

electronic notice which, based on recent experience and the comments to the Office's earlier Notice of Inquiry regarding additional services and fees, can include tens of thousands of titles. Based on this cost study, the Office is proposing to set the fee at \$75 for each Notice with a single title. Notices with additional titles will incur an additional \$20 fee per ten titles for a paper submission and an additional \$10 fee per hundred titles for an online submission (which works out to \$0.10 per additional title). In light of the low proposed fee for additional titles for filing a Notice online, the Office does not see a need to consider a cap on the total fees for any one Notice filed in this manner as suggested in a comment to the Office's January 24, 2012 Notice of Inquiry. As with the filing fees for the cable and satellite statements of account, the Office will reevaluate the fees for electronic filings in the future after gaining experience with the systems and the related costs.

IV. FOIA Fees

The Copyright Office last adjusted its fees for services associated with the Freedom of Information Act in 1999. See 64 FR 29518 (June 1, 1999). Fees are set in accordance with the guidelines

established by the Office of Management and Budget in accordance with the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines. 52 FR 10,012 (March 27, 1987). Currently, the Office has an hourly search fee of \$65 for entities other than educational institutions, non-commercial scientific institutions, and representatives of the news media which mirrored the fee for searching Copyright Office records in 1999 when the fee was revised. Today's proposed increase in the FOIA fee schedule brings this and other FOIA fees up to date.

The OMB guidelines allow agencies to recoup the full allowable direct costs they incur and provide that separate rates may be established for searching the records and reviewing responsive records to determine, e.g., the applicability of an exemption. In both cases, where a single class of reviewers is typically involved in providing the service, agencies may establish a reasonable agency-wide average fee. Accordingly, the Office proposes adoption of a two-tiered fee structure for searches to reflect the direct costs of the service depending upon the level of the personnel conducting the search. The proposed fee for a search based on a FOIA request is set at \$15 for the first

half hour and \$7.50 for each additional 15 minutes if conducted by administrative staff, and \$35 for the first half hour and \$17.50 for each additional 15 minutes if conducted by professional staff. Similarly, the Office is proposing to adopt new fees for reviewing the documents at the same rates as those proposed for a FOIA search. However, the fees for reviewing the documents will be based on 15 minute units and without a minimum fee. In addition, the Office is proposing to remove the separate fee for a copy of a certificate of copyright registration and the separate fee for certification services, currently listed in §§ 203.6(b)(1) and (4), respectively. The OMB guidelines state that such services are not covered by FOIA or its fee structure and that an agency should recover the full costs of such services. Therefore, the Office proposes that the FOIA fees for these services should be the same as the Copyright Office fees for these same services listed in the proposed schedule.

V. Schedule of Proposed Fees

The chart below sets forth the current and proposed fees for services related to Registration, Recordation; Special Services; the Licensing Division; and FOIA requests.

SCHEDULE OF PROPOSED FEES

	Current fee	Proposed new fee
Registration, Recordation and Related Services		
(1) Registration of a basic claim in an original work of authorship:		
Single author, same claimant, one work, not a work made for hire, filed electronically	\$35	\$45
All other claims filed electronically	35	65
Forms PA, SR, TX, VA, SE (paper filing)	65	100
(2) Registration of a claim in a group of contributions to periodicals (Form GR/CP), published photographs, or database updates (paper filing)	65	100
(3) Registration of a renewal claim (Form RE):		
(i) Claim without Addendum	115	100
(ii) Addendum (in addition to the fee for the Claim)	220	100
(4) Registration of a claim in a group of serials (Form SE/Group) [per issue, minimum 2 issues]	25	35
(5) Registration of a claim in a group of daily newspapers or qualified newsletters (Form G/DN)	80	150
(6) Registration of a claim in a restored copyright (Form GATT)	65	100
(7) Preregistration of certain unpublished works	115	140
(8) Registration of a correction or amplification to a claim (Form CA)	100	130
(9) Registration of a claim in a mask work (Form MW)	105	120
(10) Registration of a claim in a vessel hull (Form D/VH)	220	400
(11) Providing an additional certificate of registration	35	40
(12) Certification of other Copyright Office records (per hour)	165	200
(13) Search report prepared from official records (for up to 2 hours)	330	400
(i) Additional hours of searching (per hour)	165	200
(ii) Estimate of search fee	115	200
(14) Retrieval of in-process or completed Copyright Office records or other Copyright Office materials:		
(i) Retrieval of paper records (per hour, 1 hour minimum)	165	200
(ii) Retrieval of digital records (per hour, 1/2 hour minimum/quarter hour increments)	165	200
(15) Recordation of document, including a Notice of Intention to Enforce (NIE) (single title)	105	120
Additional titles (per group of 1 to 10 titles)	30	35
(16) Recordation of an Interim Designation of Agent to Receive Notification of Claimed Infringement under § 512(c)(2) (OSP)	105	105
Additional names (per group of 1 to 10 titles)	30	35
(17) Issuance of a receipt for a § 407 deposit	30	30

SCHEDULE OF PROPOSED FEES—Continued

	Current fee	Proposed new fee
Special Services		
(1) Service charge for deposit account overdraft	165	250
(2) Service charge for dishonored deposit account replenishment check	85	100
(3) Service charge for an uncollectible or non-negotiable payment	25	30
(4) Requests for Reconsideration of Refusals to Register Claims:		
(i) First Request (per claim)	250	250
(ii) Second Request (per claim)	500	500
(5) Secure test processing charge (per staff member per hour)	165	250
(6) Copying of Copyright Office records by staff:		variable
Photocopy (b&w, 8½ x 11) (per page, minimum: \$12)	0.50	0.50
Photocopy (b&w, 11 x 17) (per page, minimum: \$12)	1	1
Photocopy (color, 8½ x 11) (per page, minimum: \$12)	2	2
Photocopy (color, 11 x 17) (per page, minimum: \$12)	4	4
Audiocassette (first 30 minutes)	75	75
Additional 15 minute increments	20	20
Videocassette (first 30 minutes)	75	75
Additional 15 minute increments	20	20
CD or DVD	100	30
Flash Drive	N/A	30
Other formats not available in the Copyright Office, dependent upon availability of equipment and media, at cost from provider	variable	at cost
(7) Special handling fee for a claim	760	800
For multiple claims with one deposit where special handling is requested only for a single claim, handling fee in addition to the basic registration fee for each claim using the same deposit	50	50
(8) Special handling fee for recordation of a document	480	550
(9) Handling fee of extra deposit copy for certification	45	50
(10) Full-term retention of a published deposit	470	540
(11) Expedited search report (for up to 2 hours)	890	1,000
Additional hours of searching (per hour)	445	500
(12) Expedited retrieval, certification and copying services (surcharge, per hour)	265	305
(13) Notice to Libraries and Archives	50	50
Each additional title	20	20
(14) Service charge for Federal Express mailing	40	45
(15) Service charge for delivery of documents via facsimile (per page, 7 page maximum)	1	1
FOIA Fees		
(1) Search of Copyright Office records:		
(i) Search prepared by administrative staff (per 15 min., ½ hour min.)	165	7.50
(ii) Search prepared by professional staff (per 15 min, ½ hour min.)	165	17.50
(2) Review of documents:		
(i) Performed by administrative staff (per 15 min.)	N/A	7.50
(ii) Performed by professional staff (15 min.)	N/A	17.50
Licensing Division Services		
(1) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to § 111:		
(i) Form SA1	N/A	15
(ii) Form SA2	N/A	20
(iii) Form SA3	N/A	500
(2) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to § 119 or § 122:	N/A	75
(3) Statement of Account Amendment (Cable Television Systems and Satellite Carriers, 17 U.S.C. § 111, § 119, and § 122; Digital Audio Recording Devices or Media, 17 U.S.C. § 1003)	100	150
(4) Filing fee for recordation of a licensing agreement (17 U.S.C. § 118)	140	140
(5) Recordation of a Notice of Intention to Make and Distribute Phonorecords with a single title (17 U.S.C. § 115)	60	75
(i) Additional titles (per group of 1 to 10 titles), paper filing	20	20
(ii) Additional titles (per group of 1 to 100 titles), online filing	N/A	10
(6) Recordation of Certain Contracts by Cable TV Systems Located Outside the 48 Contiguous States	50	50
(7) Section 112/114, Notice of Digital Transmission of Sound Recording	25	40
Amended Notice of Digital Transmission of Sound Recording	25	40
(8) Photocopy of Licensing record by staff (b&w) (per page) [minimum: \$12]	0.50	0.50
(9) Search report prepared from Licensing records (per hour)	165	200
(10) Certification of search report (per hour)	165	200

¹ Current fees are based on an hourly rate.