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- 1. Reel microfilm rather than any other microform.
- D. Format (all other materials):
 - 1. Microfiche rather than reel microfilm.
 - 2. Reel microfilm rather than microform cassettes.
 - 3. Microfilm cassettes rather than micro-opaque prints.
- E. Size:
 - 1. 35 mm rather than 16 mm.

VIII. Machine-Readable Copies

- A. Computer Programs
 - 1. With documents and other accompanying material rather than without.
 - 2. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
 - 3. *Format:*
 - a. PC-DOS or MS-DOS (or other IBM compatible formats, such as XENIX):
 - (i) 5¼" Diskette(s).
 - (ii) 3½" Diskette(s).
 - (iii) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
 - b. Apple Macintosh:
 - (i) 3½" Diskette(s).
 - (ii) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.

B. Computerized Information Works, Including Statistical Compendia, Serials, or Reference Works:

- 1. With documentation and other accompanying material rather than without.
- 2. With best edition of accompanying program rather than without.
- 3. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
- 4. *Format*
 - a. PC-DOS or MS-DOS (or other IBM compatible formats, such as XENIX):
 - (i) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
 - (ii) 5¼" Diskette(s).
 - (iii) 3½" Diskette(s).
 - b. Apple Macintosh:
 - (i) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
 - (ii) 3½" Diskette(s).

IX. Works Existing in More Than One Medium

- Editions are listed below in descending order of preference.
- A. Newspapers, dissertations and theses, newspaper-formatted serials:
 - 1. Microform.
 - 2. Printed matter.
 - B. All other materials:
 - 1. Printed matter.
 - 2. Microform.

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- 3. Phonorecord.
- [54 FR 42299, Oct. 16, 1989, as amended at 62 FR 51603, Oct. 2, 1997; 69 FR 8822, Feb. 26, 2004]

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

ORGANIZATION

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AUTHORITY: 17 U.S.C 702; 5 U.S.C 552, as amended.

SOURCE: 43 FR 774, Jan. 4, 1978, unless otherwise noted.

ORGANIZATION

§ 203.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

[43 FR 774, Jan. 4, 1978, as amended at 66 FR 34373, June 28, 2001]

§ 203.2 Authority and functions.

(a) The administration of the copyright law was entrusted to the Library of Congress by an act of Congress in 1870, and the Copyright Office has been a separate department of the Library since 1897. The statutory functions of the Copyright Office are contained in and carried out in accordance with the Copyright Act. Pub. L. 94-553 (90 Stat. 2541-2602), 17 U.S.C. 101-1101.

[43 FR 774, Jan. 4, 1978, as amended at 62 FR 35421, July 1, 1997]

§ 203.3 Organization.

(a) *In general.* The Office of the Register exercises overall direction of the work of the Copyright Office, including

work in conjunction with copyright legislation, litigation and promulgation of copyright regulations. The Office of the Register of Copyrights includes the legal, administrative, and automation staff.

(b) The Copyright Office Chief of Operations has oversight of the operating divisions of the Copyright Office. The operating divisions are:

(1) The Receipt, Analysis and Control Division, which receives incoming materials, dispatches outgoing materials and establishes control over fiscal accounts.

(2) The Registration and Recordation Program, which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims, and which determines whether the material deposited constitutes copyrightable subject matter and whether the other legal and formal requirements of title 17 have been met.

(3) The Registration and Recordation Program, which prepares the bibliographic description of all copyrighted works registered in the Copyright Office, including the recording of legal facts of copyright pertaining to each work, in an on-line database in which copyright records can be searched; and which also examines and catalogs in an on-line database documents submitted for recordation.

(4) The Information and Records Division, which provides a national copyright information service through the Copyright Information Section, educates the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service on certain matters. The Information and Records Division also develops, services, stores, and preserves the official records and catalogs of the Copyright Office, including applications for registration, historical records, and materials deposited for copyright registration that are

not selected by the Library of Congress for addition to its collections.

(5) The Licensing Division, which implements the sections of the Copyright Act dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of non-dramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting. The Licensing Division is in charge of collecting the statutory royalties and distributing these royalties based on either a voluntary agreement among the interested parties or a determination of the Copyright Royalty Board.

(c) The Copyright General Counsel is a principal legal officer of the Office. The General Counsel has overall supervisory responsibility for the legal staff and primary responsibility for providing liaison on legal matters between the Office and the Congress, the Department of Justice and other agencies of Government, the courts, the legal community, and a wide range of interests affected by the copyright law. The Copyright General Counsel has responsibility for overseeing all functions related to the administration of the compulsory licenses including oversight of the Copyright Royalty Board.

(d) The Associate Register of Copyrights for International Affairs and Policy is a principal legal adviser to the Register with primary responsibility for the international aspects of copyright protection, as well as legislative and policy matters.

(e) The Office has no field organization.

(f) The Office is located in The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE, Washington, DC. 20559-6000. The Public Information Office is located in Room LM-401. Its hours are 8:30 a.m. to 5 p.m., Monday through Friday except legal holidays. The phone number of the Public Information Office is (202) 707-3000. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(g) All Copyright Office forms may be obtained free of charge from the Public Information Office or by calling the Copyright Office Hotline anytime day or night at (202) 707-9100.

(h) The Copyright Office maintains an “electronic reading room” by making available certain documents and records on its World Wide Web page and by providing access to documents that affect the public in electronic format pursuant to 5 USC 552(a)(2). Copyright Office records in machine-readable form cataloged from January 1, 1978, to the present, including registration information and recorded documents, are available on the Internet. Frequently requested Copyright Office circulars, announcements, and recently proposed as well as final regulations are available on-line. The address for the Copyright Office’s home page is: <http://www.loc.gov/copyright>; information may also be accessed by connecting to the Library of Congress’ home page on the World Wide Web. The address is: <http://www.loc.gov>. Other Copyright Office documents may be provided on disk when so requested.

[60 FR 34168, June 30, 1995, as amended at 62 FR 55742, Oct. 28, 1997; 64 FR 36575, July 7, 1999; 65 FR 39819, June 28, 2000; 66 FR 34373, June 28, 2001; 73 FR 37839, July 2, 2008]

PROCEDURES

§ 203.4 Methods of operation.

(a) In accordance with section 552(a)(2) of the Freedom of Information Act, the Copyright Office makes available for public inspection and copying records of copyright registrations and of final refusals to register claims to copyright; statements of policy and interpretations which have been adopted but are not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to the staff that affect a member of the public.

(b) The Copyright Office also maintains and makes available for public inspection and copying current indexes providing identifying information as to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552(a)(2). The Copyright Office has determined that publication of these indexes is unnecessary and impractical. Copies of the in-

dexes will be provided to any member of the public upon request at the cost of reproduction.

(c) The material and indexes referred to in paragraphs (a) and (b) of this section are available for public inspection and copying at the Public Information Office of the Copyright Office, Room LM-401, The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE, Washington, DC, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except legal holidays.

(d) The Supervisory Copyright Information Specialist is responsible for responding to all initial requests submitted under the Freedom of Information Act. Individuals desiring to obtain access to Copyright Office information under the Act should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559-6000, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, SE, Washington, DC. If a request is made by mail, both the request and the envelope containing it should be plainly marked Freedom of Information Act Request. Failure to so mark a mailed request may delay the Office response.

(e) Records must be reasonably described. A request reasonably describes records if it enables the Office to identify the records requested by any process that is not unreasonably burdensome or disruptive of Office operations. The Supervisory Copyright Information Specialist will, upon request, aid members of the public to formulate their requests in such a manner as to enable the Office to respond effectively and reduce search costs for the requester.

(f) The Office will respond to all properly marked mailed requests and all personally delivered written requests for records within twenty (20) working days of receipt by the Supervisory Copyright Information Specialist. Inquiries should be mailed to: Copyright