

Circular 6

Obtaining Access to and Copies of Copyright Office Records and Deposits

GENERAL INFORMATION

Under the provisions of the 1976 Copyright Act (title 17 of the United States Code), the Copyright Office maintains records of and indexes to deposits, registrations, recordations, and other items related to copyright registration. In accordance with sections 705 and 706 of the copyright code, records and indexes are open to public inspection. In addition, copies may be made of public records or indexes. Under conditions prescribed by regulation, copies or reproductions may be made of deposited articles retained under the control of the Copyright Office. The Copyright Office provides various fee-based services to assist with searches to locate and copy the proper material. Certified copies of certain records are available for an additional fee.

However, you may search certain records for yourself. Copies of some public records may be made on coin-operated photocopying machines in the Copyright Office.

FEE-BASED SERVICES PROVIDED BY THE COPYRIGHT OFFICE

Requests for inspection and for certified or uncertified copies of Copyright Office records or deposits, other than records of the Licensing Division, should be made to the Certifications and Documents Section located on the 4th floor of the James Madison Memorial Building on Independence Avenue between First and Second Streets, S.E., in Washington, D.C. Copies or reproductions of copyright deposits may be made only by staff members of the Copyright Office or by staff members of the Library of Congress.

The fee schedule for these services appears on page 3.

The Certifications and Documents Section is open to the public between 8:30 a.m. and 5:00 p.m., eastern time, Monday through Friday, except federal holidays.

Mail, fax, or call in requests for copies of records or deposits or requests to inspect copies of records or deposits to:

Library of Congress
 Copyright Office
 Certifications and Documents Section, LM-402
 101 Independence Avenue, S.E.
 Washington, D.C. 20559-6000
 Tel: (202) 707-6787
 Fax: (202) 252-3519

Please provide your daytime phone number.

Copies of Certain Public Records Other Than Deposits

Upon request the Copyright Office will prepare certified or uncertified copies of certain public records, except deposits. It is very important that the records be clearly identified to minimize the time required for searches by the Copyright Office staff. These searches require a search fee in addition to the certification fee and the fee for copying. However, if you can provide the assignment volume and page number, there is no search fee.

Photocopies of the following records may be obtained:

- affidavits
- numbered applications
- assignments
- contracts
- licenses
- other documents pertaining to a copyright that have been recorded in the Copyright Office

Written requests for copies of Copyright Office records should:

1. Clearly identify the type of records you wish to obtain (for example, additional certificates of registration, copies of correspondence, copies of assignments);
2. Specify whether you require certified or uncertified copies;
3. Clearly identify the specific records to be copied. Your request should include the following specific information, if possible:
 - (a) the type of work involved (for example, novel, lyrics, photograph);
 - (b) the registration number, including the letters representing the class in which the work was registered (for example, TX000-000, A000);
 - (c) the year or approximate year of registration (for example, 1985);
 - (d) the complete title of the work;
 - (e) the author(s), including any pseudonym by which the author may be known;
 - (f) the claimant(s); and
 - (g) if you request a copy of an assignment, license, contract, or other recorded document, the volume and page number of the Copyright Office record where information on the recorded document can be found.
4. Comply with any special requirements that are outlined below for obtaining copies of certain types of documents;
5. Include the fee if the copy requested is an additional certificate of registration. The Certifications and Documents

Section will review requests for copies of other items and quote fees for each;

6. Include your daytime telephone number, address, and fax number so a Copyright Office staff member can contact you.

If the year of registration and the title of the work are not provided, a search of the Copyright Office records may be required for purposes of verification. There is a fee of \$80 per hour or fraction thereof for this service.*

Additional Certificates of Registration

Copyright registration makes a public record of the basic facts of a particular copyright. The owner of the copyright in an original work of authorship or the owner's agent may register a claim to copyright by sending together in the same package the application, fee, and deposit of the work as specified in the copyright law. (Request Circular 1, "Copyright Basics," for information on registration procedures.) After the claim to copyright has been examined and the Copyright Office has determined that the claim should be registered, the Copyright Office will send the owner of the copyright a certificate of registration under the seal of the Copyright Office. If the registration of a work was made before or within 5 years after first publication of the work, the certificate of registration will serve as prima facie evidence of the validity of the copyright and of the facts stated in the certificate.

Anyone may request additional certificates of copyright registration by writing to the Copyright Office. The additional certificate has the same legal or evidentiary effect as the original certificate. Although the additional certificate does not include the ribbon and blue backing of the original certificate, it contains the seal and signature of the Register of Copyrights and needs no further certification.

Your request for an additional certificate should include:

1. The title of the copyrighted work
2. The registration number. If you don't know the registration number, request a search for the number prior to requesting an additional certificate. The Reference and Bibliography Section conducts searches at a cost of \$75 per hour, or fraction thereof.* Contact the Reference and Bibliography Section at (202) 707-6850 for further information.
3. The year of registration or publication
4. Any other information needed to identify the registration, and
5. The fee of \$30 in the form of a check or money order payable to *Register of Copyrights**

Certification of Copies

When the Copyright Office certifies a copy of one of its records, it attaches a statement under the seal of the Copyright Office attesting that the document is a true copy of the record in question. Certified copies are frequently requested

as evidence of the authenticity of documents when litigation is involved. The cost of certification is in addition to any applicable fees such as search fees or photoduplication fees.

Copies of Deposits

All requests for copies of deposits should be submitted to the Certifications and Documents Section. Please be aware that the Copyright Office does not retain all works deposited for copyright registration. If the works are available, the Copyright Office will provide certified or uncertified copies of published or unpublished works deposited in connection with a copyright registration and held in the Office's custody only when one of the following three conditions has been met:

1. Written authorization is received from the copyright claimant of record or his or her designated agent, or from the owner of any of the exclusive rights in the copyright, as long as this ownership can be demonstrated by written documentation of the transfer of ownership.

If the transfer of the copyright is recorded in the Copyright Office, please include, if possible, the assignment volume, page number, and approximate year. Without that information, a search of the Copyright Office files will be necessary, and a search fee will be required.

2. The Copyright Office Litigation Statement Form is completed and received from an attorney or authorized representative in connection with litigation, actual or prospective, involving the copyrighted work. The following information must be included in such a request: a) the names of all parties involved and the nature of the controversy, and b) the name of the court in which the actual case is pending. In the case of a prospective proceeding, the requestor must give full statement of the facts of controversy in which the copyrighted work is involved, attach any letter or other document that supports the claim that litigation may be instituted, and make satisfactory assurance that the requested reproduction will be used only in connection with the specified litigation.

Contact the Certifications and Documents Section for a Litigation Statement Form. This form must be used. No substitute will be permitted. The form must contain an original signature and all information requested for the Copyright Office to process a request.

3. A court order is issued for a reproduction of a deposited article, facsimile, or identifying portion of a work that is the subject of litigation in its jurisdiction. The order must be issued by a court having jurisdiction over a case in which the copy is to be submitted as evidence.

A request for copies of works deposited in connection with a copyright claim should be accompanied by whatever material is necessary to show that one of the three conditions given above has been met.

* See NOTE on page 4.

Kinds of Copies of Deposited Works

When you order a copy of the work deposited in connection with a copyright claim, the Certifications and Documents Section will supply a reproduction of one of the following, depending upon the actual deposit:

1. The deposited work or
2. Any identifying material submitted in lieu of the original work or
3. A reproduction of any facsimile that the Copyright Office is required by law to retain when the deposited article has been transferred to the Library of Congress

In the case of requests for reproduction of deposited works not retained under the control of the Copyright Office, the Office will write to you and inform you whom to contact. When certification of these reproductions is requested or required, the special collection areas of the Library of Congress will provide a statement attesting to the fact that the reproduction being provided was made from an article **deposited** for copyright registration and transferred to the control of the Library of Congress. The Library of Congress may or may not retain in its collections deposits transferred from the Copyright Office.

Copies of Phonorecords Deposited for Copyright Registration

When a request is made for a reproduction of a phonorecord, such as an audiotape, cassette, CD, or diskette, in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide proximate reproduction. Due to the characteristics of available sound reproduction, all frequencies contained in the original phonorecord may not be reproduced.

The Copyright Office will provide the title and the registration number of the phonorecord. In response to a specific request, the Copyright Office will provide reproductions of any printed or other visually perceptible material deposited with the phonorecord.

Additional Searches and Records

The Certifications and Documents Section will also initiate in-process searches as well as searches in the Correspondence and Unfinished Business files of the Copyright Office for material that may contain original letters from authors and publishers, deposit copies (possibly unique examples) on which no cataloging action has been undertaken, and similar information. Because some of these materials are not readily retrievable, you should consult the Certifications and Documents Section to determine the amount of time necessary to conduct the search.

Inspection of Copyright Office Records

Inspection of completed records and indexes relating to a registration or a recorded document and inspection of cop-

ies or identifying material deposited in connection with a completed registration or rejection may be undertaken in the Certification and Documents Section. Since some of these materials are not stored on the immediate premises of the Copyright Office, it is advisable to consult the Certifications and Documents Section to determine the number of days necessary to retrieve the requested materials. Inspection hours are Monday through Friday, 8:30 a.m. to 5:00 p.m. eastern time, except federal holidays.

Expedited Services

The Certifications and Documents Section offers expedited services with prior approval. Contact the section directly for more information.

FEEES

Fees are cumulative. Certification fees are in addition to any other applicable fees such as search fees or photoduplication fees. There is an additional charge of \$80* for each hour or fraction of an hour required to locate all Copyright Office records, except where the requestor supplies the Copyright Office with the registration number and year of registration.

Checks or money orders must be made payable to *Registrar of Copyrights*. Request Circular 5 for information on "How to Open and Maintain a Deposit Account in the Copyright Office." Credit card payments are accepted by phone, fax, or on a walk-in basis, but not by mail at this time.

Based on the information you furnish, the Copyright Office will provide a free estimate of the total fee. All requests for fee estimates should be addressed to the Certifications and Documents Section.

Payments in excess of the statutory fee will be refunded, but refunds of \$50 or less will only be made upon request. To cover administrative and processing costs, fees received in conjunction with requests for additional certificates of registration will not be refunded even though the additional certificates cannot be provided, usually because no such registration exists.

ACCESSING AND COPYING COPYRIGHT OFFICE RECORDS ON YOUR OWN

For information about doing research in the records of the Copyright Office, request Circular 22, "How to Investigate the Copyright Status of A Work," and Circular 23, "The Copyright Card Catalog and the Online Files of the Copyright Office."

Public access to Copyright Office records in machine-readable form cataloged from Jan. 1, 1978, to the present, including registration information and recorded documents, is available in the Copyright Office and over the Internet.

* See NOTE on page 4.

These records include the following files: COHM, which contains all original and renewal registrations except serials; COHD, which contains recorded documents including Notices of Intent to Enforce (NIE) Under the Uruguay Round Agreements Act; and COHS, which contains serials (magazines, periodicals, newspapers, etc.).

Two search methods for the Internet are available: an easy-to-use web-based one, which is recommended for first-time and occasional users, and another, for faster and more advanced searches, which requires the use of Telnet. Initial access for both is available via the Copyright Office website. Both are unavailable 5:00 p.m. Saturday to 12:00 noon Sunday (U.S. eastern time). To access, visit:

World Wide Web: www.copyright.gov/records
or, for Telnet only: locis.loc.gov

If your online service provider does not support Telnet, address your concerns directly to the provider.

The Copyright Card Catalog provides a 41-million card index to copyright registrations in the United States from 1870 through 1977. It is open to public inspection in the Copyright Office.

The *Catalog of Copyright Entries*, in effect the Copyright Card Catalog in book form from July 1, 1891, through 1978 and microfiche format from 1979 through 1982, is available in many libraries throughout the country.

The *Catalog of Copyright Entries*, the Copyright Card Catalog, and COHM, COHS, and COHD are indexes, not reproductions of original documents. To view or copy the original documents yourself, you must visit the Copyright Office in the Library of Congress.

Information such as registration numbers may be obtained from these files. Providing this information yourself rather than paying a fee to have the Copyright Office search for it will reduce the cost of obtaining records and copies from the Copyright Office.

Fees effective as of July 1, 2002

1. Photoduplication		Variable fee depending upon format and size of item duplicated; no minimum charge. Contact Certifications and Documents Section for more information: (202) 707-6787.
2. Reproduction of audio and video cassettes, compact discs (CDs), and diskettes		Variable fee depending upon format and size of item duplicated; no minimum charge. Contact Certifications and Documents Section for more information: (202) 707-6787.
3. Surcharge for <i>Expedited</i> Certifications and Documents Section services		
• additional certificates:	\$200.00	per hour or fraction thereof
• in-process searches:	\$200.00	per hour or fraction thereof
• in-process retrievals:	\$200.00	per hour, with 2-hr. minimum
• copy of assignment:	\$200.00	per hour or fraction thereof
• certification:	\$200.00	per hour or fraction thereof
• copy of deposit stored on- or off-site:	\$200.00	per hour or fraction thereof
• copy of correspondence file stored in Madison Building or at an off-site storage facility:	\$200.00	per hour or fraction thereof
4. Additional certificate of registration	\$30.00	
5. Certification of records	\$80.00	per hour or fraction thereof for each certification (plus any applicable photoduplication fees)
6. Search		
• in-process search	\$80.00	per hr. or fraction thereof for making reports from official records
• in-process retrieval	\$100.00 per hr.	for locating and retrieving Copyright Office records. There is a 2-hr. minimum for in-process retrievals.
7. Inspection	—	No fee

* NOTE: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

COPYRIGHT OFFICE RECORDS IN THE LICENSING DIVISION

The Licensing Division of the Copyright Office maintains records of transactions related to the secondary transmission of copyrighted works on cable television systems and by satellite carriers for private home viewing; the making and distribution of phonorecords; the use of certain works in connection with noncommercial broadcasting; and public performance of copyrighted music on jukeboxes from 1978-1989.

The records of the Licensing Division are open to public inspection and searching during hours of public service, 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays, in Room LM-458 on the 4th floor of the James Madison Memorial Building. Inquiries about documents related to licensing should be addressed to:

Library of Congress
Copyright Office
Licensing Division, LM-458
101 Independence Avenue, S.E.
Washington, D.C. 20557-6400
Tel: (202) 707-8150

For further information about the Licensing Division, request Circular 75, "The Licensing Division of the Copyright Office."

FOR FURTHER INFORMATION

Information via the Internet: Circulars, announcements, regulations, other related materials, and all copyright application forms are available on the Copyright Office website at www.copyright.gov.

Information by fax: Circulars and other information (but not application forms) are available by using a touchtone phone to access Fax-on-Demand at (202) 707-2600.

Information by telephone: For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

Information by regular mail:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000