

101ST CONGRESS  
1ST SESSION

# S. 1271

To amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments.

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## IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JANUARY 3), 1989

Mr. DECONCINI (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the "Copyright Fees and  
5        Technical Amendments Act of 1989".

6        **SEC. 2. FEES OF COPYRIGHT OFFICE.**

7        (a) **FEE SCHEDULE.**—Section 708(a) of title 17, United  
8        States Code, is amended to read as follows:

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

1           “(1) on filing each application under section 408  
2 for registration of a copyright claim or for a supple-  
3 mentary registration, including the issuance of a certifi-  
4 cate of registration if registration is made, \$20;

5           “(2) on filing each application for registration of a  
6 claim for renewal of a subsisting copyright in its first  
7 term under section 304(a), including the issuance of a  
8 certificate of registration if registration is made, \$12;

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

11           “(4) for the recordation, as provided by section  
12 205, of a transfer of copyright ownership or other doc-  
13 ument covering not more than one title, \$20; for addi-  
14 tional titles, \$10 for each group of not more than 10  
15 titles;

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

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

24           “(7) for the issuance, under section 706, of an ad-  
25 ditional certificate of registration, \$8;

1           “(8) for the issuance of any other certification,  
2           \$20 for each hour or fraction of an hour consumed  
3           with respect thereto;

4           “(9) for the making and reporting of a search as  
5           provided by section 705, and for any related services,  
6           \$20 for each hour or fraction of an hour consumed  
7           with respect thereto; and

8           “(10) for any other special services requiring a  
9           substantial amount of time or expense, such fees as the  
10          Register of Copyrights may fix on the basis of the cost  
11          of providing the service.

12          The Register of Copyrights is authorized to fix the fees for  
13          preparing copies of Copyright Office records, whether or not  
14          such copies are certified, on the basis of the cost of such  
15          preparation.”.

16          (b) ADJUSTMENT OF FEES.—Section 708 of title 17,  
17          United States Code, is amended—

18                 (1) by redesignating subsections (b) and (c) as sub-  
19                 sections (c) and (d), respectively; and

20                 (2) by inserting after subsection (a) the following:

21                 “(b) In calendar year 1995 and in each subsequent fifth  
22                 calendar year, the Register of Copyrights, by regulation, may  
23                 increase the fees specified in subsection (a) by the percent  
24                 change in the annual average, for the preceding calendar  
25                 year, of the Consumer Price Index published by the Bureau

1 of Labor Statistics, over the annual average of the Consumer  
2 Price Index for the fifth calendar year preceding the calendar  
3 year in which such increase is authorized.”.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by this  
6 section shall take effect 6 months after the date of the  
7 enactment of this Act and shall apply to—

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

12 (B) other requests for services received on or  
13 after such effective date, or received before such  
14 effective date for services not yet rendered as of  
15 such date.

16 (2) PRIOR CLAIMS.—Claims to original, supple-  
17 mentary, and renewal copyright received for registra-  
18 tion and items received for recordation in acceptable  
19 form in the Copyright Office before the effective date  
20 set forth in paragraph (1), and requests for services  
21 which are rendered before such effective date shall be  
22 governed by section 708 of title 17, United States  
23 Code, as in effect before such effective date.

1 **SEC. 3. TECHNICAL AMENDMENTS.**

2 (a) **SECTION 111.**—Section 111 of title 17, United  
3 States Code, is amended—

4 (1) in subsection (c)(2)(B) by striking out “record-  
5 ed the notice specified by subsection (d) and”; and

6 (2) in subsection (d)—

7 (A) in paragraph (2) by striking out “para-  
8 graph (1)” and inserting in lieu thereof “clause  
9 (1)”;

10 (B) in paragraph (3) by striking out “clause  
11 (5)” and inserting in lieu thereof “clause (4)”; and

12 (C) in paragraph (3)(B) by striking out  
13 “clause (2)(A)” and inserting in lieu thereof  
14 “clause (1)(A)”.

15 (b) **SECTION 801.**—Section 801(b)(2)(D) of title 17,  
16 United States Code, is amended by striking out “111(d)(2)  
17 (C) and (D)” and inserting in lieu thereof “111(d)(1) (C) and  
18 (D)”.

19 (c) **SECTION 804.**—Section 804(a)(2)(C)(i) of title 17,  
20 United States Code, is amended by striking out “115” and  
21 inserting in lieu thereof “116”.

22 (d) **SECTION 106.**—Section 106 of title 17, United  
23 States Code, is amended by striking out “118” and inserting  
24 in lieu thereof “119”.

1           (e) **EFFECTIVE DATE.**—(1) The amendments made by  
2 subsections (a) and (b) shall be effective as of August 27,  
3 1986.

4           (2) The amendment made by subsection (c) shall be  
5 effective as of October 31, 1988.

6           (2) The amendment made by subsection (d) shall be  
7 effective as of November 16, 1988.

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