



# ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

## NOTICE OF POLICY DECISION

### CANCELLATION OF COPYRIGHT REGISTRATION WHERE CHECK RECEIVED IN PAYMENT OF STATUTORY FEE IS RETURNED AS UNCOLLECTIBLE

The following excerpt is taken from Volume 46, Number 108 of the Federal Register for Friday, June 5, 1981 (p.30221).

Effective immediately, the Copyright Office has adopted the following procedure in processing uncollectible check cases.

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#### LIBRARY OF CONGRESS

#### Copyright Office

#### Policy Decision Regarding Immediate Cancellation of Registration in Uncollectible Check Cases

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

**ACTION:** Notice of Policy Decision.

#### Cancellation of Copyright Registration Where Check Received in Payment of Statutory Fee Is Returned as Uncollectible

##### 1. Background

Section 708 of the Copyright Act, title 17 of the United States Code, prescribes a schedule of fees that must be remitted to the Copyright Office in payment of registration and other services rendered to the public under the Act. Section 408 of the Act provides that application to register a claim to copyright may be made "by delivering to the Copyright Office the deposit specified by this section, together with the application and fee specified by sections 409 and 708."

The Copyright Office examines claims to copyright and issues certificates of registration in accordance with section 410(a). Registration is ordinarily completed before any check received in

payment of the statutory registration fee would be returned as uncollectible. Unfortunately, in a certain percentage of cases, the check remitted in payment of the registration fee is later returned to the Copyright Office marked "insufficient funds." Registration has been made already, but the required statutory fee has not been paid.

Until now, it has been the practice of the Copyright Office to correspond with the remitter of the check and request payment of the fee. It has also been the practice of the Office to write several letters repeating this request, if the fee is not paid. Finally, if the fee is not paid after several letters have been sent, the Copyright Office then cancels the registration.

##### 2. Policy Decision

The Copyright Office has reconsidered its practice of engaging in extensive correspondence to request payment of the proper statutory fee, which the statute specifies must be paid to obtain a valid registration of a claim to copyright. The administrative cost of this extensive correspondence, which is frequently unsuccessful, exceeds the moneys recovered.

Effective immediately, the Copyright Office has adopted the following procedure in processing uncollectible check cases:

When a check received in payment of the registration fee is returned to the Copyright Office marked "insufficient funds" or is otherwise marked uncollectible, the Copyright Office will take immediate steps to cancel any registration for which the dishonored check was submitted; the Office will write one letter to the remitter notifying the person or entity that the check was returned to us as uncollectible, that we have canceled the registration for which no fee was paid, and that the certificate of registration is null and void and should be returned. When a registration is cancelled, appropriate notations are placed in the original record clearly showing that the registration has been cancelled.

If the applicant wishes to re-apply for registration following cancellation of a registration on the ground of an uncollectible check, it is necessary to submit a new application, a new deposit, and the statutory fee. The Copyright Office reserves the right to require a certified check or money order in appropriate cases.

Dated: May 19, 1981.

David Ladd,  
*Register of Copyrights.*

Approved:

Daniel J. Boorstin,  
*The Librarian of Congress.*

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