
ANNUAL REPORT OF THE
LIBRARIAN OF CONGRESS

FOR THE FISCAL YEAR ENDING
30 SEPTEMBER 1993

LIBRARY OF CONGRESS
WASHINGTON
1994

Subcommittee on Europe and the Middle East on "The U.S. Stake in a Democratic Russia."

Copyright

To testify on the Copyright Reform Act of 1993, the Librarian and the Register of Copyrights appeared on 4 March before the Subcommittee on Intellectual Property and Judicial Administration of the House Committee on the Judiciary. Activity on this proposed legislation continued throughout the year. The Library worked extensively with Congress to accommodate the legitimate concerns for fair treatment for American authors while at the same time assuring that acquisitions through copyright registration and mandatory deposit are maintained at least at their present level. The Library established an Advisory Committee on Copyright Registration and Deposit (ACCORD), chaired jointly by Barbara Ringer, former Register of Copyrights, and Robert Wedgeworth, interim university librarian at the University of Illinois at Champaign-Urbana. Recommendations developed with the assistance of ACCORD were incorporated into proposed legislation and would provide alternative inducements to registration, improve registration and mandatory deposit systems, and provide for a review of the effects of legislative changes on the collections of the Library and the registration system. A separate legislative proposal would also eliminate the Copyright Royalty Tribunal, transferring its functions to independent ad hoc arbitration panels administratively supported by the Library and the Copyright Office. The Library has incorporated plans to assume this responsibility as part of the fiscal 1995 budget proposal. Neither proposal had passed as the fiscal year ended.

In addition to testifying on the Copyright Reform Act, the Register of Copyrights testified on several other issues relating to the copyright law during the fiscal year. On 17 March, he endorsed legislation before the House Subcommittee on Intellectual Property and Judicial Administration that would extend the satellite carrier compulsory license; on 25 March, he recommended to the same subcommittee a public performance right for sound recordings that would protect both performers and record producers; and on 29 April he testified before the subcommittee on distribution rights at an oversight hearing on a possible protocol to the Berne Convention, an international copyright convention that the United States

joined in 1988. When hearings before the subcommittee continued on 29 May, the register submitted written testimony on national treatment under the Berne Convention and the move by the European Union away from national treatment.

The Copyright Office in December submitted to Congress two reports on the status of artists' rights, which Congress requested when it passed the Visual Artists' Rights Act of 1990 (P.L. 101-650). One dealt with the feasibility of implementing a resale royalty on visual arts works. The other was a study of the effect of the waiver provision of the moral rights of attribution and integrity granted to visual artists by the act. This interim report summarized public comments received by the Copyright Office and outlined other possible steps to be taken to gather information for a final report, due 1 December 1995.

*Copyright
services*

During fiscal 1993, the Copyright Office registered 604,894 claims to copyright and mask works and completed cataloging of 565,625 items. It provided assistance to 29,806 persons who visited the office, responded in writing to 139,209 inquiries, and answered 336,583 telephone inquiries, for a grand total of 505,598 instances of direct reference service.

On 1 October 1992, the Copyright Office issued final regulations on registration and deposit of architectural works, established by law as a new category of copyrightable subject matter. The regulation limits registration of architectural works to buildings occupied or inhabited by humans. The new regulations specify that architectural works and technical drawings or blueprints must be registered separately.

On 21 December, the Copyright Office amended its regulations governing renewal registration practices to implement provisions of the Copyright Renewal Act of 1992 (P.L. 102-307). The act grants automatic renewal to extend copyright to full terms for all works eligible for renewal on or after 1 January 1964.

The office also issued several interim regulations to implement the Audio Home Recording Act of 1992 (P.L. 102-563), which Congress passed early in the fiscal year. The act requires manufacturers, importers, and distributors of digital audio recording equipment and media in the United States to file certain statements and to remit royalties to the Copyright Office.

The Library and the Copyright Office initiated a project to develop an electronic Copyright Management System in conjunction with the Corporation for National Research Initiatives (CNRI) and the Advanced Research Project Agency. CNRI, with the assistance of the Copyright Office and Information Technology Services, began preparing a system in which copyright registration, deposit, storage, and retrieval of research papers will be managed electronically.

Major progress was made in fiscal 1993 on development of the Copyright Imaging System to permit copyright certificates to be produced from images of original applications stored in the system. Integration of the new image system with the existing work tracking system was completed.

On 29 September 1993, the Library accepted the first copyright CD-ROM deposit copies that will be available for public use at the Library under new model agreements with organizations representing electronic publishers. The deposits came after a year and a half of negotiations to produce agreements endorsed by the Library of Congress and members of the Information Industry Association, the National Federation of Abstracting and Information Services, and the Association of American Publishers. The agreements establish ground rules for access by the public to the CD-ROMs the Library acquires through copyright and adds to its collections. Previously, CD-ROM publishers had been reluctant to deposit their copyrighted works at the Library, as required by law, because of concerns about

COPYRIGHT REGISTRATIONS

	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Nondramatic literary works			
Monographs and machine-readable works	150,073	49,164	199,237
Serials	87,777	—	87,777
TOTAL	237,850	49,164	287,014
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	47,708	115,430	163,138
Works of the visual arts, including two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, and works of applied art	55,564	23,164	78,728
Sound recordings	11,867	22,839	34,706
TOTAL	352,989	210,597	563,586
Renewals	—	—	40,341
TOTAL, all copyright registrations			603,927
Semiconductor Chip Protection Act Mask work registrations	—	—	96

COPYRIGHT BUSINESS: SUMMARY STATEMENT

<i>Fees received</i>	<i>Fees</i>
Copyright claims	\$11,984,021
Renewals	801,041
Group Serials	204,501
TOTAL FEES ALL CLAIMS	12,989,561
Recording documents	591,771
Certified documents	123,051
Searches made	258,981
Special handling	655,201
Expedited services	43,421
Mask works at \$20	17,581
Section 407 deposits at \$2	991
Other services (photocopying, etc.)	23,051
TOTAL FEES EXCLUSIVE OF COPYRIGHT CLAIMS	1,714,061
TOTAL RECEIPTS	\$14,703,621
<i>Fees processed and transferred</i>	
To appropriation	\$14,243,721
To miscellaneous receipts	—
TOTAL FEES TRANSFERRED	\$14,243,721

Copyright

The Copyright Office's International Copyright Institute conducted three sessions of training in Washington for officials from developing countries, newly industrialized countries, and countries in transition from nonmarket to market economies. The purpose was to promote worldwide understanding and cooperation in providing protection to intellectual property. Eighteen officials from Indonesia, Malaysia, Pakistan, the Philippines, Thailand, and Vietnam attended the 22 to 26 February session. From 17 to 25 May, the Copyright Office and the World Intellectual Property Organization offered a program to twenty-seven officials from Barbados, Belize, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Panama, Suriname, St. Lucia, Trinidad and Tobago, and Venezuela. Countries represented among the fifteen officials at a 13 to 17 September program were Algeria, Egypt, Jordan, Lebanon, Morocco, Oman, Saudi Arabia, Tunisia, and Yemen.

The Copyright Office continued to be active in a wide variety of bilateral activities, assisting the Office of the U.S. Trade Representa-

ive in its bilateral initiatives, especially those involving newly independent countries. The Copyright Office provided technical assistance to the following countries during the fiscal year: Taiwan, Estonia, Latvia, Bulgaria, Poland, and Russia, which passed a copyright law after four and a half years of consultations. The office also worked extensively with the United Arab Emirates, Turkey, and Hungary. Bilateral intellectual property agreements were reached with Hungary and Ecuador, and the office participated in bilateral discussions with the European Union and with a number of Latin American and Asian countries.