by 60 (the number of minutes in an hour), which equals 15 total annual burden hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.


Melody Braswell,
Department Clearance Officer for PRA, U.S. Department of Justice.

For Further Information Contact: Regan A. Smith, General Counsel and Associate Register of Copyrights, at regans@copyright.gov; or Kevin R. Amer, Senior Counsel for Policy and International Affairs, at kamer@copyright.gov. Each may be reached by telephone at 202–707–8350.

Supplementary Information:

I. Background

The Uruguay Round Agreements Act ("URAA") provides for the restoration of copyright in certain works of foreign origin that previously were in the public domain in the United States. Enacted in 1994 to implement U.S. obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") of the World Trade Organization ("WTO"), the URAA extends copyright to works that are protected in nations adhering to certain international copyright agreements to which the United States is a party, but that were unprotected in the United States for any of three reasons: (1) Noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, publishing the work without a proper notice, or failure to comply with any manufacturing requirements; (2) lack of subject matter protection in the case of sound recordings fixed before February 15, 1972; or (3) lack of national eligibility (i.e., the work is from a country with which the United States did not have copyright relations at the time of the work's publication). A work meeting these criteria is protected "for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States." Under the URAA, copyright in restored works vests automatically on the date of restoration. That date was January 1, 1996, if the work's source country was already a member of the WTO or the Berne Convention for the Protection of Literary and Artistic Works ("Berne Convention") as of that date. Otherwise, the date of restoration is the earliest of (1) the date the source country becomes a WTO member, (2) the date of the country's adherence to the Berne Convention, the WIPO Copyright Treaty, or the WIPO Performances and Phonograms Treaty, or (3) the date when the President issues a proclamation extending copyright restoration to that country. For a published work, the "source country" is the eligible country in which the work was first published or, in the case of a work published on the same day in multiple countries, the eligible country with the most significant contacts with the work. For an unpublished work, the source country is (1) the eligible country in which the author or rightholder is a national or domiciliary, (2) if the work has multiple authors or rightholders, the country in which the majority of foreign authors or rightholders are nationals or domiciliaries, or (3) the nation other than the United States with the most significant contacts with the work, in cases where the majority of authors or rightholders are not foreign. Although the copyright owner may immediately enforce the restored copyright against individuals who infringe his or her rights on or after the date of restoration, the copyright owner's right to enforce the restored copyright is delayed against "reliance parties." Typically, a reliance party is one who was already using the work before the source country became eligible for copyright restoration. Before a copyright owner can enforce a restored copyright against a reliance party, the copyright owner must file a Notice of Intent to Enforce the copyright ("NIE") with the Copyright Office or serve an NIE on such a party. Thereafter, reliance parties may continue to exploit existing copies of the work for a twelve-month grace period. An NIE may be filed in the Copyright Office within twenty-four months after the date of restoration of copyright. NIEs appropriately filed with the Copyright Office and published in the Federal Register serve as constructive notice to all reliance parties. Alternatively, an owner may serve an NIE on an individual reliance party at any time after the date of restoration. Such notices, however, are effective only against the party served and other reliance parties who have actual knowledge of the notice and its contents.

The Copyright Office is directed to "publish in the Federal Register, commencing not later than 4 months after the date of restoration for a particular nation and every 4 months thereafter for a period of 2 years, lists identifying restored works and the ownership thereof if a notice of intent to enforce a restored copyright has been filed." The Office does not research the facts stated in an NIE to determine whether a work is or is not eligible for restoration or whether the submitter has asserted a valid claim of copyright ownership. Nor does the Office adjudicate between competing parties who have filed NIEs for the same
works. Accordingly, the Office’s publication of a list of works for which an NIE has been filed indicates only that one or more parties have claimed rights in those works; it does not represent a determination by the Office that those claims are valid. In all cases, the validity of such a claim is governed by the terms of the applicable law, including the URAA, as applied to the relevant facts.

II. List of Works For Which a Notice of Intent To Enforce Was Received

On July 24, 2018, an NIE was filed with the Copyright Office on behalf of Fakhria Zahir, who claims ownership of restored copyrights in 447 sound recordings. The NIE identifies Afghanistan as the source country for each of these works. Afghanistan became a WTO member on July 26, 2016, prior to its adherence to any of the other international agreements relevant to copyright restoration under the statute. Therefore, U.S. copyrights in eligible works for which Afghanistan is the source country were restored on that date. Because the NIE was filed with the Office within twenty-four months after restoration, it is timely for purposes of securing publication in the Federal Register.

Accordingly, the Office is publishing the following list of works identified in the NIE:

Aasheq Shodam Gunaham Hameen Ast
Abroha Bar Qolaha
Abroha Gul Ha
Afsoos
Agar Bahar Beyayad
Agar Bahar Biyayad (home recording version)
Agar Ein Asoman Setara
Agar Ishq Bashad
Agar Maikhara Wa Mastam
Agar Penhan Bowad Paida
Agar Sabza Bodam
Agar Subza Boodam (home recording version)
Agar Tu Yarakeman Bashi
Agar tu Yarakeman Bashi
Agar Ze Khalq Malamat
Agar Ze Khalq Malamat (home recording version)
Agha Galsita Zendagi (Choon Sahar)
Ah Chee Khosh Amadii
Anhange Zindi
Ahesta Bero
At Yar Khoob Royan
Ati Bwafwa Bwafwa
Aiy Dusitan Eh Dusitan
Aiy Naiargarai Man
Aiy Padshah Khooban
Ahkerin Shame Aashenaye Maa
Akhir ay Darya
Akhir Ay Darya
Amad Nafase Sobo
Amranan Jadwaye Maslahat Neist
Asheqam Aseehq Ba Royat
Ashiq Shodam Gwaham
Ashiq Shudayie Hay Dil
Ashique Royat Man
Ashko Haye Man Hamchon
Asoman Ay Asoman
Asoman Khaleest
Asoman Khalist (home recording version)
Awaleen Eshqam Tu Boodi (home recording version)
Awaleen Ishqam To Bodii
Awara Bechara Qalbe Man
Awara Bechara Qalbe Man (home recording version)
Ay Aaheh Sabdhahg Tu
Ay Badida am Tarik
Ay Bhekhabar Az Darde Man
Ay Bhekhabar Az Darde Man (home recording version)
Ay Bevafaa Ay Bevafaa
Ay Bote Berahem
Ay Bulbulie Khosh Elhan
Ay Dil Ay Dil
Ay Dil Tu Gerya Kam Kon
Ay dozdida chashm
Ay Gulezare Man
Ay Hamwatan Ay Neroyee
Ay Ishq
Ay Ishq Tu Wai Ra Na
Ay Jane Man Asirat
Ay Jane Man Asirat (home recording version)
Ay Ke Az Kelke Honar
Ay ke az Yaar Neshan
Ay Mahe Kenhane Man
Ay Naame Ghamat Taranaye Man
Ay Name Ghtmat Taranaye Man (home recording version)
Ay Nazaniz Az Ishque Tu
Ay Nazaniz Dar Eshque Tu (home recording version)
Ay Negahat Sabzbar
Ay Nilagoon Daryaye Man
Ay Padshah Khooban
Ay Qawme Ba Haj Rafta
Ay Rasheke Gul Ha
Ay Rasht Gulha
Ay Sarban Ahesta Raw
Ay Sarban Ahesta Raw (home recording version)
Ay Sarban Ahesta Raw (home recording version)
Ay Sholay Azin
Ay Surode Wapasinam
Ay Tere Ghamat Re
Ay Yare Khobe Man
Ay Yare Khobe Man (home recording version)
Ayaya sayad rahme kon
Az An Roz Ke Payman
Az Asheeyaand Judasqhsa
Az Bara-e Ghaim-e Man
Az Baraye Ghame Man
Az Baraye Ghame Man (home recording version)
Az Bast Yadeh Tu
Az Beygonai Tu
Az Dastat Feghan Feghan
Az Ghamat ai Nazinize (home recording version)
Az Ghamat Ay Nazaneen
Az Naaoo chi Mehandani
Az Parda Beeroon Nashaw
Az Peshe Man Beraw
Az Peshe Man Beraw (home recording version)
Az Safar Khosh Amadii
Az Tangmaye Mahbase Tariki
Az Tu Duram
Azizam Ba Yadat Shabhaaye
Ba Aan Hama Qawlo Qararo Payman
Ba An Hama Qawlo o Qarar
Ba Asoman Begoyed
Ba Atashin Khoye Khod
Ba Azmiz Tabia Istaikhaare Konam
Ba Azme Toba
Ba Daghe Na Moradi Sokhtam
Ba dile man sharar afroz
Ba Juz To Monese Diqar
Ba Khabar Bash Ba Khabar
Ba Khod Guftam
Ba Khoda Tang Ast Dilam
Ba Khoda Tang Ast Dilam (home recording version)
Ba Kodam Dar Rawam Man
Ba Saghara Naqol Kard
Ba Saghara Naqol Kard (home recording version)
Ba Sange Gham Zadi
Ba Zameen Pasar
Bacha Nasho Ay Dil
Bad az ein ke Raqib
Bada Ha Khaleest (home recording version)
Bada Ha Khalist
Badwasyet Konom
Badwasyet Konom (home recording version)
Bahar Amad
Bahar Ast O Saman
Bahare Jawaneeyam Rafat
Bahare Man Hazar Az Naw
Bahd Az Khuda Yagha Khudaye
Bairaway Da Ghereeban
Bar Khatoere Azadat
Baramd Az Pase Koh
Barayam Gerya kon Imshab
Bas Kaj Jafa Zumchar O Gul (home recording version)
Basko Jafa Ze Khar o Gul
Baz Amadi Ay Jane Man

Under the URAA, however, a material false statement knowingly made with respect to any restored copyright identified in an NIE shall make void all claims and assertions made with respect to such restored copyright.” Id. 104A(e)(3).


18 Due to unintended delays in the routing and processing of this NIE, publication has been delayed beyond the four-month period set forth in the statute.
SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is clearly understood, and the impact of collection requirements on respondents can be properly assessed.

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice; request for comments on this collection of information.

NOTICE OF PROPOSED INFORMATION COLLECTION REQUEST: GUIDELINES FOR IMLS GRANTS TO STATES FIVE-YEAR EVALUATION

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NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Request: Guidelines for IMLS Grants to States Five-Year Evaluation

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice; request for comments on this collection of information.

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