of Title 35, Patents) shall take effect thirty days after its enactment (Oct. 25, 1982) and shall apply to claims to original, supplementary, and renewal copyright received for registration in the Copyright Office on or after the effective date. Claims to original, supplementary, and renewal copyright received for registration in acceptable form in the Copyright Office before the effective date shall be governed by the provisions of section 708(a)(1) and (2) in effect prior to this enactment."

EFFECTIVE DATE OF 1977 AMENDMENT

Section 406(b) of Pub. L. 95–94 provided that the amendment made by that section is effective Jan. 1, 1978.

CARRY–OVER OF EXISTING FEES

Pub. L. 106–379, Sec. 3(c)(2), Oct. 27, 2000, 114 Stat. 1446, provided that: "The fees under section 708(a) of title 17, United States Code, on the date of the enactment of this Act (Oct. 27,

2000) shall be the fees in effect under section 708(a) of such title on the day before such date of enactment."

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104A, 205, 407, 408, 704, 705, 706, 908 of this title.

~~–CITE–~~

17 USC Sec. 709 01/06/03

~~–EXPCITE–~~

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

~~–HEAD–~~

Sec. 709. Delay in delivery caused by disruption of postal or other services

~~–STATUTE–~~

In any case in which the Register of Copyrights determines, on the basis of such evidence as the Register may by regulation require, that a deposit, application, fee, or any other material to be delivered to the Copyright Office by a particular date, would have been received in the Copyright Office in due time except for a general disruption or suspension of postal or other transportation or communications services, the actual receipt of such material in the Copyright Office within one month after the date on which the Register determines that the disruption or suspension of such services has terminated, shall be considered timely.

~~–SOURCE–~~

(Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2594.)

–CITE–

17 USC Sec. 710 01/06/03

–EXPCITE–

TITLE 17 – COPYRIGHTS

CHAPTER 7 – COPYRIGHT OFFICE

–HEAD–

(Sec. 710. Repealed. Pub. L. 106–379, Sec. 3(a)(1), Oct. 27, 2000,

114 Stat. 1445)

–MISC1–

Section, Pub. L. 94–553, title I, Sec. 101, Oct. 19, 1976, 90

Stat. 2594, related to forms and procedures for granting the

Library of Congress licenses to reproduce works for the blind and

physically handicapped.

–CITE–