

(3) The general regulations covering safety zones in section 165.23 of this part apply.

Dated: June 24, 1999.

**M.A. Skordinski,**

*Commander, U.S. Coast Guard, Alternate Captain of the Port, Boston, Massachusetts.*

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## LIBRARY OF CONGRESS

### Copyright Office

**37 CFR Parts 201-204, 211, 251, 253, 259-260**

### Copyright Rules and Regulations: Copyright, Compulsory Licenses, Copyright Arbitration Royalty Panel

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule; Technical amendments.

**SUMMARY:** The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

**EFFECTIVE DATE:** July 7, 1999.

#### FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor or typographical errors in the published text. The Office has identified minor errors in the currently published rules. The following sections are amended to correct these errors:

§§ 201.11(d)(1), 201.11(e)(6), 201.11(e)(7), 201.11(h)(2)(i), 201.17(d)(1), 201.17(h)(4)(iii), 201.17(k), 201.18(a)(1), 201.19(a)(1), 201.19(a)(2), 201.19(a)(4), 201.19(e)(4)(i), 201.19(e)(7)(iii), 201.19(f)(3)(viii), 201.27(c), 201.27(e)(1), 201.28(e)(4)(i), 201.29(e)(3), 201.35(a), 201.36(b)(1), 201.36(c), 201.37(a), 201.37(b)(1), 202.3(b)(7)(ii), 202.17(f)(2), 202.20(c)(2)(vii)(D)(3), 202.20(c)(2)(vii)(D)(4), 202.20(c)(2)(vii)(D)(5), 202.20(c)(2)(xi)(A)(2), 202.23(c)(1), 202.23(c)(2), 202.23(d), 203.3(g), 204.4(a), 204.5(a), 204.7(a), 204.8(a), 211.4(e), 211.5(c)(2), 211.5(d), 251.54(e), 251.56(a), 251.56(b), 253.3(e)(4), 253.8(b)(1)(ii)(D), and 260.2(c)(2). Typographical errors are corrected in §§ 201.1(b), 201.3(c), 201.3(c)(5),

201.10(b)(1)(v), 201.10(e)(2), 201.17(e)(2)(i), 201.17(j)(3)(iv)(A), 201.18(a)(3), 201.19(c)(4), 201.28(c)(4), 202.22(a), 202.22(c)(1), 203.4(f)(2), 251.58(b), 253.8(b)(1)(i)(A), 259.3(a)(5), 260.2(c)(1)(v), and 260.7.

### List of Subjects

#### 37 CFR Part 201

Copyright, General provisions.

#### 37 CFR Part 202

Claims, Copyright.

#### 37 CFR Part 203

Freedom of information.

#### 37 CFR Part 204

Privacy.

#### 37 CFR Part 211

Mask work protection.

#### 37 CFR Part 251

Administrative practice and procedure, Hearing and appeal procedures.

#### 37 CFR Part 253

Noncommercial educational broadcasting, Copyright.

#### 37 CFR Part 259

Claims, Copyright, Digital audio recording devices and media.

#### 37 CFR Part 260

Copyright, Digital audio transmissions, Performance right, Sound recordings.

### Final Rule

Accordingly, 37 CFR Chapter II is amended by making the following corrections and amendments.

## PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

#### § 201.1 [Amended]

2. Section 201.1(b) is amended by removing “SE.” and adding in its place “SE.”.

#### § 201.3 [Amended]

3. Section 201.3 is amended in the Table, in the column entitled “Fees” in paragraph (c)(5) by removing “10” and adding “10<sup>1</sup>” in paragraph (c)(8) by removing “10” and adding “10<sup>2</sup>”, and by removing the word “issue” in footnote 1 and adding “issues”.

4. Section 201.3(c)(5) is amended by removing the word “series” and adding in its place “serials”.

#### § 201.10 [Amended]

5. Section 201.10(b)(1)(v) is amended by removing the word “author’s” and adding in its place “author’s”.

6. Section 201.10(e)(2) is amended by removing the word “describing” and adding in its place “describing”.

#### § 201.11 [Amended]

7. Section 201.11(d)(1) is amended by removing “Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557” and adding in its place “Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400”.

8. Section 201.11(e)(6) is amended by removing “of 17.5 cents per subscriber, on in the case of syndex-proof superstations as defined in 37 CFR 258.2, 14 cents (or in lieu thereof, the arbitrated rate, if applicable)” and adding in its place “prescribed in § 258.3 of this chapter”.

9. Section 201.11(e)(7) is amended by removing “of six (6) cents per subscriber (or, in lieu thereof, the arbitrated rate, if applicable)” and adding in its place “prescribed in § 258.3 of this chapter”.

10. Section 201.11(h)(2)(i) is amended by removing the phrase “Cable operators” and adding in its place “Satellite carriers”.

#### § 201.17 [Amended]

11. Section 201.17(d)(1) is amended by removing “Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557” and adding in its place “Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400”.

12. Section 201.17(e)(2)(i) is amended by removing “owner” and adding in its place “owner”.

13. Section 201.17(h)(4)(iii) is amended by adding “(65)” after “sixty-five”.

14. Section 201.17(j)(3)(iv)(A) is amended by removing “paragraph must” and adding in its place “paragraph must”.

15. Section 201.17(k) is amended by removing all material after the phrase “United States Code.” beginning with “Any such entity”.

#### § 201.18 [Amended]

16. Section 201.18(a)(1) is amended by removing the phrase “as amended by Pub. L. 94-553.”.

17. Section 201.18(a)(3) is amended by removing “coowners” and adding the word “co-owners” in its place.

#### § 201.19 [Amended]

18. Sections 201.19(a)(1), (a)(2), and (a)(4) are amended by removing the

phrase "section 115(c)(3)" and adding in its place "section 115(c)(5)" and by removing the phrase "as amended by Pub. L. 94-553,".

19. Section 201.19(c)(4) is amended by removing "nine month" and adding in its place "nine-month".

20. Sections 201.19(e)(4)(i) and (e)(7)(iii) are amended by removing the phrase "as amended by Pub. L. 94-553,".

21. Section 201.19(f)(3)(viii) is amended by removing the phrase "as amended by Pub. L. 94-553,".

#### § 201.27 [Amended]

22. Section 201.27(c) is amended by "Licensing Division of the Copyright Office, Washington, DC 20557" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

23. Section 201.27(e)(1) is amended by removing the phrase "of or the" and adding in its place "or if the".

#### § 201.28 [Amended]

24. Section 201.28(c)(4) is amended by removing the phrase "two month" and adding in its place "two-month".

25. Section 201.28(e)(4)(i) is amended by removing "U.S." and adding in its place "of the United States".

#### § 201.29 [Amended]

26. Section 201.29(e)(3) is amended by removing "Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557-6400" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

#### § 201.35 [Amended]

27. Section 201.35(a) is amended by removing the phrase "as amended by Pub. L. 104-39, 109, Stat. 336".

#### § 201.36 [Amended]

28. Section 201.36(b)(1) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing "section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

29. Section 201.36(c) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing

"section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

#### § 201.37 [Amended]

Section 201.37(a) is amended by removing the phrase "as amended by Pub. L. 104-39, 109 Stat. 336,".

Section 201.37(b)(1) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing "section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

32. The authority citation for part 202 continues to read as follows:

**Authority:** 17 U.S.C. 702.

#### § 202.3 [Amended]

33. Section 202.3(b)(7)(ii) is amended by removing the phrase "this § 202.3(b)(7)" and adding in its place "paragraph (b)(7) of this section".

#### § 202.17 [Amended]

34. Section 202.17(f)(2) is amended by adding the phrase "of this section" after "(f)(1)" and after "(f)(1)(iii)".

#### § 202.20 [Amended]

35. Section 202.20(c)(2)(vii)(D)(3) is amended by removing the word "this" and adding in its place "of this section" after "paragraph (c)(2)(vii)(D)".

36. Section 202.20(c)(2)(vii)(D)(4) is amended by adding the phrase "of this section" at the end of the paragraph.

37. Section 202.20(c)(2)(vii)(D)(5) is amended by removing the phrase "(6) or (7) immediately below" and adding in its place "paragraphs (c)(2)(vii)(D)(6) or (7) of this section".

38. Section 202.20(c)(2)(xi)(A)(2) is amended by removing the word "below" and adding in its place "of this section".

#### § 202.22 [Amended]

39. Section 202.22(a) is amended by removing the word "copyright" and adding in its place "copyright".

40. Section 202.22(c)(1) is amended by removing the word "title" and adding in its place "Title".

#### § 202.23 [Amended]

41. Section 202.23(c)(1) is amended by adding the phrase "of this section" after "paragraph (b)".

42. Section 202.23(c)(2) is amended by removing the phrase "37 CFR".

43. Section 202.23(d) is amended by removing the phrase "37 CFR" and adding in its place "\$\$".

#### PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

44. The authority citation for part 203 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552, as amended.

#### § 203.3 [Amended]

45. Section 203.3(g) is amended by adding "-6000" after "20559".

#### § 203.4 [Amended]

46. Section 203.4(f)(2) is amended by removing the word "requestor" and adding in its place "requester".

#### PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

47. The authority citation for part 204 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552(a).

#### § 204.4 [Amended]

48. Section 204.4(a) is amended by adding "-6000" after "20559".

#### § 204.5 [Amended]

49. Section 204.5(a) is amended by adding "-6000" after "20559".

#### § 204.7 [Amended]

50. Section 204.7(a) is amended by adding "-6000" after "20559".

#### § 204.8 [Amended]

51. Section 204.8(a) is amended by adding "-6000" after "20559".

#### PART 211—MASK WORK PROTECTION

52. The authority citation for part 211 continues to read as follows:

**Authority:** 17 U.S.C. 702 and 908.

#### § 211.4 [Amended]

53. Section 211.4(e) is amended by adding the phrase "of this section" after "paragraph (c)(2)".

#### § 211.5 [Amended]

54. Section 211.5(c)(2) is amended by adding the phrase "of this section" after "paragraph (b)(2)(i)".

55. Section 211.5(d) is amended by adding "-6000" after "20559".

#### PART 251—COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE

56. The authority citation for part 251 continues to read as follows:

**Authority:** 17 U.S.C. 801-803.

#### § 251.54 [Amended]

57. Section 251.54(e) is amended by removing the word "directly" after "arbitrators".

**§ 251.56 [Amended]**

58. Section 251.56(a) is amended by removing the number "60" and adding the number "90" in its place.

59. Section 251.56(b) is amended by removing the phrase "the order" and adding in its place the phrase "the Librarian shall have an additional 30 days to issue the order which".

**§ 251.58 [Amended]**

60. Section 251.58(b) is amended by removing "30 day" and adding in its place "30-day".

**PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING**

61. The authority citation for part 253 continues to read:

**Authority:** 17 U.S.C. 118, 801(b)(1), and 803.

**§ 253.3 [Amended]**

62. Section 253.3(e)(4) is amended by removing the word "or" after the word "author".

**§ 253.8 [Amended]**

63. Section 253.8(b)(1)(i)(A) is amended by removing the symbol "]" after "64.78".

64. Section 253.8(b)(1)(ii)(D) is amended by removing the word "semin" before the word "reproduced".

**PART 259—FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS**

65. The authority citation for part 259 continues to read:

**Authority:** 17 U.S.C. 1007(a)(1).

**§ 259.3 [Amended]**

66. Section 259.3(a)(5) is amended by removing "1001(6)" each place it appears and adding in its place "1001(6)".

**PART 260—USE OF SOUND RECORDINGS IN A DIGITAL PERFORMANCE**

67. The authority citation for part 260 continues to read:

**Authority:** 17 U.S.C. 114, 801(b)(1).

**§ 260.2 [Amended]**

68. Section 260.2(c)(1)(v) is amended by removing the word "licensee" and adding in its place "Licensee".

69. Section 260.2(c)(2) is amended by removing the phrase "as are in" and adding in its place "as set forth in".

**§ 260.7 [Amended]**

70. Section 260.7 is amended by removing the phrase "three year" and adding in its place "three-year".

Dated: June 29, 1999.

**David O. Carson,**

*General Counsel.*

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 212**

[Docket No. RM99-4]

**Design Protection for Vessel Hulls**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Interim regulations; Request for comments.

**SUMMARY:** The Copyright Office is adopting interim regulations to implement the registration process for original designs of vessel hulls protected under chapter 13 of the Copyright Act. The Office is requesting interested parties to comment on the regulations. The immediacy of the adoption is required to enable the Copyright Office to begin the registration process for vessel hull designs and implement the law, which became effective on October 28 of last year.

**DATES:** Effective date is July 1, 1999. Comments should be submitted no later than August 6, 1999. Reply comments are due no later than September 7, 1999.

**ADDRESSES:** An original and 10 copies of comments and reply comments should be mailed to: Office of the General Counsel, Copyright Office, PO Box 70400, Southwest Station, Washington, DC 20024. If delivered by hand, copies should be brought to: Office of the Copyright General Counsel, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or William J. Roberts, Senior Attorney, Office of the General Counsel, Copyright Office, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:**

**Background**

As part of the amendments made to the Copyright Act by the Digital Millennium Copyright Act (DMCA),

Pub. L. 105-304, Congress enacted design protection for vessel hulls. Chapter 13 of the Copyright Act creates certain exclusive rights for owners of original designs of vessel hulls provided that registration of the design is made within two years after the date on which the design is first made public. Registration is to be made at the Copyright Office, in accordance with regulations established by the Register of Copyrights.

The Register is issuing the interim regulations contained in this notice to implement the registration process for vessel hull designs. Ordinarily, the administrative process would commence with publication of proposed regulations, followed by a period of public comment, and later publication of final regulations. The Register has determined, however, that interim regulations need to be adopted at this time in order to begin the registration process for vessel hull designs. The need for expedited regulations is evident from two circumstances. First, section 504 of the DMCA requires the Register, in conjunction with the Patent and Trademark Office, to submit a report to Congress evaluating the effects of design protection for vessel hulls within one year of passage of the DMCA. In order to submit a meaningful report to Congress, it is necessary to begin the registration process immediately; otherwise, there will be little to discuss regarding the effects of chapter 13.

Second, the Office has received a growing number of public inquiries regarding registration, particularly as the boating industry prepares its new designs for summer display to dealers and distributors. The Office also acknowledges that the right to commence an infringement action brought by an owner of a vessel hull design is contingent upon first obtaining a certificate of registration. 17 U.S.C. 1321(a). The Register, therefore, concludes that it is appropriate to adopt interim regulations at this time, and request public comment on these regulations. After the Copyright Office reviews the comments, final regulations will be issued.

**Interim Regulations**

The interim regulations are codified at part 212 of 37 CFR. The highlights of these regulations are discussed briefly below.

*1. Fees*

The basic application fee is \$75. The Copyright Office considers this to be an introductory fee until such time as we can determine the cost to the Office of