

Public Law 106-379
106th Congress

An Act

To make certain corrections in copyright law.

Oct. 27, 2000

[H. R. 5107]

Work Made For
Hire and
Copyright
Corrections Act
of 2000.
17 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. WORK MADE FOR HIRE.

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

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

(2) by inserting after paragraph (2) the following:

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

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

“(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination,

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

(b) **EFFECTIVE DATE.**—

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

(2) **SEVERABILITY.**—If the provisions of paragraph (1), or any application of such provisions to any person or circumstance, is held to be invalid, the remainder of this section, the amendments made by this section, and the application of this section to any other person or circumstance shall not be affected by such invalidation.

17 USC 101 note.

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

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

(1) Section 710, and the item relating to that section in the table of contents for chapter 7, are repealed.

(2) Section 705(a) is amended to read as follows:

“(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared.” Records.

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

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

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

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

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

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

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

“(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

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

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

“(9) for the making and reporting of a search as provided by section 705, and for any related services.

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

(B) Section 708(b) is amended—

(i) by striking the matter preceding paragraph (1) and inserting the following:

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

(ii) in paragraph (1), by striking “increase” and inserting “adjustment”;

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

(iv) in paragraph (5), by striking “increased” and inserting “adjusted”.

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

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

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

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 5107:

HOUSE REPORTS: No. 106-861 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 12, considered and passed Senate.