

106TH CONGRESS
2D SESSION

H. R. 5107

To make certain corrections in copyright law.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2000

Mr. COBLE (for himself, Mr. BERMAN, Mr. CONYERS, Mrs. BONO, Mr. WEXLER, Mr. DELAHUNT, Ms. LOFGREN, Mr. BOUCHER, Ms. MCCARTHY of Missouri, and Mr. ROGAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To make certain corrections in copyright law.

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 “Work Made For Hire
5 and Copyright Corrections Act of 2000”.

6 **SEC. 2. WORK MADE FOR HIRE.**

7 (a) DEFINITION.—The definition of “work made for
8 hire” contained in section 101 of title 17, United States
9 Code, is amended—

10 (1) in paragraph (2), by striking “as a sound
11 recording,”; and

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

3 “In determining whether any work is eligible to be
4 considered a work made for hire under paragraph
5 (2), neither the amendment contained in section
6 1011(d) of the Intellectual Property and Commu-
7 nications Omnibus Reform Act of 1999, as enacted
8 by section 1000(a)(9) of Public Law 106–113, nor
9 the deletion of the words added by that
10 amendment—

11 “(A) shall be considered or otherwise given
12 any legal significance, or

13 “(B) shall be interpreted to indicate con-
14 gressional approval or disapproval of, or acqui-
15 escence in, any judicial determination,

16 by the courts or the Copyright Office. Paragraph (2)
17 shall be interpreted as if both section 2(a)(1) of the
18 Work Made For Hire and Copyright Corrections Act
19 of 2000 and section 1011(d) of the Intellectual
20 Property and Communications Omnibus Reform Act
21 of 1999, as enacted by section 1000(a)(9) of Public
22 Law 106–113, were never enacted, and without re-
23 gard to any inaction or awareness by the Congress
24 at any time of any judicial determinations.”.

25 (b) EFFECTIVE DATE.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by this section shall be effective as of November 29,
3 1999.

4 (2) SEVERABILITY.—If the provisions of para-
5 graph (1), or any application of such provisions to
6 any person or circumstance, is held to be invalid, the
7 remainder of this section, the amendments made by
8 this section, and the application of this section to
9 any other person or circumstance shall not be af-
10 fected by such invalidation.

11 **SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES**

12 **CODE.**

13 (a) AMENDMENTS TO CHAPTER 7.—Chapter 7 of
14 title 17, United States Code, is amended as follows:

15 (1) Section 710, and the item relating to that
16 section in the table of contents for chapter 7, are re-
17 pealed.

18 (2) Section 705(a) is amended to read as fol-
19 lows:

20 “(a) The Register of Copyrights shall ensure that
21 records of deposits, registrations, recordations, and other
22 actions taken under this title are maintained, and that in-
23 dexes of such records are prepared.”.

24 (3)(A) Section 708(a) is amended to read as
25 follows:

1 “(a) FEES.—Fees shall be paid to the Register of
2 Copyrights, in the amounts in effect on the date of enact-
3 ment of the Work Made For Hire and Copyright Correc-
4 tions Act of 2000, as adjusted under subsection (b)—

5 “(1) on filing each application under section
6 408 for registration of a copyright claim or for a
7 supplementary registration, including the issuance of
8 a certificate of registration if registration is made;

9 “(2) on filing each application for registration
10 of a claim for renewal of a subsisting copyright
11 under section 304(a), including the issuance of a
12 certificate of registration if registration is made;

13 “(3) for the issuance of a receipt for a deposit
14 under section 407;

15 “(4) for the recordation, as provided by section
16 205, of a transfer of copyright ownership or other
17 document;

18 “(5) for the filing, under section 115(b), of a
19 notice of intention to obtain a compulsory license;

20 “(6) for the recordation, under section 302(c),
21 of a statement revealing the identity of an author of
22 an anonymous or pseudonymous work, or for the
23 recordation, under section 302(d), of a statement re-
24 lating to the death of an author;

1 “(7) for the issuance, under section 706, of an
2 additional certificate of registration;

3 “(8) for the issuance of any other certification;
4 and

5 “(9) for the making and reporting of a search
6 as provided by section 705, and for any related serv-
7 ices.

8 The Register is authorized to fix fees for other services,
9 including the cost of preparing copies of Copyright Office
10 records, whether or not such copies are certified, based
11 on the cost of providing the service.”.

12 (B) Section 708(b) is amended by striking
13 the matter preceding paragraph (1) and insert-
14 ing the following:

15 “(b) ADJUSTMENT OF FEES.—The Register of Copy-
16 rights may, by regulation, adjust the fees for the actions
17 specified in paragraphs (1) through (9) of subsection (a)
18 in the following manner:”.

19 (b) CONFORMING AMENDMENT.—Section 121(a) of
20 title 17, United States Code, is amended by striking “sec-
21 tions 106 and 710” and inserting “section 106”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of enactment of
24 this Act.

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