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Bill	Date	Page(s)
S.1271	June 23, 1989 (86)	S7521-22

Action:

INTRODUCED BY MR. DECONCINI

By Mr. DECONCINI (by request):

S. 1271. A bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments; to the Committee on Finance.

S. 1272. A bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes; to the Committee on Finance.

COPYRIGHT LEGISLATION

● Mr. DECONCINI. Mr. President, today I will introduce two bills by request of agencies under the jurisdiction of the Subcommittee on Patents, Copyrights and Trademarks which I chair. While I believe that both bills are meritorious, I believe that both should be examined closely by the copyright community. I will work with the agencies, the affected parties and my colleagues in considering and, if appropriate, perfecting the legislation.

One of the bills that I will introduce has been requested by the Librarian of Congress and the Copyright Office. This bill will raise the registration fee charged by the Copyright Office from $10 to $20. The Copyright Office believes that a doubling of their fee schedule is justified by inflation in the 10 years since the fee was established. I will place into the RECORD a letter from Dr. James H. Billington, the Librarian of Congress, explaining the need for the fee increase.

The second bill I will introduce has been requested by the Copyright Royalty Tribunal. This bill will first, reduce the number of Commissioners from five to three; second, would transfer the Commissioners to the Executive Schedule; and third, would allow a Commissioner whose terms has expired to remain in office until a successor is confirmed. The CRT faces a situation in September that could threaten to force it to suspend operations. At present it operates with three Commissioners. One of the Commissioner's term expires in September and no successor has been named. Because the CRT is one of the few independent Commissions whose members are not authorized to serve until a successor is named, the CRT could be without a quorum as of September 22.

I hope that the Senate can consider these bills quickly and without controversy. I believe that they are reasonable approaches to problems that these two important Government agencies face. I look forward to working with the copyright community on any changes that it believes are necessary. I ask unanimous consent that the bills, along with a letter from Dr. Billington, appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1271

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.—Secton 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 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 705, and for any related services, $20 for each hour or fraction of an hour consumed with respect thereto; and

"(10) 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.

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) 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.