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Copyright Office

[Docket No. 97-3E]

Copyright Restoration of Works In Accordance With the Uruguay Round Agreements Act; List Identifying Copyrights Restored Under the Uruguay Round Agreements Act for Which Notices of Intent to Enforce Restored Copyrights Were Filed in the Copyright Office

AGENCY: Copyright Office, Library of Congress.

ACTION: Publication of Ninth List of Notices of Intent to Enforce Copyrights Restored Under the Uruguay Round Agreements Act.

SUMMARY: The Copyright Office is publishing its ninth list of restored copyrights for which it has received and processed Notices of Intent to Enforce a copyright restored under the Uruguay Round Agreements Act. Publication of the lists creates a record for the public to identify copyright owners and works whose copyright has been restored for which Notices of Intent to Enforce have been filed with the Copyright Office.

EFFECTIVE DATE: August 14, 1998.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

The Uruguay Round General Agreement on Tariffs and Trade and the Uruguay Round Agreements Act (URAA) (Public Law 103-465; 108 Stat. 4809 (1994)) provide for the restoration of copyright in certain works that were in the public domain in the United States. Under section 104A of title 17¹ of the United States Code as provided by the URAA, copyright protection was restored on January 1, 1996, in certain works by foreign nationals or domiciliaries of World Trade Organization (WTO) or Berne countries that were not protected under the

copyright law for the reasons listed below in (2). Specifically, for restoration of copyright, a work must be an original work of authorship that on the date of restoration:

(1) was not in the public domain in its source country through expiration of term of protection;

(2) was in the public domain in the United States due to:

(i) 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;

(ii) lack of subject matter protection in the case of sound recordings fixed before February 15, 1972; or

(iii) lack of national eligibility (e.g., the work is from a country with which the United States did not have copyright relations at the time of the work's publication); and

(3) has at least one author (or in the case of sound recordings, rightholder) who was, at the time the work was created, a national or domiciliary of an eligible country. If the work was published, it must have been first published in an eligible country and not published in the United States within 30 days of first publication. See 17 U.S.C. 104A(h)(6).

A work meeting these requirements 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." 17 U.S.C. 104A(a)(1)(B).

Under the URAA, copyright in restored works vests automatically on the date of restoration. 17 U.S.C. 104A(a)(1)(A). That date is January 1, 1996, if the particular nation was already a member of the World Trade Organization (WTO) or the Berne Convention. Otherwise, the effective date of restoration is the date of a particular nation's adherence to the WTO or the Berne Convention or the date when the President issues a proclamation extending copyright restoration to that nation.

Although the copyright owner may immediately enforce the restored copyright against individuals who infringe his or her rights on or after the effective 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 December 8, 1994, the date the URAA was enacted. See 17 U.S.C. 104A(h)(4). Before a copyright owner can enforce a restored copyright against a reliance party, the copyright owner

must file a Notice of Intent (NIE) with the Copyright Office or serve an NIE on such a party.

An NIE may be filed in the Copyright Office within 24 months of the date of restoration of copyright. Alternatively, an owner may serve an NIE on an individual reliance party at any time during the term of copyright; however, such notices are effective only against the party served and those who have actual knowledge of the notice and its contents. NIEs appropriately filed with the Copyright Office and published herein serve as constructive notice to all reliance parties.

II. Administrative Processing

Pursuant to the URAA, the Office is publishing its ninth four-month list identifying restored works for notices of intent to enforce a restored copyright filed with the Office. 17 U.S.C. 104A(e)(1)(B). The earlier lists were published between May 1, 1996, and April 17, 1998. 61 FR 19372 (May 1, 1996), 61 FR 46134 (Aug. 30, 1996), 61 FR 68454 (Dec. 27, 1996), 62 FR 20211 (April 25, 1997), 62 FR 44842 (Aug. 22, 1997), 62 FR 66766 (Dec. 19, 1997), 63 FR 5142 (Jan. 30, 1998), and 63 FR 19287 (April 17, 1998). To allow for processing this NIE information, the Office closed the record for publication three days before forwarding this record for publication. Accordingly, the NIEs listed herein are those entered into the public records of the Office between January 21, 1998 and August 5, 1998. Any NIEs timely received in the Copyright Office but not processed by August 5, 1998, would appear on a new four-month list, and be published on December 11, 1998.

NIEs for works restored to copyright on January 1, 1996, must have been postmarked on or before December 31, 1997, to be accepted in the Copyright Office for publication in the **Federal Register**. See 17 U.S.C. 104A(d)(2). NIEs that were received in the Office too late for **Federal Register** publication (i.e., beyond their source country's 24-month eligibility period) will be returned to the remitter unrecorded, and the fee will be refunded. On the other hand, owners of works that are still within their eligible filing period may continue to file such notices with the Copyright Office, receive constructive notice, and have their titles published by the Office in the **Federal Register**. Because the period for filing NIEs in the Office for most all countries² eligible to file has ended, the

¹ The URAA's amendment of 17 U.S.C. 104A replaced section 104A under the North American Free Trade Agreement Implementation Act (Public Law 103-182, 107 Stat. 2057, 2115 (1993)). The Uruguay Round Trade Agreements, Texts of Agreements, Implementing Bill, Statement of Administrative Action, and Required Supporting Statements, H.R. Doc. No. 316, 103d Cong., 2d Sess. 324 (1994). See 60 FR 50414 (Sept. 29, 1995).

² NIEs for works whose source country is Angola may be filed in the Copyright Office no later than November 30, 1998; NIEs for works whose source country is Mongolia may be filed no later than January 28, 1999.

Office will publish a new four month list only in the event that it receives new or Correction NIEs from currently eligible remitters, or from nationals of source countries made newly eligible by reason of adherence to the Berne Convention, the World Trade Organization, or Presidential proclamation.

III. Correction of Previously Filed NIEs

Correction NIEs for major errors (essentially, major errors in title and owner information) on any NIE filed must be submitted within the eligibility period. 37 CFR 201.34 (d)(6)(i). Minor errors may be corrected at any time without regard to eligibility for filing, pursuant to the interim regulation on Correction NIEs, published at 62 FR 55736 (Oct. 28, 1997).

IV. On-line Availability of NIE Lists

Using the information provided herein, one may search the Office's database to obtain additional information about a particular NIE. NIEs are located in what is known as the Copyright Office History Documents (COHD) file, which is available from computer terminals located in the Copyright Office itself or from terminals located in other parts of the Library of Congress through the Library of Congress Information System (LOCIS). Alternative ways to connect through Internet are (i) the World Wide Web (WWW), using the Copyright Office Home Page at: <http://www.loc.gov/copyright>; or (ii) connect directly to LOCIS through the telnet address at [locis.loc.gov](telnet://locis.loc.gov). WWW is available 24 hours a day. LOCIS is available 24 hours a day Monday through Friday, U.S. Eastern Time; Saturday, until 5 p.m.; and Sunday after 11 a.m.³

Information available online includes: the title or brief description if untitled; an English translation of the title; the alternative titles if any; the name of the copyright owner or owner of one or more exclusive rights, the date of receipt of the NIE in the Copyright Office; the date of publication in the **Federal Register**; and the address, telephone and telefax number of the copyright owner. If given on the NIE, the online information will also include the author, the type of work, and the rights covered by the notice. See 37 CFR 201.33(f). For the purpose of researching the full Office record of NIEs on the Internet, the Office has made online searching instructions accessible through the Copyright Office Home

Page. Researchers can access them through the Library of Congress Home Page on the World Wide Web by selecting the copyright link. Select the menu item "Copyright Office Records" and/or "URAA, GATT Amends U.S. law." In addition to online records, images of the complete NIEs as filed are on optical disc and available from the Copyright Office.

V. Alien Properties Custodian Act

The URAA does not restore copyright protection to "[a]ny work in which the copyright was ever owned or administered by the Alien Property Custodian and in which the restored copyright would be owned by a government or instrumentality thereof." 17 U.S.C. 104A(a)(1)(B)(2). For those seeking to determine whether or not this exclusion applies to a particular work, the Office published background information at 63 FR 19289 (April 17, 1998).

VI. Scope of NIE Recordation

Under the URAA, the owner of a right in a restored work may file an NIE to notify reliance parties of its intention to enforce its right. The Copyright Office is required by law to publish in the **Federal Register** "lists identifying restored works and the ownership thereof if a notice of intent to enforce a restored copyright has been filed." 17 U.S.C. 104A(e)(1)(B)(I). The Office does not research the facts stated in Notices of Intent to Enforce to determine whether a work is or is not eligible for restoration. Nor does the Office adjudicate between competing parties who have filed NIEs for identical works. (Under section 104A, however, a material false statement knowingly made with respect to any restored copyright identified in an NIE makes void all claims and assertions made with respect to such restored copyright. 17 U.S.C. 104A(e)(3).) Accordingly, the filing of an NIE indicates only that a party claims rights in a restored work, and does not represent a determination by the Copyright Office that this claim is valid. In all cases, the validity of such a claim is governed by the terms of the relevant law, including the URAA, as applied to the relevant facts.

VII. Ninth List of Notices of Intent To Enforce

The following restored works are listed alphabetically by copyright owner; multiple works owned by a particular copyright owner are listed alphabetically by title. Works having more than one copyright proprietor are listed under the first owner and cross-referenced to the succeeding owner(s).

A cross-reference to the composite owner (e.g., Title I owned by "A B & C") will state, "SEE A B & C" at the listing for each individual owner (e.g., for Owner A, for Owner B and for Owner C).

Art Theatre Guild of Japan Company, Ltd., Cinemahaute Company, Ltd.

Hipokuratesu-tachi.

Art Theatre Guild of Japan Company, Ltd., Takahashi Productions, Kokusai Hoei Company, Ltd.

Tattoo ari.

Authors Rights Restoration Corporation, Inc.

Aguiluchos Mexicanos.

El agula y el nopas.

Al filo de los machetes.

Amor a la vida.

Amor en la sombra.

Un amor extrano.

El amor tiene cara de mujer.

El angel del silencio.

Los ardores de mi ahijada.

Asesino travesti.

Ay que rechulo es puebla.

Bamba.

El bano de Afrodita.

La barca de oro.

Barridos y regados.

Bartolo toca la flauta.

Bel ami.

Blue Demon contra las diabolicas.

Blue Demon contra los cerebros infernales.

Blue Demon el demonio azul.

Blue Demon vs. las Mujeres Arana.

Bodas de oro.

Caballeria del imperio.

Cabarets de frontera.

Cabo de hornos.

Camino de Sacramento.

Cascara contra bikini.

El caso de la mujer asesinadita.

El chicano justiciero.

Conserje en condominio.

Corazon salvaje.

Corazones de Mexico.

Cri cri el grillito cantor.

Cuando acaba la noche.

Curvas peligrosas.

El derecho de nacer.

La Diana cazadora.

Dona diablo.

Donde estas corazon?

Dueno y senora.

La dulce enemiga.

La edad de la inocencia.

El embajador.

Ensename a besar.

La entrega.

Este vampiro es un tiro.

La fierecilla del puerto.

Fugitivo en la noche.

Gente violenta.

La golondrina.

³Not all files are available after 9:30 p.m. on weekdays. On Sundays, all files may not be available from 5 p.m.-8 p.m.

Los guaruras.
 Hasta que llovio en Sayula.
 La hermana blanca.
 El hermano Pedro.
 La hija de la Camelia.
 El hijo de nadie.
 Hombre o demonio.
 Horizontes de sangre.
 Impaciente del corazon.
 El indomable solitario.
 Isla para dos.
 Jesus nuestro senor.
 El Jinete justiciero.
 Jinete justiciero en retando a la muerte.
 Juarez y Maximiliano.
 Las limpias.
 Mafia de la frontera.
 La malaguena.
 Mama Dolores.
 Maria.
 Maria Magdalena.
 Mascara contra bikini.
 Los matones del norte.
 Medianoche.
 El ministro y yo.
 Mision suicida.
 La mujer que no tuvo infancia.
 La mujer que quiere a dos.
 La mujer que yo ame.
 Mujeres sin manana.
 Un mulato llamado Martin.
 El narco (duelo rojo).
 Natacha.
 Negro es mi color.
 No the enganes corazon.
 La noche del pecado.
 Nunca es tarde para amar.
 Oro maldito.
 Oro, sangre y sol.
 El Padre Morelos.
 La paloma.
 Pancho Villa vs. Martin Corono.
 Para siempre amor mio.
 El patrullero 777.
 Pistoleros asesinos.
 Pistoleros bajo el sol.
 Prisonera del pasado.
 Pueblo de odios.
 Pueblo en armas.
 Que dios me perdone.
 Quiero ser artista.
 Rancho de mis recuerdos.
 Rayando el sol.
 El rayo del sur.
 La reina de la opereta.

Reina de reinas.
 El reina del sur.
 Revolucion (la sombra del panico).
 El rey de Mexico.
 Sabras que te quiero.
 San Juan de Dios es jalisco.
 Sangre en el ruedo.
 Santo contra cerebro del mal.
 Santo contra el cerebro diabolico.
 Santo contra el conde dracula.
 Santo contra hombres infernales.
 Santo contra la magia negra.
 Santo contra los zombies.
 Santo en el museo de cera.
 Santo en la venganza de las mujeres vampiro.
 Santo frente a la muerte.
 Santo vs. la hija de Frankenstein.
 Santo vs. la mafia del vicio.
 Santo y Blue Demon vs. las bestias del terror.
 Simon Bolivar.
 El socio.
 Sonadores de la gorra.
 Soy charro de Rancho Grande.
 Soy Mexicano de aca de este lado.
 Te sigo esperando.
 Tehuantepec.
 Tengo que matarlos.
 Terror en los barrios.
 Tierra sangrienta.
 Tonta tonta pero no tanto.
 Las tres alegres comadres.
 Tribu.
 Los triunfadores.
 El ultimo rebelde.
 El valor de vivir.
 Venganza apache.
 Vida inutil de Pito Perez.
 Viva la soldadera.
 Viva Mexico.
 Vuelve Pancho Villa.
 Ziari.

Casa Musicale Sonzogno

Lancillotto del lago.
 Sandha.
 La sulamita.

Cinemahaute Company, Ltd. SEE Art Theatre Guild of Japan Company, Ltd., Cinemahaute Company, Ltd.

Films de la Pleiade

D'homme a hommes.
 Lumiere.

Polski Wydawnictwo Muzyczne

Ballades, 1949.
 Chamber music, 1964.
 Concertos, 1964.
 Impromptus, 1964.
 Minor works, 1964.
 Nocturnes, 1964.
 Polonaises, 1964.
 Preludes—CW, 1949.
 Preludes—DW, 1949.
 Scherzos, 1964.
 Sonatas, 1964.
 Songs, 1964.
 Studies (études)—1949.
 Waltzes, 1951.

Rahter (D.) Verlag

Rossiniana suite.

Takahashi Productions. SEE Art Theatre Guild of Japan Company, Ltd., Takahashi Productions, Kokusai

Toho Company, Ltd., Mifune Productions

Machibuse.
 Shinsengumi.

Transit Film, GmbH for Federal Republic of Germany

Echo der Heimat, Folge 3.

Uitgeverij Jorrit, BV.

The artist.
 The candy store.
 The carol singers.
 The dinner party.
 The flower stall.
 Front door greeting.
 The goodbye.
 The greengrocers' stall.
 The map reader.
 The photographer.
 Piano player.
 Puppet show.
 The snowman.
 The toy shop.
 The watchmakers' shop.
 Window shopping.

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Assistant General Counsel.

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