

significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. The

capability for light work, which includes the ability to do sedentary work, represents the capability for substantial numbers of such jobs. This, in turn, represents substantial

vocational scope for younger individuals (age 18–49), even if they are illiterate.

TABLE NO. 2—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO LIGHT WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)

Rule	Age	Education	Previous work experience	Decision
202.09	Closely approaching advanced age.	Illiterate	Unskilled or none	Disabled.
202.10do	Limited or Marginal, but not Illiterate.do	Not disabled.
202.16	Younger individual	Illiterate	Unskilled or none	Do.
202.17do	Limited or Marginal, but not Illiterate.do	Do.
.....

* * * * *

203.00 * * *

TABLE NO. 3—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO MEDIUM WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)

Rule	Age	Education	Previous work experience	Decision
203.01	Closely approaching retirement age.	Marginal or Illiterate	Unskilled or none	Disabled.
.....

* * * * *

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart I—Determining Disability and Blindness

- 4. The authority citation for subpart I of part 416 continues to read as follows:

Authority: Secs. 221(m), 702(a)(5), 1611, 1614, 1619, 1631(a), (c), (d)(1), and (p), and 1633 of the Social Security Act (42 U.S.C. 421(m), 902(a)(5), 1382, 1382c, 1382h, 1383(a), (c), (d)(1), and (p), and 1383b); secs. 4(c) and 5, 6(c)–(e), 14(a), and 15, Pub. L. 98–460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, and 1382h note).

- 5. Amend § 416.964 by:

- a. Removing the sixth sentence of paragraph (b) introductory text and paragraph (b)(5);
- b. Redesignating paragraph (b)(6) as paragraph (c); and
- c. Revising the first sentence of newly redesignated paragraph (c).

The revision reads as follows:

§ 416.964 Your education as a vocational factor.

* * * * *

(c) *Information about your education.* We will ask you how long you attended school, and whether you are able to understand, read, and write, and do at

least simple arithmetic calculations.

* * *

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BILLING CODE 4191-02-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 205

[Docket No. 2020-1]

Email Rule for Statutory Litigation Notices

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is issuing a final rule amending its procedures for submitting notices to the Office pursuant to sections 411 and 508 of the Copyright Act. Previously, these notices were submitted by mail to two different addresses, which risked delays and caused unnecessary burdens for both submitters and the Office. The new rule will alleviate these issues by requiring these notices to be submitted by email.

DATES: Effective May 26, 2020.

FOR FURTHER INFORMATION CONTACT:
Jordana Rubel, Assistant General

Counsel, by email at jrubel@copyright.gov or John R. Riley, Assistant General Counsel, by email at jril@copyright.gov; either can be reached by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

1. Background

Under sections 411 and 508 of the Copyright Act,¹ certain parties are required to notify the Register of Copyrights about copyright litigation. Sections 411(a) and 411(b) each define circumstances in which the Register of Copyrights must be notified of civil copyright lawsuits, to provide opportunity for he or she to participate in the case. Section 411(a) provides that copyright claimants who were denied registration by the Copyright Office for a specific work must inform the Register when they initiate a lawsuit alleging infringement of that work so that the Register may elect to become a party to the civil action with respect to the issue of registrability of the copyright for the work. Section 411(b) provides that if a party in a copyright infringement lawsuit alleges that a certificate of registration issued by the Copyright Office contains inaccurate information that was knowingly included in the application, then the court shall ask the

¹ 17 U.S.C. 411, 508.

Register to advise whether, if the Register had known of that inaccuracy, he or she would have refused registration.

Section 508 of the Copyright Act requires the clerks of the courts of the United States to notify the Copyright Office of the names and addresses of the parties and the title, author, and registration number of each work involved in any action under title 17. The clerks must also, within one month after any final order or judgment is issued in such a case, send the Office a copy of the order or judgment and any written opinion. Once received, the Office must make these documents part of its public records.

Currently, the Office does not have detailed regulations governing the submission of section 411(b) or 508 notices; the applicable regulation currently indicates that such submissions should be addressed to a post office box rather than the main Copyright Office mailing address.² The Office has a regulation specifically governing section 411(a) notifications, which indicates that such documents must be sent by “registered or certified mail to the General Counsel of the Copyright Office” or delivered by hand.³

The Office recognizes that litigants and court clerks who must file these required statutory notices would benefit from a rule that requires electronically submitted documents and that would allow court clerks to send the required notifications through the federal courts’ Case Management/Electronic Case Files system. Further, the Office would benefit from streamlined delivery of these notices, as it can be difficult to predict how long it will take for a mailed notice to actually be received, particularly given delays due to security screening.⁴

While a much smaller number of section 411(a) and (b) notices are received, the Office receives thousands of section 508 notices each year. The Administrative Office of the U.S. Courts created form AO-121, “Report on the Filing or Determination of an Action or Appeal Regarding a Copyright” to assist court clerks in complying with their statutory duties under 17 U.S.C. 508.⁵ This form is provided to court clerks in Portable Document Format (“PDF”) and includes blank spaces in which court

² 37 CFR 201.1(c)(1).

³ *Id.* at 205.13.

⁴ See 81 FR 62373 (Sept. 9, 2016) (noting same in mailbox rule for registration reconsiderations),

⁵ Report on the Filing or Determination of an Action or Appeal Regarding Copyright (Jun. 2016), <https://www.uscourts.gov/sites/default/files/ao121.pdf> (“Form AO-121”).

clerks can provide parties’ names and addresses and the titles, authors, and registration numbers of works at issue in the case. In the Office’s experience, some court clerks do not fill in any or all of the blanks on the forms they send to the Office and instead merely append a copy of the complaint to a blank form. The attached complaints, which can be lengthy, are not themselves required to be submitted to the Office to comply with section 508 and their presence increases the physical space needed to store the notices.

In late 2013, as part of a pilot project, the Copyright Office started permitting several judicial districts to send AO-121 forms electronically, as attachments to emails. The Office views this project as a success and has received requests from additional districts who wish to submit section 508 notices electronically. The Office believes that allowing all district courts and appellate courts to submit notices to the Office electronically, including through the Case Management/Electronic Case Files system, would simplify the submission process for courts and eliminate some paper record storage for the Office.⁶ Receiving the section 508 notices electronically will also make it easier for the Office to make those forms available for public inspection electronically. Similarly, allowing email submission of section 411(a) notices will benefit the public and the Office as it will ensure quick and easily confirmed delivery of these required notices.

The Copyright Office is publishing this amendment as a final rule without first publishing a notice of proposed rulemaking, as it constitutes a change to a “rule[] of agency . . . procedure, or practice.”⁷ Further, the rule does not “alter the rights or interests of parties,” but merely “alter[s] the manner in which the parties present themselves or their viewpoints to the agency.”⁸ The Office has worked with the Administrative Office of the United States Courts to create procedures for implementing service of these notices via email by the courts and will publicize to the general public the requirement to serve 411(a) notices by email.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

⁶ The Office is working with the Administrative Office of the U.S. Courts to update form AO-121 and notify the court clerks of these new regulations and procedures for submitting notices to the Office.

⁷ 5 U.S.C. 553(b)(A).

⁸ JEM Broad. Co. v. F.C.C., 22 F.3d 320, 326 (D.C. Cir. 1994).

37 CFR Part 205

Copyright, Courts.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR parts 201 and 205 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. Amend § 201.1(c)(1) by:
 - a. Adding the words “*Notices and*” before “*Requests*” in the paragraph heading.
 - b. Removing “*Notices related to the filing of copyright infringement suits and submitted pursuant to 17 U.S.C. 411(a) and 17 U.S.C. 508; requests pursuant to 17 U.S.C. 411(b)(2) from district courts to the Register of Copyrights, all other*” and adding in its place “*Other than notices served on the Register of Copyrights submitted pursuant to 17 U.S.C. 411(a), 411(b)(2), and 508, all time sensitive*”.
 - c. Adding two sentences to the end of the paragraph. d “

The addition reads as follows:

§ 201.1 Communication with the Copyright Office.

* * * * *

(c) * * *

(1) * * * Notices and requests served on the Register of Copyrights submitted pursuant to 17 U.S.C. 411(a) or 411(b)(2) should be submitted via email in accordance with 37 CFR 205.13 (for section 411(a) notices) and § 205.14 (for section 411(b)(2) notices). Notices served on the Register of Copyrights submitted pursuant to 17 U.S.C. 508 should be submitted via email in accordance with 37 CFR 205.15.

PART 205—LEGAL PROCESS

- 3. The authority citation for part 205 continues to read as follows:

Authority: 17 U.S.C. 702.

- 4. Amend § 205.13 by:
 - a. Removing “*registered or certified mail*”.
 - b. Removing “*at the address specified in § 201.1(c)(1) of this chapter, or delivery by hand addressed to the General Counsel of the Copyright Office and delivered to the Copyright Information Section, U.S. Copyright Office, Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue SE, Washington, DC*” and add in its place “*to the General Counsel of the*

Copyright Office via email to 411filings@copyright.gov”.

- c. Adding “, as an attached file,” after “form of a letter”.
- d. Removing “envelope” and add in its place “email’s subject line”.
- e. Adding three sentences after the phrase “Section 411(a) Notice to the Register of Copyrights.” .”

The revisions reads as follows:

§ 205.13 Complaints served on the Register of Copyrights pursuant to 17 U.S.C. 411(a).

* * * Attachments must be submitted in Portable Document Format (PDF), assembled in an orderly form, and uploaded as individual electronic files (*i.e.*, not .zip files). Attachments to a single email should be no greater than 20 MB in total. The files must be viewable, contain embedded fonts, and be free from any access restrictions (such as those implemented through digital rights management) that prevent the viewing and examination of the file. If submission of a notice via email is not feasible, please contact the Office of the General Counsel by telephone during normal business hours at 202–707–8380.* * *

- 5. Add § 205.14 to read as follows:

§ 205.14 Court requests to the Register of Copyrights pursuant to 17 U.S.C. 411(b)(2).

Where there is an allegation that a copyright registration certificate includes inaccurate information with knowledge that it was inaccurate and the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration, pursuant to 17 U.S.C. 411(b)(2), the court shall request the opinion of the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration. The request should be sent to the General Counsel of the Copyright Office via email to 411filings@copyright.gov. Attachments to a single email should be no greater than 20 MB in total. If submission of a request via email is not feasible, please contact the Office of the General Counsel by telephone during normal business hours at 202–707–8380.

- 6. Add § 205.15 to read as follows:

§ 205.15 Court notices to the Register of Copyrights pursuant to 17 U.S.C. 508.

Pursuant to 17 U.S.C. 508, within one month after the filing of any action under title 17, notice of the names and addresses of the parties and the title, author, and registration number of each work involved in the action, including any other copyrighted work later

included by subsequent amendment, answer, or other pleading, must be served by the clerk of the court on the Register of Copyrights. Further, the clerk of the court must notify the Register within one month after any final order or judgment is issued in the case, sending with the notification a copy of the order or judgment together with the written opinion, if any, of the court. These notices must be sent to the General Counsel of the Copyright Office via email to 508filings@copyright.gov. Notices must include a fully completed PDF version of the Administrative Office of the U.S. Courts’ form AO–121, “Report on the Filing or Determination of an Action or Appeal Regarding a Copyright,” available at the U.S. Courts’ website: <https://www.uscourts.gov/forms/other-forms/report-filing-or-determination-action-or-appeal-regarding-copyright>. If submission of a notice via email is not feasible, please contact the Office of the General Counsel by telephone during normal business hours at 202–707–8380.

Dated: January 14, 2020.

Maria Strong,

Acting Register of Copyrights and Director of the U.S. Copyright Office

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2020–02374 Filed 2–24–20; 8:45 am]

BILLING CODE 1410–30–P

POSTAL SERVICE

39 CFR Part 111

USPS Returns Service

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) section 505.3.0, and various other sections, to remove references to the traditional Merchandise Return Service (MRS) portion of merchandise return service and to enhance USPS Returns® service.

DATES: Effective: February 25, 2020.

FOR FURTHER INFORMATION CONTACT:

Karen Key at (202) 268–7492, Vicki Bosch at (202) 268–4978, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: The Postal Service published a notice of proposed rulemaking on July 23, 2018 (83 FR 34807–34811) to amend DMM section 505.3.0, *Merchandise Return Service (MRS)*, to remove the references to traditional MRS processes and

introduce an enhanced USPS Returns service. One formal response was received relating only to terminology used to describe users of the Enterprise Payment System (EPS).

The Postal Service elected to issue a revised proposed rule on December 19, 2019 (84 FR 69688–69695) in order to further clarify our proposal and provide a revised effective date. No formal responses were received.

The USPS Returns service’s new methodology was deployed January 27, 2019, allowing existing customers to migrate to the automated returns process and new customers to establish automated returns service. Current USPS Returns service and MRS customers must migrate to the new automated methodology by August 28, 2020.

Under the Package Platform initiative, the Postal Service has leveraged devices that were installed as part of the Automated Package Verification system to enhance the capability of equipment used for the processing of package-size mailpieces. The upgraded equipment captures near real-time data on package dimensions, weight, mail class or product, and other attributes, and transmits the data to Postal Service information systems. The Postal Service will use this new technology to streamline its processes for the identification and postage assessment of each return package, and enable account holders to pay the postage for their returns electronically. Mailers will receive detailed reports to monitor package level pricing as their returns are processed and delivered through the Postal Service network. This improved functionality will significantly reduce the need to manually weigh and invoice returns or to estimate postage via sampling under the Postage Due Weight Averaging Program for MRS packages, and will eliminate the scan-based payment process currently used with USPS Returns services.

The USPS Returns service automated methodology will use the same commercial prices as those currently applied to USPS Returns services and MRS: Priority Mail® Commercial Base and Commercial Plus (as applicable to the qualifying USPS Returns account holders), First-Class Package Service®—Commercial, and Parcel Select Ground™, and will apply those prices to each individual return package. Negotiated Service Agreement (NSA) prices will be available for eligible customers using the USPS Returns service automated process.

USPS Returns service account holders will pay postage and fees through an Enterprise Payment System (EPS)