request a hearing on the record to determine whether a preponderance of the evidence in the record supports that conclusion. In circumstances where waiting for the normal hearing process could jeopardize relations among parties to the agreement, NOAA would provide an expedited hearing process.

Discussion Package 3 sets forth in more detail the type of process under

consideration.

6. Miscellaneous

Comments on the above issues are specifically solicited but all comments on improving and simplifying the regulations are welcome and will be reviewed and considered in the course of the normal agency process of issuing proposed regulations, should such regulations be deemed necessary. NOAA is also interested in comments on whether or not NOAA should sponsor a public meeting on the issues presented in this notice or others related to the regulations.

NOAA intends that all information obtained from the public in connection with this Notice be a matter of public record. Consequently, comments must be in writing to be considered. Oral comments are discouraged. NOAA will not accept submissions made on a confidential basis. The record containing all comments will be maintained with the above listed contacts, NOAA, Federal Building 4, Room 3301, Suitland, MD. From 9 a.m. to 3 p.m., it may be inspected, by appointment, and any comments copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Further information about inspection and copying of records at this facility may be obtained from the above contacts.

Commentors can request copies of the Discussion Packages referenced in this document from the contacts listed above.

Robert S. Winokur,

Assistant Administrator for Satellite and Information Services.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM 95-7]

Registration of Claims to Copyright, Group Registration of Photographs

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed regulations with request for comments.

SUMMARY: The Copyright Office of the Library of Congress is proposing regulations that permit group registration of unpublished or published photographs without the deposit of copies of the works. These proposed regulations would enable photographers and photography businesses to seek the benefits of registration by making it less burdensome for them to register a claim to copyright in a large number of photographs taken by a single photographer or photography business. The Office seeks comment on the proposed regulations.

DATES: Comments on the proposed regulation should be in writing and received on or before January 18, 1996. Reply comments should be received February 2, 1996.

ADDRESSES: If sent BY MAIL, fifteen copies of written comments should be addressed to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366. If BY HAND, fifteen copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM–407, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, Telephone: (202) 707–8380 or Telefax (202) 707–8366.

SUPPLEMENTARY INFORMATION: Section 408 of 17 U.S.C. provides that a copyright owner may obtain registration of a copyright claim by delivering to the Copyright Office a deposit, an application and a fee. With respect to the deposit, the nature of the copy to be deposited is set out in general terms. e.g., one complete copy of an unpublished work. However, broad authority is granted to the Register to provide for alternative forms of deposit. Section 408(c)(1) provides that the Register may require or permit the deposit of identifying material in lieu of an actual copy of the work. Congress' intent is reflected in the various legislative reports that accompanied the enactment of the copyright law. Congress instructed the Office to keep the deposit provisions flexible "so that there will be no obligation to make deposit where it serves no purpose, so that only one copy or phonorecord may be deposited where two are not needed, and so that reasonable adjustments can be made to meet practical needs in special cases." H.R. Rep. No. 1476, 94th

Cong., 2d Sess. 151 (1976); S. Rep. No. 473, 94th Cong., 1st Sess. 134 (1975). The law also authorizes the Register to require or permit "a single registration of a group of related works."

Registration can be made at any time. Section 412 of 17 U.S.C. prohibits the awarding of statutory damages and attorney's fees where the work has not keen registered before an infringement occurs. ¹ Although actual damages as well as injunctions are always available remedies, the Copyright Office recognizes the significant benefits of early registration.

Registration Concerns Raised by Photographers

During the congressional hearings on the Copyright Reform Act of 1993, photographers complained that they were unable to take advantage of the benefits of registration because the Copyright Office practices were exceedingly burdensome. Photographers stated that it required a tremendous amount of time and effort to submit a copy of each image included in a collection and was financially burdensome. Prior to 1993, the Office revised its practices in an attempt to make registration easier for photographers. However, a copy of each image continued to be required. These changes did not sufficiently ease the burdens, and few photographers have registered their works. Consequently, photographers urge that they have been given a clear legal right by the copyright law, but no effective remedy; and this reality encourages infringers to continue unlawful conduct. See, Copyright Reform Act of 1993: Hearings on H.R. 897 Before the Subcomm. on Intellectual Property and Judicial Administration of the House Comm. on the Judiciary, 103d Cong., 1st Sess. 370 (1993). See also Copyright Reform Act of 1993: Hearing on S. 373 Before the Subcomm. on Patents, Copyrights and Trademarks of the Senate Comm. on the Judiciary, 103d Cong., 1st Sess. 169 (1993). (Testimony of Andrew Foster, **Executive Director of the Professional** Photographers of America, Inc.)

In June 1993, the Librarian of Congress appointed an Advisory Committee on Registration and Deposit (ACCORD). That Committee recommended that the Copyright Office "greatly expand the use of group registration and optional deposit to reduce the present burdens" and "consult more actively and frequently with present and potential registrants to

¹A three month grace period, measured from the date of first publication, is provided for published works