

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS  
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

**United States**

The present document reproduces<sup>1</sup> the text of Chapter II - Copyright Office, Library of Congress, of Title 37, Code of Federal Regulations, as notified by the United States under Article 63.2 of the Agreement (see document IP/N/1/USA/1).

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES  
A LA PROPRIETE INTELLECTUELLE NOTIFIEES  
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

**Etats-Unis**

Le présent document contient le texte du Chapitre II - Bureau du droit d'auteur, Bibliothèque du Congrès, du Titre 37, Code des règlements fédéraux<sup>1</sup>, notifié par les Etats-Unis au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/USA/1).

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**Comité de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**Estados Unidos**

En el presente documento se reproduce<sup>1</sup> el texto del Capítulo II - Oficina de Derechos de Autor, Biblioteca del Congreso, del Título 37 del Código de Reglamentos Federales, notificado por los Estados Unidos en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/USA/1).

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<sup>1</sup>English only/Anglais seulement/en inglés solamente.

*Copyright Laws and Regulations*

**TITLE 37, CODE OF FEDERAL REGULATIONS**

**PATENTS, TRADEMARKS, AND COPYRIGHTS**

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PANEL**

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CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

SUBCHAPTER A-COPYRIGHT ARBITRATION ROYALTY  
PANEL

Part 201 General Provisions

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

**37 CFR 201.1 Communications with the Copyright Office.**

(a) In general. Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington, DC 20559.

(b) Inquiries to Licensing Division. Inquiries about filings related to the four compulsory licenses (17 U.S.C. 111, 115, 116 and 118) should be addressed to the Licensing Division, LM-454, Copyright Office, Library of Congress, Washington, DC 20557.

(c) Copies of records or deposits. Requests for copies of records or deposits should be addressed to the Certifications and Documents Section, LM-402, Copyright Office, Library of Congress, Washington DC 20559.

(d) Search of records. Requests for searches of registrations and recordations in the completed catalogs, indexes, and other records of the Copyright Office should be addressed to the Reference and Bibliography Section, LM-450, Copyright Office, Library of Congress, Washington, DC 20559.

*[50 FR 30170, July 24, 1985]*

**37 CFR 201.2 Information given by the Copyright Office.**

(a) In general.

(1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes, and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works.

(2) The Copyright Office does not furnish the names of copyright attorneys, publishers, agents, or other similar information.

(3) In the administration of the Copyright Act in general, the Copyright Office interprets the Act. The Copyright Office, however, does not give specific legal advice on the rights of persons, whether in connection with particular uses of copyrighted works, cases of alleged foreign or domestic copyright infringement, contracts between authors and publishers, or other matters of a similar nature.

(b) Inspection and copying of records.

(1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies or identifying material deposited in connection with a completed copyright registration may be undertaken in the Certifications and Documents Section. Since some of these materials are not stored on the immediate premises of the Copyright Office, it is advisable to consult the Certifications and Documents Section to determine the length of time necessary to produce the requested materials.

(2) It is the general policy of the Copyright Office to deny direct public access to in-process files and to any work (or other) areas where they are kept. However, direct public use of computers intended to access the automated equivalent of limited portions of these files is permitted on a specified terminal in the Records Maintenance Unit, LM B-14, 8:30 a.m. to 5:00 p.m., Monday through Friday, upon payment of applicable fees.

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payment of applicable fees.

- (3) Information contained in Copyright Office in-process files may be obtained by anyone upon payment of applicable fees and request to the Information and Reference Division, in accordance with the following procedures:
    - (i) In general, all requests by the public for information in the in-process and open unfinished business files should be made to the Certifications and Documents Section, which upon receipt of applicable fees will give a report that provides the following for each request:
      - (A) The date(s) of receipt of:
        - (1) The application(s) for registration that may have been submitted and is (are) in process;
        - (2) the document(s) that may have been submitted for recordation and is (are) in process;
        - (3) the copy or copies (or phonorecords) that may have been submitted;
      - (B) the title of the work(s); and
      - (C) the name of the remitter.
    - (ii) Such searches of the in-process files will be given priority to the extent permitted by the demands of normal work flow of the affected sections of the Copyright Office.
  - (4) Access will be afforded as follows to pending applications for registration, the deposit material accompanying them, and pending documents for recordation that were submitted within the twelve month period immediately preceding the request for access:
    - (i) in the case of applications for registration and deposits accompanying them, upon the request of the copyright claimant or his/her authorized representative, and
    - (ii) in the case of documents, upon the request of at least one of the persons who executed the document or by an authorized representative of that person.

These requests should be made to the Public Information Office, and the review of the materials will be permitted there. No charge will be made for this service.
  - (5) In exceptional circumstances, the Register of Copyrights may allow inspection of pending applications and open correspondence files by someone other than the copyright claimant, upon submission of a written request which is deemed by the Register to show good cause for such access and establishes that the person making the request is one properly and directly concerned. The written request should be addressed to the General Counsel of the Copyright Office, Department DS, Washington, DC 20540.
  - (6) In no case will direct public access be permitted to any financial or accounting records.
  - (7) The Copyright Office maintains administrative staff manuals referred to as its "Compendium of Office Practices I" and "Compendium of Office Practices II" for the general guidance of its staff in making registrations and recording documents. The manuals, as amended and supplemented from time to time, are available for purchase from the National Technical Information Service (Compendium I) and the Government Printing Office (Compendium II). They are also available for public inspection and copying in the Certifications and Documents Section.
- (c) Correspondence.
- (1) Official correspondence, including preliminary applications, between copyright

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claimants or their agents and the Copyright Office, and directly relating to a completed registration, a recorded document, a rejected application for registration, or a document for which recordation was refused is available for public inspection. Included in the correspondence available for public inspection is that portion of the file directly relating to a completed registration, recorded document, a rejected application for registration, or a document for which recordation was refused which was once open to public inspection as a closed case, even if the case is subsequently reopened. Public inspection is available only for the correspondence contained in the file during the time it was closed because of one of the aforementioned actions. Correspondence relating to the reopening of the file and reconsideration of the case is considered part of an in-process file until final action is taken, and public inspection of that correspondence is governed by § 201.2(b). Requests for reproductions of the correspondence shall be made pursuant to paragraph (d) of this section.

- (2) Correspondence, application forms, and any accompanying material forming a part of a pending application are considered in-process files and access to them is governed by paragraph (b) of this section.
  - (3) Correspondence, memoranda, reports, opinions, and similar material relating to internal matters of personnel and procedures, office administration, security matters, and internal consideration of policy and decisional matters including the work product of an attorney, are not open to public inspection.
  - (4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.
- (d) Requests for copies
- (1) Requests for copies of records should include the following:
    - (i) A clear identification of the type of records desired (for example, additional certificates of registration, copies of correspondence, copies of deposits).
    - (ii) A specification of whether the copies are to be certified or uncertified.
    - (iii) A clear identification of the specific records to be copied. Requests should include the following specific information, if possible:
      - (A) the type of work involved (for example, novel, lyrics, photograph);
      - (B) the registration number;
      - (C) the year date or approximate year date of registration;
      - (D) the complete title of the work;
      - (E) the author(s) including any pseudonym by which the author may be known; and
      - (F) the claimant(s); and
      - (G) if the requested copy is of an assignment, license, contract, or other recorded document, the volume and page number of the recorded document.
    - (iv) If the copy requested is an additional certificate of registration, include the fee. The Certifications and Documents Section will review requests for copies of other records and quote fees for each.
    - (v) The telephone number and address of the requestor.
  - (2) Requests for certified or uncertified reproductions of the copies, phonorecords, or identifying material deposited in connection with a copyright registration of published or unpublished works in the custody of the Copyright Office will be granted only when one of the following three conditions has been met:
    - (i) The Copyright Office receives written authorization from the copyright claimant of record or his or her designated agent, or from the owner of any

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- of the exclusive rights in the copyright as long as this ownership can be demonstrated by written documentation of the transfer of ownership.
- (ii) The Copyright Office receives a written request from an attorney on behalf of either the plaintiff or defendant in connection with litigation, actual or prospective, involving the copyrighted work. The following information must be included in such a request:
    - (A) The names of all the parties involved and the nature of the controversy;
    - (B) the name of the court in which the actual case is pending or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and
    - (C) satisfactory assurance that the requested reproduction will be used only in connection with the specified litigation.
  - (iii) The Copyright Office receives a court order for reproduction of the deposited copies, phonorecords, or identifying material of a registered work which is the subject of litigation. The order must be issued by a court having jurisdiction of the case in which the reproduction is to be submitted as evidence.
- (3) When a request is made for a reproduction of a phonorecord, such as an audiotape or cassette, in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide proximate reproduction. The Copyright Office reserves the right to substitute a monaural reproduction for a stereo, quadrasonic, or any other type of fixation of the work accepted for deposit.

*[50 FR 30170, July 24, 1985, as amended at 51 FR 30062, Aug. 22, 1986]*

**37 CFR 201.3** [Reserved]

**37 CFR 201.4** **Recordation of transfers and certain other documents.**

(a) General

- (1) This section prescribes conditions for the recordation of transfers of copyright ownership and other documents pertaining to a copyright under section 205 of Title 17 of the United States Code, as amended by Pub. L. 94-553. The filing or recordation of the following documents is not within the provisions of this section:
  - (i) Certain contracts entered into by cable systems located outside of the 48 contiguous States (17 U.S.C. 111(e); see 37 CFR 201.12);
  - (ii) Notices of identity and signal carriage complement, and statements of account, of cable systems (17 U.S.C. 111(d); see 37 CFR 201.11; 201.17);
  - (iii) Original, signed notices of intention to obtain compulsory license to make and distribute phonorecords of nondramatic musical works (17 U.S.C. 115(b); see 37 CFR 201.18);
  - (iv) License agreements, and terms and rates of royalty payments, voluntarily negotiated between one or more public broadcasting entities and certain owners of copyright (17 U.S.C. 118; see 37 CFR 201.9);
  - (v) Notices of termination (17 U.S.C. 203, 304(c); see 37 CFR 201.10); and
  - (vi) Statements regarding the identity of authors of anonymous and pseudonymous works, and statements relating to the death of authors (17 U.S.C. 302).
- (2) A transfer of copyright ownership has the meaning set forth in section 101 of Title 17 of the United States Code, as amended by Pub. L. 94-553. A document shall be considered to "pertain to a copyright" if it has a direct or indirect relationship to the

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existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, transfer, or exercise of rights under a copyright. That relationship may be past, present, future, or potential.

(3) For purposes of this section:

- (i) A sworn certification is an affidavit under the official seal of any officer authorized to administer oaths within the United States, or if the original is located outside of the United States, under the official seal of any diplomatic or consular officer of the United States or of a person authorized to administer oaths whose authority is proved by the certificate of such an officer, or a statement in accordance with section 1746 of Title 28 of the United States Code; and
- (ii) An official certification is a certification, by the appropriate Government official, that the original of the document is on file in a public office and that the reproduction is a true copy or the original.

(b) Forms. The Copyright Office does not provide forms for the use of persons recording documents.

(c) Recordable documents. Any transfer of copyright ownership (including any instrument of conveyance, or note or memorandum of the transfer), or any other document pertaining to a copyright, may be recorded in the Copyright Office if it is accompanied by the fee set forth in paragraph (d) of this section, and if the requirements of this paragraph with respect to signatures, completeness, and legibility are met.

(1) To be recordable, the document must bear the actual signature or signatures of the person or persons who executed it. Alternatively, the document may be recorded if it is a legible photocopy or other legible facsimile reproduction of the signed document, accompanied by a sworn certification or an official certification that the reproduction is a true copy of the signed document. Any sworn certification accompanying a reproduction shall be signed by at least one of the parties to the signed document, or by an authorized representative of that person.

(2) To be recordable, the document must be complete by its own terms.

(i) A document that contains a reference to any schedule, appendix, exhibit, addendum, or other material as being attached to the document or made a part of it shall be recordable only if the attachment is also submitted for recordation with the document or if the reference is deleted by the parties to the document. If a document has been submitted for recordation and has been returned by the Copyright Office at the request of the sender for deletion of the reference to an attachment, the document will be recorded only if the deletion is signed or initialed by the persons who executed the document or by their authorized representatives. In exceptional cases a document containing a reference to an attachment will be recorded without the attached material and without deletion of the reference if the person seeking recordation submits a written request specifically asserting that: (A) The attachment is completely unavailable for recordation; and (B) the attachment is not essential to the identification of the subject matter of the document; and (C) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference. In such exceptional cases, the Copyright Office records of the document will be annotated to show that recordation was made in response to a specific request under this paragraph.

(ii) If a document otherwise recordable under this indicates on its face that it is a self-contained part of a larger instrument (for example: if it is designated "Attachment A" or "Exhibit B"), the Copyright Office will raise the question of completeness, but will record the document if the person requesting recordation asserts that the document is sufficiently complete as it stands.

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(iii) When the document submitted for recordation merely identifies or incorporates by reference another document, or certain terms of another document, the Copyright Office will raise no question of completeness, and will not require recordation of the other document.

(3) To be recordable, the document must be legible and capable of being reproduced in legible microform copies.

(d) Fees. For a document covering not more than one title, the basic recordation fee is \$20. For additional titles, a charge of \$10 is added for each group of not more than 10 titles.

(e) Recordation. The date of recordation is the date when a proper document under paragraph (c) of this section and a proper fee under paragraph (d) of this section are all received in the Copyright Office. After recordation the document is returned to the sender with a certificate of record.

(17 U.S.C. 205, 702, 708)

[43 FR 35044, Aug. 8, 1978, as amended at 53 FR 123, Jan. 5, 1988; 56 FR 59885, Nov. 26, 1991]

**37 CFR 201.5 Corrections and amplifications of copyright registrations; applications for supplementary registration.**

(a) General

(1) This section prescribes conditions relating to the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration, under section 408(d) of Title 17 of the United States Code, as amended by Pub. L. 94-553. For the purposes of this section:

(i) A basic registration means any of the following:

- (A) A copyright registration made under sections 408, 409, and 410 of Title 17 of the United States Code, as amended by Pub. L. 94-553;
- (B) a renewal registration made under section 304 of Title 17 of the United States Code, as so amended;
- (C) a registration of claim to copyright made under Title 17 of the United States Code as it existed before January 1, 1978; or
- (D) a renewal registration made under Title 17 of the United States Code as it existed before January 1, 1978; and

(ii) A supplementary registration means a registration made upon application under section 408(d) of Title 17 of the United States Code, as amended by Pub. L. 94-553, and the provisions of this section.

(2) No correction or amplification of the information in a basic registration will be made except pursuant to the provisions of this § 201.5. As an exception, where it is discovered that the record of a basic registration contains an error that the Copyright Office itself should have recognized at the time registration was made, the Office will take appropriate measures to rectify its error.

(b) Persons entitled to file an application for supplementary registration; grounds of application

(1) Supplementary registration can be made only if a basic copyright registration for the same work has already been completed. After a basic registration has been completed, any author or other copyright claimant of the work, or the owner of any exclusive right in the work, or the duly authorized agent of any such author, other claimant, or owner, who wishes to correct or amplify the information given in the basic registration for the work may file an application for supplementary