§ 201.23 Transfer of unpublished copyright deposits to the Library of Congress.

(a) General. This section prescribes rules governing the transfer of unpublished copyright deposits in the custody of the Copyright Office to the Library of Congress. The copyright deposits may consist of copies, phonorecords, or identifying material deposited in connection with registration of claims to copyright under section 408 of title 17 of the United States Code, as amended by Pub. L. 94–553, 90 Stat. 2541, effective January 1, 1978. These rules establish the conditions under which the Library of Congress is entitled to select deposits of unpublished works for its collections or for permanent transfer to the National Archives of the United States or to a Federal records center in accordance with section 704(b) of title 17 of the United States Code, as amended by Pub. L. 94–553.

(b) Selection by the Library of Congress. The Library of Congress may select any deposits of unpublished works for the purposes stated in paragraph (a) of this section at the time of registration or at any time thereafter; Provided, That:

(1) A facsimile reproduction of the entire copyrightable content of the deposit shall be made a part of the Copyright Office records before transfer to the Library of Congress as provided by section 704(c) of title 17 of the United States Code, as amended by Pub. L. 94–553, unless, within the discretion of the Register of Copyrights, it is considered impractical or too expensive to make the reproduction;

(2) All unpublished copyright deposits retained by the Library of Congress in its collections shall be maintained under the control of the Library of Congress with appropriate safeguards against unauthorized copying or other unauthorized use of the deposits which would be contrary to the rights of the copyright owner in the work under title 17 of the United States Code, as amended by Pub. L. 94–553; and

(3) At the time selection is made a request for full term retention of the deposit under the control of the Copyright Office has not been granted by the Register of Copyrights, in accordance with section 704(e) of title 17 of the United States Code, as amended by Pub. L. 94–553.

[17 U.S.C. 702, 704]

[45 FR 41414, June 19, 1980]

§ 201.24 Warning of copyright for software lending by nonprofit libraries.

(a) Definition. A Warning of Copyright for Software Rental is a notice under paragraph (b)(2)(A) of section 109 of the Copyright Act, title 17 of the United States Code, as amended by the Computer Software Rental Amendments Act of 1990, Public Law 101–650. As required by that paragraph, the “Warning of Copyright for Software Rental” shall be affixed to the packaging that contains the computer program which is lent by a nonprofit library for nonprofit purposes.

(b) Contents. A Warning of Copyright for Software Rental shall consist of a verbatim reproduction of the following notice, printed in such size and form and affixed in such manner as to comply with paragraph (c) of this section.

Notice: Warning of Copyright Restrictions

The copyright law of the United States (title 17, United States Code) governs the reproduction, distribution, adaptation, public performance, and public display of copyrighted material.

Under certain conditions specified in law, nonprofit libraries are authorized to lend, lease, or rent copies of computer programs to patrons on a nonprofit basis and for nonprofit purposes. Any person who makes an unauthorized copy or adaptation of the computer program, or redistributes the loan copy, or publicly performs or displays the computer program, except as permitted by title 17 of the United States Code, may be liable for copyright infringement.

This institution reserves the right to refuse to fulfill a loan request if, in its judgment, fulfillment of the request would lead to violation of the copyright law.

(c) Form and manner of use. A Warning of Copyright for Software Rental shall be affixed to the packaging that contains the copy of the computer program, which is the subject of a library loan to patrons, by means of a label cemented, gummed, or otherwise durably attached to the copies or to a box, reel, cartridge, cassette, or other container.
used as a permanent receptacle for the
copy of the computer program. The no-
tice shall be printed in such manner as
to be clearly legible, comprehensible,
and readily apparent to a casual user of
the computer program.

§ 201.25 Visual Arts Registry.
(a) General. This section prescribes
the procedures relating to the submis-
sion of Visual Arts Registry State-
ments by visual artists and owners of
buildings, or their duly authorized rep-
resentatives, for recordation in the
Copyright Office under section 113(d)(3)
of title 17 of the United States Code, as
amended by Public Law 101–650, effec-
tive June 1, 1991. Statements recorded
in the Copyright Office under this regu-
lation will establish a public record of
information relevant to an artist’s in-
tegrity right to prevent destruction or
injury to works of visual art incor-
porated in or made part of a building.

(b) Forms. The Copyright Office does
not provide forms for the use of persons
recording statements regarding works
of visual art that have been incor-
porated in or made part of a building.

(c) Recordable statements—(1) General.
Any statement designated as a “Visual
Arts Regulatory Statement” and which
pertains to a work of visual art that
has been incorporated in or made part
of a building may be recorded in the
Copyright Office provided the state-
ment is accompanied by the fee for rec-
ording of documents specified in sec-
tion 708(a)(4) of title 17 of the United
States Code. Upon their submission,
the statements and an accompanying
documentation or photographs become
the property of the United States Gov-
ernment and will not be returned. Pho-
tocopies are acceptable if they are
clear and legible. Information con-
tained in the Visual Arts Registry
Statement should be as complete as
possible since the information may af-
fect the enforceability of valuable
rights under the copyright law. Visual
Arts Registry Statements which are il-
legible or fall outside of the scope of
section 113(d)(3) of title 17 may be re-
 fused recordation by the Copyright Of-

(2) Statements by artists. Statements
by artists regarding a work of visual
art incorporated or made part of a
building should be filed in a document
containing the head: “Registry of Vis-
ual Art Incorporated in a Building—
Artist’s Statement.” The statement
should contain the following informa-
tion:
(i) Identification of the artist, includ-
ing name, current address, age, and
telephone number, if publicly listed.
(ii) Identification of the work or
works, including the title, dimensions,
and physical description of the work
and the copyright registration number,
if known. Additionally, it is rec-
ommended that one or more 8 × 10 pho-
tographs of the work on good quality
photographic paper be included in the
submission; the images should be clear
and in focus.
(iii) Identification of the building, in-
cluding its name and address. This
identification may additionally include
8 × 10 photographs of the building and
the location of the artist’s work in the
building.
(iv) Identification of the owner of the
building, if known.
(3) Statements by the owner of the
building. Statements of owners of a
building which incorporates a work of
visual art should be filed in a document
containing the heading: “Registry of
Visual Art Incorporated in a Building—
Building Owner’s Statement.” The
statement should contain the following
information:
(i) Identification of the ownership of
the building, the name of a person who
represents the owner, and a telephone
number, if publicly listed.
(ii) Identification of the building, in-
cluding the building’s name and ad-
dress. This identification may addi-
tionally include 8 × 10 photographs of
the building and of the works of visual
art which are incorporated in the
building.
(iii) Identification of the work or
works of visual art incorporated in the
building, including the works’ title(s),
if known, and the dimensions and phys-
ical description of the work(s). This
identification may include one or more
8 × 10 photographs of the work(s) on
high quality photographic paper; the
images should be clear and in focus.