

106TH CONGRESS
2D SESSION

H. R. 5107

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2000

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Work Made For Hire
3 and Copyright Corrections Act of 2000”.

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

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

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

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

12 “In determining whether any work is eligible to be
13 considered a work made for hire under paragraph
14 (2), neither the amendment contained in section
15 1011(d) of the Intellectual Property and Commu-
16 nications Omnibus Reform Act of 1999, as enacted
17 by section 1000(a)(9) of Public Law 106–113, nor
18 the deletion of the words added by that
19 amendment—

20 “(A) shall be considered or otherwise given
21 any legal significance, or

22 “(B) shall be interpreted to indicate con-
23 gressional approval or disapproval of, or acqui-
24 escence in, any judicial determination,

25 by the courts or the Copyright Office. Paragraph (2)
26 shall be interpreted as if both section 2(a)(1) of the

1 Work Made For Hire and Copyright Corrections Act
2 of 2000 and section 1011(d) of the Intellectual
3 Property and Communications Omnibus Reform Act
4 of 1999, as enacted by section 1000(a)(9) of Public
5 Law 106–113, were never enacted, and without re-
6 gard to any inaction or awareness by the Congress
7 at any time of any judicial determinations.”.

8 (b) EFFECTIVE DATE.—

9 (1) EFFECTIVE DATE.—The amendments made
10 by this section shall be effective as of November 29,
11 1999.

12 (2) SEVERABILITY.—If the provisions of para-
13 graph (1), or any application of such provisions to
14 any person or circumstance, is held to be invalid, the
15 remainder of this section, the amendments made by
16 this section, and the application of this section to
17 any other person or circumstance shall not be af-
18 fected by such invalidation.

19 **SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES**
20 **CODE.**

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

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

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

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

7 (3)(A) Section 708(a) is amended to read as
8 follows:

9 “(a) FEES.—Fees shall be paid to the Register of
10 Copyrights—

11 “(1) on filing each application under section
12 408 for registration of a copyright claim or for a
13 supplementary registration, including the issuance of
14 a certificate of registration if registration is made;

15 “(2) on filing each application for registration
16 of a claim for renewal of a subsisting copyright
17 under section 304(a), including the issuance of a
18 certificate of registration if registration is made;

19 “(3) for the issuance of a receipt for a deposit
20 under section 407;

21 “(4) for the recordation, as provided by section
22 205, of a transfer of copyright ownership or other
23 document;

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

1 “(6) for the recordation, under section 302(c),
2 of a statement revealing the identity of an author of
3 an anonymous or pseudonymous work, or for the
4 recordation, under section 302(d), of a statement re-
5 lating to the death of an author;

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

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

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

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

17 (B) Section 708(b) is amended—

18 (i) by striking the matter preceding para-
19 graph (1) and inserting the following:

20 “(b) ADJUSTMENT OF FEES.—The Register of Copy-
21 rights may, by regulation, adjust the fees for the services
22 specified in paragraphs (1) through (9) of subsection (a)
23 in the following manner:”;

24 (ii) in paragraph (1), by striking “in-
25 crease” and inserting “adjustment”;

1 (iii) in paragraph (2), by striking “in-
2 crease” the first place it appears and inserting
3 “adjust”; and

4 (iv) in paragraph (5), by striking “in-
5 creased” and inserting “adjusted”.

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

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall take effect on the date of the en-
12 actment of this Act.

13 (2) CARRY-OVER OF EXISTING FEES.—The fees
14 under section 708(a) of title 17, United States Code,
15 on the date of the enactment of this Act shall be the
16 fees in effect under section 708(a) of such title on
17 the day before such date of the enactment.

Passed the House of Representatives September 19,
2000.

Attest:

JEFF TRANDAHL,

Clerk.