

103D CONGRESS  
1ST SESSION

**H. R. 897**

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**AN ACT**

To amend title 17, United States Code, to modify certain registration requirements, and for other purposes.

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## AN ACT

To amend title 17, United States Code, to modify certain registration requirements, and for other purposes.

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 Reform Act  
5        of 1993”.

1 **SEC. 2. DEPOSIT OF COPIES OR PHONORECORDS FOR**  
2 **LIBRARY OF CONGRESS.**

3 Section 407 of title 17, United States Code, is  
4 amended as follows:

5 (1) Subsection (a) is amended by striking “(a)”  
6 and all that follows through “publication—” and in-  
7 serting the following:

8 “(a) **REQUIRED DEPOSITS.**—Except as provided in  
9 subsection (c), the owner of copyright in a work or of the  
10 exclusive right of publication of a work in the United  
11 States shall deposit, after the earliest date of such publica-  
12 tion—”.

13 (2) Subsection (b) is amended—

14 (A) by inserting “**DEPOSIT IN COPYRIGHT**  
15 **OFFICE.**—” after “(b)”; and

16 (B) by adding at the end the following: “A  
17 deposit made under this section may be used to  
18 satisfy the deposit requirements of section  
19 408.”.

20 (3) Subsection (c) is amended—

21 (A) by inserting “**REGULATIONS.**—” after  
22 “(c)”; and

23 (B) by striking “Register of Copyrights”  
24 and inserting “Librarian of Congress”.

25 (4) Subsection (d) is amended—

1 (A) by redesignating paragraphs (1), (2),  
2 and (3) as subparagraphs (A), (B), and (C), re-  
3 spectively;

4 (B) by striking “(d) At any time after pub-  
5 lication of a work as provided by subsection  
6 (a)” and inserting the following:

7 “(d) PROCEDURES.—(1) During November of each  
8 year, the Librarian of Congress shall publish in the Fed-  
9 eral Register a statement of the categories of works of  
10 which the Library of Congress wishes to acquire copies  
11 or phonorecords under this section during the next cal-  
12 endar year. The Librarian shall review such statement an-  
13 nually in light of the changes in the Library’s policies and  
14 procedures, changes in technology, and changes in pat-  
15 terns of publication. The statement shall also describe—

16 “(A) the types of works of which only one copy  
17 or phonorecord need be deposited;

18 “(B) the types of works for which the deposit  
19 requirements may be fulfilled by placing the Library  
20 of Congress on a subscription list; and

21 “(C) the categories of works which are exempt  
22 under subsection (c) from the deposit requirements.

23 “(2) At any time after publication in the United  
24 States of a work or body of works”;

1 (C) by striking “Register of Copyrights”  
2 and inserting “Librarian of Congress”;

3 (D) by inserting after the first sentence  
4 the following: “Such demand shall specify a  
5 date for compliance with the demand.”;

6 (E) by inserting “in a civil action” after  
7 “are liable”;

8 (F) in subparagraph (B) (as redesignated  
9 by subparagraph (A) of this paragraph) by  
10 striking “cost of” and inserting “cost to”;

11 (G) in subparagraph (C) (as redesignated  
12 by subparagraph (A) of this paragraph) by  
13 striking “clauses (1) and (2)” and inserting  
14 “subparagraphs (A) and (B)”;

15 (H) by adding after subparagraph (C) (as  
16 so redesignated) the following:

17 “In addition to the penalties set forth in subparagraphs  
18 (A), (B), and (C), the person against whom an action is  
19 brought under this paragraph shall be liable in such action  
20 for all costs of the United States in pursuing the demand,  
21 including an amount equivalent to a reasonable attorney’s  
22 fee.”.

23 (5) Subsection (e) is amended—

24 (A) by inserting “TRANSMISSION PRO-  
25 GRAMS.—” after “(e)”;

1           (B) by striking “Register of Copyrights  
2           shall, after consulting with the Librarian of  
3           Congress and other interested organizations  
4           and officials,” and inserting “Librarian of Con-  
5           gress shall, after consulting with interested or-  
6           ganizations and officials,”; and

7           (C) in paragraph (2) by striking “Register  
8           of Copyrights” and inserting “Librarian of  
9           Congress”.

10          (6) Section 407 of title 17, United States Code,  
11          is further amended by adding at the end the follow-  
12          ing:

13          “(f) OBLIGATION TO MAKE DEPOSITS.—Immediately  
14          upon the publication in the United States of any work in  
15          which copyright subsists under this title, it shall be the  
16          obligation of the persons identified in subsection (a) with  
17          respect to that work, subject to the requirements and ex-  
18          ceptions specified in this section, to deposit, for the use  
19          or disposition of the Library of Congress, the copies or  
20          phonorecords specified in such subsection. The obligation  
21          to make such deposit arises without any prior notification  
22          or demand for compliance with subsection (a).

23          “(g) RECORDS OF DEPOSITS.—The Librarian of  
24          Congress shall establish and maintain public records of

1 the receipt of copies and phonorecords deposited under  
2 this section.

3 “(h) DATABASE OF DEPOSIT RECORDS.—The Li-  
4 brarian of Congress shall establish and maintain an elec-  
5 tronic database containing its records of all deposits made  
6 under this section on and after October 1, 1995, and shall  
7 make such database available to the public through one  
8 or more international information networks.

9 “(i) DELEGATION AUTHORITY.—The Librarian of  
10 Congress may delegate to the Register of Copyrights or  
11 other officer or employee of the Library of Congress any  
12 of the Librarian’s responsibilities under this section.”.

13 **SEC. 3. COPYRIGHT REGISTRATION IN GENERAL.**

14 Section 408 of title 17, United States Code, is  
15 amended—

16 (1) in subsection (c)—

17 (A) in paragraph (1) by adding at the end  
18 the following: “The Register is also authorized  
19 to specify by regulation classes of material in  
20 which registration may be made without deposit  
21 of any copy or phonorecord, in cases in which  
22 the Register determines that the purposes of  
23 examination, registration, and deposit can be  
24 adequately served by deposit of descriptive ma-

1           terial only, or by a written obligation to deposit  
2           copies or phonorecords at a later date.”; and

3           (B) in paragraph (2) by striking “periodi-  
4           cals, including newspapers” and all that follows  
5           through the end of subparagraph (B) and in-  
6           serting “collective works, including periodicals,  
7           published within a 5-year period, on the basis  
8           of a single deposit and application and upon  
9           payment of any special registration fee imposed  
10          under section 708(a)(10), if the application  
11          identifies each work separately, including the  
12          collective work containing it and its date of first  
13          publication.”; and

14          (2) by adding at the end the following:

15          “(f) COPYRIGHT OFFICE HEARINGS.—Not later than  
16 1 year after the effective date of this subsection, and at  
17 1-year intervals thereafter, the Register of Copyrights  
18 shall hold public hearings to consider proposals to amend  
19 the regulations and practices of the Copyright Office with  
20 respect to deposit of works in order to eliminate deposits  
21 that are unnecessary for copyright examination or the col-  
22 lections of the Library of Congress, and in order to sim-  
23 plify the registration procedures.”.

1 **SEC. 4. APPLICATION FOR COPYRIGHT REGISTRATION.**

2 (a) APPLICATIONS.—Section 409 of title 17, United  
3 States Code, is amended—

4 (1) by striking “The application” and inserting  
5 “(a) CONTENTS OF APPLICATION.—The applica-  
6 tion”;

7 (2) in paragraph (5) by inserting before the  
8 semicolon the following: “, and if the document by  
9 which ownership was obtained has been recorded in  
10 the Copyright Office, the volume and page number  
11 of such recordation”;

12 (3) by striking paragraphs (9) and (10) and in-  
13 serting the following:

14 “(9) in the case of a compilation or derivative  
15 work, an identification of any preexisting work or  
16 works that it is substantially based on or substan-  
17 tially incorporates, and a brief, general statement of  
18 the additional material covered by the copyright  
19 claim being registered;

20 “(10) at the option of the applicant, names, ad-  
21 dresses, and telephone numbers of persons or orga-  
22 nizations that potential users of the work should  
23 contact concerning permissions or licenses to use the  
24 work, and any information with respect to the terms  
25 of such permissions or licenses; and”;

26 (4) by adding at the end the following:

1 “(b) SHORT-FORM APPLICATION.—

2 “(1) USE OF SHORT-FORM.—The Register of  
3 Copyrights shall prescribe a short-form application  
4 which may be used whenever—

5 “(A) the work is by a living author;

6 “(B) the claimant is the author;

7 “(C) the work is not anonymous, pseudon-  
8 ymous, or made for hire; and

9 “(D) the work as a whole, or substantial  
10 portions of it, have not been previously pub-  
11 lished or registered.

12 “(2) CONTENTS OF SHORT-FORM.—The short-  
13 form application shall include—

14 “(A) the name and address of the author;

15 “(B) the title of the work;

16 “(C) the nationality or domicile of the au-  
17 thor;

18 “(D) the year in which creation of the  
19 work was completed;

20 “(E) if the work has been published, the  
21 date and nation of its first publication;

22 “(F) any other information regarded by  
23 the Register of Copyrights as bearing upon the  
24 preparation or identification of the work or the

1 existence, ownership, or duration of the copy-  
2 right; and

3 “(G) at the option of the applicant, names,  
4 addresses, and telephone numbers of persons or  
5 organizations that potential users of the work  
6 should contact concerning permissions or li-  
7 censes to use the work, and any information  
8 with respect to the terms of such permissions or  
9 licenses.”.

10 (b) EFFECTIVE DATE.—The amendments made by  
11 this section take effect 6 months after the date of the en-  
12 actment of this Act.

13 **SEC. 5. REGISTRATION OF CLAIM AND ISSUANCE OF CER-**  
14 **TIFICATE.**

15 (a) DETERMINATION OF REGISTRATION.—Section  
16 410 of title 17, United States Code, is amended by strik-  
17 ing subsections (a) and (b) and inserting the following:

18 “(a) DETERMINATION OF REGISTER.—If, after ex-  
19 amination, the Register of Copyrights determines, in ac-  
20 cordance with the provisions of this title, that there is no  
21 reasonable possibility that a court would hold the work  
22 for which a deposit is made pursuant to section 408(c)  
23 to be copyrightable subject matter, or the Register deter-  
24 mines that the claim is invalid for any other reason, the  
25 Register shall refuse registration and notify the applicant

1 in writing of the reasons for such refusal. In all other  
2 cases, the Register shall register the claim and issue to  
3 the applicant a certificate of registration under the seal  
4 of the Copyright Office. A certificate of registration issued  
5 under this section extends only to those component parts  
6 of the work that both are the subject matter of copyright  
7 and the copyright owner has the right to claim. The cer-  
8 tificate shall contain the information set forth in the appli-  
9 cation, together with the number and effective date of the  
10 registration.

11 “(b) APPEALS PROCEDURE.—The Register of Copy-  
12 rights shall establish, and publish in the Federal Register,  
13 a formal procedure by which appeals may be taken from  
14 refusals under subsection (a) to register claims to copy-  
15 right. Such procedure shall include a final appeal to the  
16 Register.”.

17 (b) JUDICIAL PROCEEDINGS.—Subsection (c) of sec-  
18 tion 410 of title 17, United States Code, is amended—

19 (1) by inserting “EVIDENTIARY WEIGHT OF  
20 CERTIFICATE.—” after “(c)”; and

21 (2) by adding at the end the following: “Any  
22 error or omission made in good faith or upon rea-  
23 sonable reliance on counsel shall not affect the valid-  
24 ity of the registration. In no case shall an incorrect

1 statement made in an application for copyright reg-  
2 istration invalidate the copyright.”.

3 (c) TECHNICAL AMENDMENT.—Subsection (d) of sec-  
4 tion 410 of title 17, United States Code, is amended by  
5 inserting “EFFECTIVE DATE OF REGISTRATION.—” after  
6 “(d)”.

7 **SEC. 6. COPYRIGHT REGISTRATION PROVISIONS.**

8 (a) REGISTRATION AND INFRINGEMENT ACTIONS.—

9 (1) Section 411 of title 17, United States Code, is amend-  
10 ed—

11 (A) by amending the section caption to read as  
12 follows:

13 **“§411. Registration and infringement actions for cer-  
14 tain works”;**

15 (B) by striking subsection (a); and

16 (C) in subsection (b)—

17 (i) by striking “(b)”;

18 (ii) by striking paragraphs (1) and (2) and  
19 inserting the following:

20 “(1) serves notice upon the infringer, not less  
21 than 10 or more than 30 days before such fixation,  
22 identifying the work and the specific time and source  
23 of its first transmission; and

24 “(2) submits an application for registration of  
25 the copyright claim in the work, in accordance with

1 this title, within 3 months after the first trans-  
2 mission of the work.”.

3 (2) The item relating to section 411 in the table of  
4 sections at the beginning of chapter 4 of title 17, United  
5 States Code, is amended to read as follows:

“411. Registration and infringement actions for certain works.”.

6 (b) REGISTRATION AS PREREQUISITE TO CERTAIN  
7 REMEDIES FOR INFRINGEMENT.—Section 412 of title 17,  
8 United States Code, and the item relating to section 412  
9 in the table of sections at the beginning of chapter 4 of  
10 title 17, United States Code, are repealed.

11 **SEC. 7. REMEDIES FOR INFRINGEMENT.**

12 Section 504(c)(2) of title 17, United States Code, is  
13 amended in the second sentence—

14 (1) by striking “court it” and inserting “court  
15 in”;

16 (2) by inserting “or eliminate” after “reduce”;  
17 and

18 (3) by striking “to a sum of not less than  
19 \$200”.

20 **SEC. 8. NOTIFICATION OF FILING AND DETERMINATION OF**  
21 **ACTIONS.**

22 Section 508 of title 17, United States Code, is  
23 amended—

24 (1) in subsection (a)—

1 (A) in the first sentence by inserting “and  
2 the party filing the action” after “United  
3 States”; and

4 (B) in the second sentence by inserting  
5 “and the party filing the action” after “clerk”;  
6 and

7 (2) in subsection (b) by inserting “and the  
8 party filing the action” after “clerk of the court”.

9 **SEC. 9. STUDY ON MANDATORY DEPOSIT.**

10 (a) SUBJECT MATTER OF STUDY.—Upon the enact-  
11 ment of this Act, the Librarian of Congress shall conduct  
12 a study of the mandatory deposit provisions of section 407  
13 of title 17, United States Code. Such study shall place  
14 particular emphasis on the implementation of section  
15 407(e) of such title with respect to the deposit of trans-  
16 mission programs, as well as possible alternative methods  
17 of obtaining deposits if the mandatory deposit require-  
18 ments of such section 407 are expanded to authorize the  
19 collection, archival preservation, and use by the Library  
20 of Congress of other publicly transmitted works, including  
21 unpublished works such as computer programs and online  
22 databases.

23 (b) CONDUCT OF STUDY.—The study under sub-  
24 section (a) shall be conducted by the Register of Copy-  
25 right, in consultation with any affected interests, and may

1 include the voluntary establishment, in collaboration with  
2 representatives of such interests, of practical tests and  
3 pilot projects.

4 (c) REPORT TO CONGRESS.—Not later than 18  
5 months after the date of the enactment of this Act, the  
6 Librarian shall submit to the Congress a report on the  
7 results of the study conducted under this section, together  
8 with recommendations the Librarian has on—

9 (1) safeguarding the interests of copyright own-  
10 ers whose works are subject to the mandatory de-  
11 posit provisions referred to in subsection (a);

12 (2) fulfilling the present and future needs of  
13 the Library of Congress with respect to archival and  
14 other collections development; and

15 (3) any legislation that may be necessary.

16 **SEC. 10. STUDIES OF EFFECTS OF REGISTRATION AND DE-**  
17 **POSIT PROVISIONS.**

18 Upon the enactment of this Act, the Librarian of  
19 Congress, after consultation with the Register of Copy-  
20 rights and any affected interests, shall commence a study  
21 of the extent to which changes in the registration and de-  
22 posit provisions of title 17, United States Code, that are  
23 made by this Act have affected the acquisitions of the Li-  
24 brary of Congress and the operations of the copyright reg-  
25 istration system, and any recommendations the Librarian

1 may have with respect to such effects. Not later than 3  
2 years after the date of the enactment of this Act, the Li-  
3 brarian shall submit to the Congress a report on such  
4 study. The Librarian may conduct further studies de-  
5 scribed in the first sentence, and report to the Congress  
6 on such studies.

7 **SEC. 11. CONFORMING AMENDMENTS.**

8 (a) DEFINITIONS.—Section 101 of title 17, United  
9 States Code, is amended by striking the definition of the  
10 “country of origin” of a Berne Convention work.

11 (b) INFRINGEMENT OF COPYRIGHT.—Section 501(b)  
12 of title 17, United States Code, is amended in the first  
13 sentence by striking “, subject to the requirements of sec-  
14 tion 411,”.

15 (c) REMEDIES FOR INFRINGEMENT.—Section 504(a)  
16 of title 17, United States Code, is amended by striking  
17 “Except as otherwise provided by this title, an” and in-  
18 serting “An”.

19 **SEC. 12. ADDITIONAL TECHNICAL AMENDMENTS.**

20 (a) AMENDMENTS TO TITLE 17, UNITED STATES  
21 CODE.—Title 17, United States Code, is amended as fol-  
22 lows:

23 (1) The definition of “publicly” contained in  
24 section 101 is amended—

1 (A) by striking “clause” and inserting  
2 “paragraph”; and

3 (B) by striking “processs” and inserting  
4 “process”.

5 (2) The definition of “registration” contained in  
6 section 101 is amended by striking “412,”.

7 (3) Section 108(e) is amended in the matter  
8 preceding paragraph (1) by striking “pair” and in-  
9 serting “fair”.

10 (4) Section 109(b)(2)(B) is amended by strik-  
11 ing “Copyright” and inserting “Copyrights”.

12 (5) Section 304(c) is amended in the matter  
13 preceding paragraph (1) by striking “the subsection  
14 (a)(1)(C) and inserting “subsection (a)(1)(C)”.

15 (6) Section 405(b) is amended by striking “con-  
16 dition or” and inserting “condition for”.

17 (7) The item relating to section 504 in the table  
18 of sections at the beginning of chapter 5 is amended  
19 by striking “Damage” and inserting “Damages”.

20 (8) Section 501(a) is amended by striking “sec-  
21 tions 106 through 118” and inserting “section 106”.

22 (9) Section 509(b) is amended by striking  
23 “merchandise; and baggage” and inserting “mer-  
24 chandise, and baggage”.

1           (10) Section 601 of title 17, United States  
2 Code, is amended—

3           (A) in subsection (a) by striking  
4 “nondramtic” and inserting “nondramatic”;  
5 and

6           (B) in subsection (b)(1) by striking  
7 “subsustantial” and inserting “substantial”.

8           (11) Section 801(b)(4) of title 17, United  
9 States Code, is amended by adding a period after  
10 “chapter 10”.

11           (12) The item relating to section 903 in the  
12 table of sections at the beginning of chapter 9 is  
13 amended to read as follows:

“903. Ownership, transfer, licensing, and recordation.”.

14           (13) Section 909(b)(1) is amended—

15           (A) by striking “force” and inserting “work”;  
16 and

17           (B) by striking “sumbol” and inserting “sym-  
18 bol”.

19           (14) Section 910(a) is amended in the second  
20 sentence by striking “as used” and inserting “As  
21 used”.

22           (15) Section 1006(b)(1) is amended by striking  
23 “Federation Television” and inserting “Federation  
24 of Television”.

25           (16) Section 1007 is amended—

1 (A) in subsection (a)(1) by striking “the  
2 calendar year in which this chapter takes ef-  
3 fect” and inserting “calendar year 1992”; and

4 (B) in subsection (b) by striking “the year  
5 in which this section takes effect” and inserting  
6 “1992”.

7 (17) The table of chapters at the beginning of  
8 title 17, United States Code, is amended—

9 (A) by amending the item relating to chap-  
10 ter 6 to read as follows:

**“6. Manufacturing Requirements and Importation ..... 601”;**

11 (B) by amending the item relating to chap-  
12 ter 9 to read as follows:

**“9. Protection of Semiconductor Chip Products ..... 901”;**

13 and

14 (C) by adding at the end the following:

**“10. Digital Audio Recording Devices and Media ..... 1001”.**

15 (b) OTHER PROVISIONS OF LAW.—(1) Section  
16 2319(b)(1) of title 18, United States Code, is amended  
17 by striking “at last” and inserting “at least”.

18 (2) Section 1(a)(1) of the Act entitled “An Act to  
19 amend chapter 9 of title 17, United States Code, regard-  
20 ing protection extended to semiconductor chip products of  
21 foreign entities”, approved November 9, 1987 (17 U.S.C.  
22 914 note), is amended by striking “originating” and insert-  
23 ing “originating”.

1       (3) Section 3(a)(1)(C) of the Audio Home Recording  
2 Act of 1992 is amended by striking “adding the following  
3 new paragraph at the end” and inserting “inserting after  
4 paragraph (3) the following new paragraph”.

5 **SEC. 13. EFFECTIVE DATE.**

6       (a) **IN GENERAL.**—Except as provided in section  
7 4(b), and subject to subsection (b) of this section, this Act  
8 and the amendments made by this Act take effect on the  
9 date of the enactment of this Act.

10       (b) **PENDING ACTIONS.**—The amendments and re-  
11 peals made by section 6 shall not affect any action brought  
12 under title 17, United States Code, before the date of the  
13 enactment of this Act.

Passed the House of Representatives November 20,  
1993.

Attest:

*Clerk.*

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