

/* BBS LEGAL GUIDE: This section of the copyright code provides the duties for the copyright Office. Of interest to everyone should be Section 705 on "public access" to information in the copyright office. */

CHAPTER 7. COPYRIGHT OFFICE

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S 701. The Copyright Office: General responsibilities and organization

- (a) All administrative functions and duties under this title [17 USC SS 101 et seq.], 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) 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.
- (c) 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.
- (d) Except as provided by section 706(b) [17 USC S 706(b)] and

the regulations issued thereunder, all actions taken by the Register of Copyrights under this title [17 USC SS 101 et seq.] 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) è

(e) The Register of Copyrights shall be compensated at the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Librarian of Congress shall establish not more than four positions for Associates 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 Associates 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.

S 702. Copyright Office regulations

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 [17 USC SS 101 et seq.]. All regulations established by the Register under this title [17 USC SS 101 et seq.] are subject to the approval of the Librarian of Congress.

S 703. Effective date of actions in Copyright Office

In any case in which time limits are prescribed under this title [17 USC SS 101 et seq.] 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.

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

(a) Upon their deposit in the Copyright Office under sections 407 and 408 [17 USC SS 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 [44 USC S 2901].

(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 [17 USC S 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 [17 USC S 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)(11) [17 USC S 708(a)(11)] if the request is granted.

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

(a) 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 [17 USC SS

101 et seq.], and shall prepare indexes of all such records.

(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 [17 USC S 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.

S 706. Copies of Copyright Office records

(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 [17 USC S 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.

S 707. Copyright Office forms and publications

(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 practicality 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 information 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 [44 USC S 1905], 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.

S 708. Copyright Office fees

(a) The following fees shall be paid to the Register of Copyrights:

(1) for the registration of a copyright claim or a supplementary registration under section 408 [17 USC S 408], including the issuance of a certificate of registration, \$20;

(2) for the registration of a claim to renewal of a subsisting copyright in its first term under section 304(a) [17 USC S 304(a)], including the issuance of a certificate of registration, \$6;

(3) for the issuance of a receipt for a deposit under section 407 [17 USC S 407], \$2;

(4) for the recordation, as provided by section 205 [17 USC S 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) [17 USC S 115(b)], of a notice of intention to make phonorecords, \$6;

(6) for the recordation, under section 302(c) [17 USC S 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) [17 USC S 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 [17 USC S 601], of an import statement, \$3;

(8) for the issuance, under section 706 [17 USC S 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, 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 [17 USC S 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.

(b) 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.

(c) 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; however, before making a refund in any case involving a refusal to register a claim under section 410(b) [17 USC S 401(b)], the Register may deduct all or any part of the prescribed registration fee to cover the reasonable administrative costs of processing the claim.

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

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.

S 710. Reproduction for use of the blind and physically handicapped: Voluntary licensing forms and procedures

The Register of Copyrights shall, after consultation with the Chief of the Division for the Blind and Physically Handicapped and other appropriate officials of the Library of Congress, establish by regulation standardized forms and procedures by which, at the time applications covering certain specified categories of nondramatic literary works are submitted for registration under section 408 of this title [17 USC S 408], the copyright owner may voluntarily grant to the Library of Congress a license to reproduce the copyrighted work by means of Braille or similar tactile symbols, or by fixation of a reading of the

work in a phonorecord, or both, and to distribute the resulting copies or phonorecords solely for the use of the blind and physically handicapped and under limited conditions to be specified in the standardized forms.