



LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2020-2]

Group Registration of Newsletters

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is amending its regulation governing the group registration option for newsletter issues. The final rule eliminates the requirement that newsletters must be published at least two days each week to qualify for a group registration. In addition, the final rule updates the address where complimentary subscriptions should be sent for purposes of satisfying the mandatory deposit requirement for newsletters and other serials.

DATES: Effective [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, rkas@copyright.gov; Erik Bertin, Deputy Director of Registration Policy and Practice, ebertin@copyright.gov; or Kevin Amer, Deputy General Counsel, kamer@copyright.gov. They can be reached by telephone at (202) 707-3000.

SUPPLEMENTARY INFORMATION: The U.S. Copyright Office has established a group registration option that allows a newsletter publisher to register an entire month of issues with one application and one filing fee. A publisher may use this option if each

issue is “an all-new issue or an all-new collective work that has not been previously published.”¹ In addition, the newsletter “must usually” be published “at least two days each week.”² The word “usually” was added to the regulation “to account for occasional situations where the newsletter suspends publication (*e.g.* for a holiday).”³

On February 24, 2020, the Office issued a notice of proposed rulemaking (the “NPRM”) requesting public comment on an amendment that would extend this option to a broader range of publishers.⁴ The NPRM noted that it had come to the Office’s attention that many newsletters are published just once a week.⁵ The requirement that publication must usually occur at least twice a week renders these newsletters ineligible for this group registration option. Some newsletter publishers may be able to use the group registration option for serials (which is specifically intended for publications that are distributed at intervals of a week or longer), but to do so each issue “must be an all-new collective work.”⁶ Thus, if a newsletter is published once a week, and if the issues in the group do not qualify as all-new collective works, the publisher may not qualify for either the group registration option for newsletters or the group registration option for serials. For these types of newsletters, the publisher must submit a separate application and filing fee for each issue.

¹ 37 CFR 202.4(f)(1)(iii).

² *Id.* § 202.4(f)(1)(i).

³ 83 FR 22902, 22904 (May 17, 2018).

⁴ 85 FR 10349 (Feb. 24, 2020).

⁵ *Id.* at 10350.

⁶ 37 CFR 202.4(d)(1)(iii), (v). *See* 17 U.S.C. 101 (defining “collective work” as “a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole”).

To address this issue, the NPRM proposed to eliminate the requirement that newsletters must be published at least two days a week to qualify for the group registration option for newsletters.⁷ During the comment period, the Office received no comments concerning the NPRM.⁸ Therefore, the Office is proceeding to issue a final rule that is identical to the proposed rule.

Under the final rule, newsletter publishers will still be required to complete and submit an online application and upload a digital deposit to seek a group registration.⁹ The online application is labeled “Daily Newsletters,” but to be clear, this form may be used to register any newsletter, even if it is not published on a daily basis, as long as all of the issues are published within the same month.

Likewise, newsletter publishers will still be required to comply with the mandatory deposit requirement if the newsletter is published in the United States in a physical form.¹⁰ To satisfy this requirement, the publisher must provide the Library of Congress with up to two complimentary subscriptions to the newsletter.¹¹ To facilitate this process, the final rule updates the mailing address where complimentary subscription copies of newsletters and other serials should be sent.

List of Subjects

37 CFR Part 201

⁷ *Id.* at 10350. To be eligible for group registration under this rule, the group must consist of at least two issues, and all of the issues included in the group must be published in the same calendar month. 37 CFR 202.4(f)(1)(ii), (v).

⁸ The Office received one comment making reference to copyright. It can be accessed at <https://www.copyright.gov/rulemaking/group-newsletters-frequency/>.

⁹ 37 CFR 202.4(f)(2), (3).

¹⁰ *Id.* § 202.19(d)(2)(xi).

¹¹ Newsletters that are published solely in electronic format remain subject to the Library’s on-demand mandatory deposit regime for electronic serials. *See id.* 202.19(c)(5), 202.24.

Copyright, General Provisions.

37 CFR Part 202

Copyright.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR parts 201 and 202 as follows:

PART 201—GENERAL PROVISIONS

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

Authority: 17 U.S.C. 702

2. Revise § 201.1(c)(6) to read as follows:

§ 201.1 Communication with the Copyright Office

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(c) * * *

(6) *Mandatory deposit copies.* Mandatory deposit copies of published works submitted for the Library of Congress under 17 U.S.C. 407 and § 202.19 of this chapter (including serial publications that are not being registered) should be addressed to: Library of Congress, U.S. Copyright Office, Attn: 407 Deposits, 101 Independence Avenue SE, Washington, DC 20559-6600, except that mandatory deposit copies submitted as complimentary subscriptions for serial publications that are being registered should be addressed to: Library of Congress, Group Serials Registration, Washington, DC 20540-4161.

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**Part 202 - PREREGISTRATION AND REGISTRATION OF CLAIMS TO
COPYRIGHT**

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

Authority: 17 U.S.C. 408(f), 702

§ 202.4 [Amended]

4. In § 202.4, amend the third sentence of paragraph (f)(1)(i) by removing “Publication must usually occur at least two days each week and the” and adding “The” in its place.

Dated: April 27, 2020

Maria Strong,
*Acting Register of Copyrights and
Director of the U.S. Copyright Office*

Approved by:

Carla D. Hayden,
Librarian of Congress

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