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Bill	Date	Page(s)
H.R.1622	Oct. 16, 1989 (139)	H7064-7066

Action:

Copyright Office fees: H.R. 1622, amended, to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments; and

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COPYRIGHT FEES AND TECHNICAL AMENDMENTS ACT OF 1989

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1622) to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments, as amended.

The Clerk read as follows:

H.R. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FEES OF COPYRIGHT OFFICE.

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

"(a) 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 in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, $12;

"(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 706, and for any related services, $20 for each hour or

fraction of an hour consumed with respect thereto; and

"(10) for any 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.".

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

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

"(b) 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.".

(c) CONFORMING AMENDMENT.—Section 704(e) of title 17, United States Code, is amended by striking out "708(a)(11) and inserting in lieu thereof "708(a)(10)".

(d) EFFECTIVE DATE.—

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

SEC. 3. TECHNICAL AMENDMENTS.

(a) SECTION 111.—Section 111 of Title 17, United States Code, is amended—

(1) in subsection (c)(2)(B) by striking out "recorded the notice specified by subsection (d) and"; and

(2) in subsection (d)—

(A) in paragraph (2) by striking out "paragraph (1)" and inserting in lieu thereof "clause (1)";

(B) in paragraph (3) by striking out "clause (5)" and inserting in lieu thereof "clause (4)"; and

(C) in paragraph (3)(B) by striking out "clause (2)(A)" and inserting in lieu thereof "clause (1)(A)".

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

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

(d) SECTION 106.—Section 106 of title 17, United States Code, is amended by striking out "118" and inserting in lieu thereof "119".

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

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

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

The SPEAKER pro tempore (Mr. MCDERMOTT). Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

(Mr. KASTENMEIER asked and was given permission to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring before the House a bill, H.R. 1622, entitled the "Copyright Fees and Technical Amendments Act of 1989."

The purpose of H.R. 1622 is to change the fee schedule of the Copyright Office to account for the inflation that has occurred since the schedule was established in 1978. Briefly stated, the bill amends section 708(a) of the Copyright Act of 1976 by doubling the fee schedule. The bill also grants the Register of Copyrights the authority to adjust the fee schedule by regulation solely to reflect, at 5-year intervals, increases in the Consumer Price Index. Last, the bill makes technical amendments to the Copyright Act to correct minor errors in recently enacted public laws. With one exception, all of the amendments correct errors of cross-references to section numbering or paragraph designation.

H.R. 1622 is a good government bill, that was proposed by the Copyright Office during an oversight hearing before my subcommittee, the Subcommittee on Courts, Intellectual Property, and the Administration of Justice. The bill is not only supported by the Copyright Office and the Library of Congress, but has also garnered support from a broad cross section of the copyright community, including the Recording Industry Association of America, the Motion Picture Association of America, the Computer and Business Equipment Manufacturers Association, the National School Boards Association, the Authors League of America, and various bar associations.

H.R. 1622 is a bipartisan measure, with the strong support of the ranking minority member of the subcommittee, Mr. MOORHEAD. I thank Mr. MOORHEAD for his assistance.

The Register of Copyrights, Ralph Oman, has referred to copyright registration as the best deal in government, and I agree with him. But, since 1976, inflation has cut the real price of fees by 50 percent. Today, the fees must be raised, or services diminished.

The Library of Congress does not recommend a 100-percent fee-based registration system, since the Office performs valuable services not directly related to maintenance of the public record.

A broad consensus for the bill was developed because the Register has promised that a significant portion of the additional earned fee revenues will be used to improve the Office's services to authors, copyright owners, and the public. My subcommittee, in its oversight capacity, will hold the Register to his promise.

If the fee bill is enacted into law, the Office will continue the international copyright institute program in order to encourage protection of American works abroad. This is a successful program that the ranking minority member, Mr. MOORHEAD and I helped to start. Further, the Office will reduce the processing time for issuance of a certificate of registration and will decrease the excess work-on-hand in cataloging the registration records. In addition, the Copyright Office will reinstitute the mailing list service to inform interested members of the public of Office regulations and other copyright developments. Moreover, the Office will automate the card catalog of pre-1978 registrations. Finally, the Register is actively considering a regulatory change that would allow group registration of magazines, journals, and newspapers. Under current law, the Register is authorized to set a fee for a special service like group registration. This fee could be substantially less than if the group of works was registered individually. I am highly supportive of the Register's initiative in this regard.

In conclusion, H.R. 1622 is a necessary piece of legislation that, as is the requirement of all intellectual property legislation, will benefit the public.

I urge an "aye" vote for H.R. 1622.

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Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend our subcommittee chairman, Mr. KASTENMEIER, for his work on this legislation, which I am a cosponsor. Also, our chairman, Mr. BROOKS, and our ranking member, Mr. FISH, have been very helpful in bringing this bill to the floor.

H.R. 1622 would provide an increase in copyright fees charged those who register their copyrights and in return receive the protection of life of the author plus 50 years. A sum of $20

is a small price to pay for this type of protection. Ten years ago we found to our surprise that the Patent and Trademark Office was in serious trouble. It took us a number of years before we got that Office back on its feet. We had to substantially increase the filing fees for patents and trademarks over the objections of a number of organizations.

Fortunately, the Copyright Office is not in the condition the Patent Office was 10 years ago. But my point is that these agencies must have the support and resources necessary to do the type of job we expect. What concerns me for example, is that since fiscal year 1979, the Copyright Office workload has increased 42 percent, while during the same period the staffing level of that Office has decreased 23 percent. This decrease occurred not because of modernization or efficiency but because of less and less money available to get the job done.

This is too important an agency for us not to provide the resources necessary to do the job we expect.

I urge your support for H.R. 1622.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH], the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the subcommittee chairman, Mr. KASTENMEIER, and the ranking minority member of the subcommittee, Mr. MOORHEAD, for processing this legislation which is so very important to the successful operation of the Copyright Office. Most of us on the Judiciary Committee have had the need to use this Office in responding to constituent questions and in drafting legislation.

Enactment of H.R. 1622 would return the Copyright Office to its historic ratio of earned fees versus office expenses. It would mean that the Copyright Office would earn approximately $14 million in fees to set off the approximately $19 million it takes to run the Office.

Enactment of this proposal, as has been pointed out, would raise the basic registration fee to $20 from the present $10. At $20, the registration fee is still a fantastic bargain.

I urge a favorable vote on H.R. 1622.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume in order to further acknowledge the contributions of the gentleman from New York [Mr. FISH]. We are delighted now to have him as a member of the subcommittee. He has had a longstanding interest in the Copyright Office and in intellectual property, and he makes considerable contribution to this and to other legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. McDERMOTT). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 1622, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.