

# Proposed Rules

Federal Register

Vol. 70, No. 140

Friday, July 22, 2005

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 100, 106 and 300

[Notice 2005-19]

#### State, District, and Local Party Committee Payment of Certain Salaries and Wages; Definition of Federal Election Activity

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Federal Election Commission is announcing public hearings on the following rulemakings: The proposed rules regarding payments by State, district or local party committees for salaries and wages of employees who spend 25 percent or less of their compensated time in a month on Federal election activity and activity in connection with Federal elections; and proposed rules defining Federal election activity.

**DATES:** The hearings will be held on Thursday, August 4, 2005 and will begin at 10 a.m.

**ADDRESSES:** Commission hearings are held in the Commission's ninth floor meeting room, 999 E Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mai T. Dinh, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

#### SUPPLEMENTARY INFORMATION:

#### Rulemaking on State, District, and Local Party Committee Payment of Certain Salaries and Wages

On May 4, 2005, the Commission published a Notice of Proposed Rulemaking ("NPRM") proposing revisions to rules that cover what mixture of Federal and non-Federal funds can be used by State, District and local party committees to pay salaries and wages for persons who spend 25 percent or less of their compensated time in a month on Federal election activity or on activity in connection with a Federal election. The comment

period for this NPRM ended on June 3, 2005. The Commission received five comments in response to this NPRM. Six commenters who submitted three of the comments requested to testify at a public hearing if one is held.

After considering these requests and the other comments received to date in response to this NPRM, the Commission believes a public hearing would be helpful in considering the issues raised in the rulemaking. The hearing will be held on August 4, 2005.

#### Rulemaking on Definition of Federal Election Activity

On May 4, 2005, the Commission published an NPRM proposing to revise the definitions of "Federal election activity," "get-out-the-vote activity," and "voter identification." The comment period for this NPRM ended on June 3, 2005. The Commission received eight comments in response to this NPRM. Seven commenters who submitted four of the comments requested to testify at a public hearing if one is held.

After considering these requests and the other comments received to date in response to this NPRM, the Commission believes a public hearing would be helpful in considering the issues raised in the rulemaking. The hearing will be held on August 4, 2005.

Dated: July 19, 2005.

**Scott E. Thomas,**

*Chairman, Federal Election Commission.*

[FR Doc. 05-14508 Filed 7-21-05; 8:45 am]

**BILLING CODE 6715-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 Series Reciprocating Engines

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Lycoming Engines (formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 series reciprocating engines rated at 300 horsepower (HP) or lower. This proposed AD would require replacing certain crankshafts. This proposed AD results from reports of 12 crankshaft failures in Lycoming 360 and 540 series engines rated at 300 HP or lower. We are proposing this AD to prevent failure of the crankshaft, which could result in total engine power loss, in-flight engine failure, and possible loss of the aircraft.

**DATES:** We must receive any comments on this proposed AD by August 22, 2005.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Fax: (202) 493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this proposed AD from Lycoming, 652 Oliver Street, Williamsport, PA 17701; telephone (570) 323-6181; fax (570) 327-7101, or on the Internet at <http://www.Lycoming.Textron.com>.

You may examine the comments on this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228-7337; fax (516) 794-5531.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-21864; Directorate Identifier-2005-NE-29-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Docket Management System (DMS) Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

**Examining the AD Docket**

You may examine the docket that contains the proposal, any comments received and, any final disposition in person at the Docket Management Facility Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the Docket Management Facility receives them.

**Discussion**

On September 16, 2002, we issued AD 2002-19-03, Amendment 39-12883 (67 FR 59139) applicable to Textron Lycoming LTIO-540 and TIO-540 series engines, rated at 300 HP or higher. That AD requires replacing certain crankshafts manufactured using a hammer-forged process with crankshafts manufactured using a press-forged process. AD 2002-19-03 resulted from reports of 18 crankshaft failures in LTIO-540 and TIO-540 engines, rated at 300 HP or higher. Our investigation into

the cause of the crankshaft failures found that the failures result from subsurface metallurgical flaws. Lack of crankshaft process control caused the subsurface metallurgical flaws. While this proposed AD would affect different crankshafts than those affected by AD 2002-19-03, the crankshafts have the same possible unsafe condition. This proposed AD results from 12 reports of crankshaft failures on engines rated at 300 HP or lower. This proposed AD would require replacing certain crankshafts installed in engines manufactured new or rebuilt, overhauled, or that had a crankshaft replaced after March 1, 1999. This condition, if not corrected, could result in crankshaft failure, which could result in total engine power loss, in-flight engine failure, and possible loss of the aircraft.

**Relevant Service Information**

We have reviewed and approved the technical contents of Lycoming Mandatory Service Bulletin (MSB) No. 566, dated July 11, 2005, that describes procedures for replacing crankshafts listed by serial number in that MSB.

**FAA's Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require replacing certain crankshafts within 50 hours time-in-service or 6 months after the effective date of the proposed AD, whichever is earlier. The proposed AD would require you to use the service information described previously to perform these actions.

**Costs of Compliance**

We estimate that this proposed AD would affect 1,128 engines installed on aircraft of U.S. registry. We estimate that it would take the following work hours to perform the inspection:

Type of application	Work-hours per engine	Number of engines affected
Helicopter .....	12	200
Constant-Speed Propeller .....	3	557
Fixed-Pitch Propeller ....	1.5	371

We also estimate that it would take about 33 work hours to replace the crankshaft. We estimate the average labor rate is \$65 per work hour and that required parts for each engine would cost about \$16,218. Based on these

figures, we estimate the total cost of the proposed AD to U.S. operators to be \$18,594,724. Lycoming Engines informed us that they intend to supply the new parts at no charge, which would substantially reduce the estimated cost of this proposed AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Under the authority delegated to me by the Administrator, the Federal

Aviation Administration proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**Lycoming Engines:** Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD.

**Comments Due Date**

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by August 22, 2005.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 series reciprocating engines, rated at 300 horsepower or lower, manufactured new or rebuilt, overhauled, or that had a crankshaft installed after March 1, 1999. These engines are installed on, but not limited to, the following aircraft:

Engine model	Manufacturer	Aircraft model
IO-540-V4A5	A.M.F.	17-D Mushshak.
IO-540-E1A5	Aero Commander	500 B, S, U/Merlyn Products Conv. 500-E.
IO-540-K1F5	Aerofab	LA 250 Renegade.
O-540-E4A5	Aeronautica	Agricola Mexicana Quail.
IO-540-C4B5	Aerostar	600.
LO-360-A1G6D	Aircraft Manufacturing Factory	Mushshak.
O-360-A1G6D	Aviamilano	F-250 Flamingo.
O-540-E4B5	Avions	Pierre Robin HR-100/250.
O-540-E4C5	Beech	76 Duchess.
IO-540-K1B5		76 Duchess.
O-360-A1F6		C-24R Sierra or 200 Sierra.
O-360-A1F6D	Bellanca	Aircraft Aries T-250.
O-540-J3C5D	Britten Norman	BN-2 Islander.
IO-540-AB1A5		BN-2A & BN-2B Islander.
O-360-F1A6		BN-2A Islander.
IO-540-AC1A5	Celair	Eagle.
IO-360-A1B6D	Cessna	177 Cardinal.
TIO-540-AK1A		177 Cardinal.
O-540-L3C5D		182-RG Skylane.
AEIO-540-D4A5		182-S.
IO-540-T4B5D		C-172RG Cutlass RG.
IO-540-T4B5		C-206 Stationair.
TIO-540-AG1A		R-G Cardinal.
IO-540-K1J5D		R-G Cardinal.
O-540-B4B5		T182T Skylane.
AEIO-540-L1B5	Christen Pitts	TR-182 Turbo Skylane.
O-540-A1A5	Commander	S-2S, S-2B.
AEIO-360-A1E6		114.
IO-540-M1C5		114B.
O-540-J3A5	Dornier	114TC.
IO-540-W1A5	Embraer	DO-28.
IO-360-A3B6		EMB-201 Ipanema.
IO-360-A1B6		EMB-710 Coriooca.
IO-360-A3B6D		EMB-720 Minuano.
TIO-540-AF1B		EMB-720 Minuano & EMB-721 Sertanejo.
IO-540-K1J5	Moravan	EMB-721 Sertanejo.
	Partenavia	Extra 300.
	Piper	FFA-2000 Eurotrainer.
		HPT-32.
		H-250.
		Omega.
		Angel.
		Chang Gong-91.
		LA-4-200 Buccaneer.
		MT-7-260 & M-7-260.
		MX-7-235 Star Rocket.
		MX-7-235, MT-7-235 & M7-235.
		Trophy 212 Conversion.
		201.
		M-201.
		M-20-J.
		M20J-201.
		M20M TLS Bravo.
		Z143L Zlin.
		Z242L Zlin.
		P-68 Series Observer.
		600-A Aerostar.

Engine model	Manufacturer	Aircraft model
IO-540-S1A5 .....	.....	601-A, 601B & 601P Aerostar.
IO-540-AA1A5 .....	.....	602P Sequoia.
O-540-A1B5 .....	.....	PA-23-235 Aztec & PA-24-250 Comanche.
IO-540-J4A5 .....	.....	PA-23-250 Aztec.
IO-540-C1B5 .....	.....	PA-23-250 Aztec.
TIO-540-C1A .....	.....	PA-23-250 Aztec & PA-24-250 Comanche.
O-540-A1C5 .....	.....	PA-23-250T Turbo Aztec.
O-540-A1D5 .....	.....	PA-24-150 Comanche.
IO-540-D4A5 .....	.....	PA-24-250 Comanche.
O-540-B2C5 .....	.....	PA-24-250 Comanche.
O-540-B2B5 .....	.....	PA-24-260 Comanche.
IO-360-C1C6 .....	.....	PA-24-260 Comanche.
IO-540-M1A5 .....	.....	PA-25-235 Pawnee.
IO-540-K1G5 .....	.....	PA-28-235 Cherokee.
IO-540-K1A5 .....	.....	PA-28-235 Cherokee.
IO-540-K1A5D .....	.....	PA-28R-201 Arrow.
IO-540-K1G5D .....	.....	PA-31-300 Navajo.
IO-360-C1E6 .....	.....	PA-32-260 Cherokee 6.
IO-540-K1G5 .....	.....	PA-32-300 & PA-32-301 Saratoga.
O-360-A1H6 .....	.....	PA-32-300 Cherokee 6.
LO-360-A1H6 .....	.....	PA-32-300 Cherokee 6.
IO-540-K1K5 .....	.....	PA-32-300R Lance.
O-540-F1B5 .....	.....	PA-32-301R Saratoga.
.....	Robin .....	PA-34-200 Seneca I.
.....	Robinson .....	PA-36-300 Brave.
.....	Rockwell .....	PA-44-180.
.....	Ruschmeyer .....	PA-44-180 Seminole.
.....	Saab .....	T-35 Pillan.
.....	Scottish Avia .....	R-3000/235.
.....	Siai Marchetti .....	R-44.
.....	Siai Marchetti .....	114.
.....	Siai Marchetti .....	MF-85.
.....	Siai Marchetti .....	MFI-15 Safari or MFI-17 Supporter.
.....	Slingsby .....	Bulldog.
.....	Socata .....	S-205.
IO-540-C4D5D .....	.....	S-208 & SF-260.
TIO-540-AB1AD .....	.....	SF-260.
IO-540-AB1A5 .....	.....	SF-260.
IO-540-K1H5 .....	.....	Firefly T3A.
IO-540-L1C5 .....	.....	R-235 Rallye Cuerrier.
AEIO-360-A1B6 .....	.....	Rallye 235CA.
.....	Stoddard Hamilton .....	TB-20 Trinidad.
.....	Stoddard Hamilton .....	TB-200.
.....	Swearingen Aircraft .....	TB-21 & TB-21-TC Trinidad TC.
.....	Transava .....	Glasair.
.....	Valmet .....	Glasair III.
.....	Wassmer .....	SX-300.
.....	Yoeman .....	T-300 Skyfarmer.
.....	.....	L-70 Vinka.
.....	.....	WA4-21.
.....	.....	Aviation YA-1.

### Unsafe Condition

(d) This AD results from 12 crankshaft failures in Lycoming model 360 and 540 series engines rated at 300 HP or lower. We are issuing this AD to prevent failure of the crankshaft, which could result in total engine power loss, in-flight engine failure, and possible loss of the airplane.

### Compliance

(e) You are responsible for having the actions required by this AD performed within 50 hours time-in-service or 6 months after the effective date of this AD, whichever is earlier, unless the actions have already been done.

### Engines Manufactured Before March 1, 1999

(f) If Lycoming Engines manufactured new, rebuilt, or overhauled your engine before March 1, 1999, and you haven't had the

crankshaft replaced, no further action is required.

### AEIO-540, IO-540, O-540, and TIO-540 Series Engines Manufactured New or Rebuilt, Overhauled, or That Had a Crankshaft Installed After March 1, 1999

(g) For AEIO-540, IO-540, O-540, and TIO-540 series engines manufactured new or rebuilt, overhauled, or that had a crankshaft installed after March 1, 1999, do the following:

(1) If Table 1 or Table 2 of Lycoming Mandatory Service Bulletin (MSB) No. 566, dated July 11, 2005, lists your engine serial number (SN), use Table 4 to verify the crankshaft SN.

(2) If Table 4 of Lycoming MSB No. 566, dated July 11, 2005, lists your crankshaft SN, replace the crankshaft with a crankshaft that

is not listed in Table 4 of Lycoming MSB No. 566, dated July 11, 2005.

### AEIO-360, IO-360, O-360, LIO-360, and LO-360 Series Engines Manufactured New or Rebuilt, Overhauled, or That Had a Crankshaft Installed After March 1, 1999

(h) For AEIO-360, IO-360, O-360, LIO-360, and LO-360 series engines manufactured new or rebuilt, overhauled, or that had a crankshaft installed after March 1, 1999, do the following:

(1) If Table 3 of Lycoming MSB No. 566, dated July 11, 2005, lists your engine SN, use Table 4 to verify the crankshaft SN.

(2) If Table 4 of Lycoming MSB No. 566, dated July 11, 2005, lists your crankshaft SN, replace the crankshaft with a crankshaft that is not listed in Table 4 of Lycoming MSB No. 566, dated July 11, 2005.

### Prohibition Against Installing Certain Crankshafts

(i) After the effective date of this AD, do not install any crankshaft that has a SN listed in Table 4 of Lycoming MSB No. 566, dated July 11, 2005, into any engine.

### Alternative Methods of Compliance (AMOCs)

(j) The Manager, New York Aircraft Certification Office, has the authority to approve AMOCs for this AD if requested using the procedures found in 14 CFR 39.19.

### Related Information

(k) None.

Issued in Burlington, Massachusetts, on July 19, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05-14575 Filed 7-20-05; 11:52 am]

BILLING CODE 4910-13-P

## LIBRARY OF CONGRESS

### Copyright Office

### 37 CFR Part 202

[Docket No. RM 2005-9]

### Preregistration of Certain Unpublished Copyright Claims

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Notice of Proposed Rulemaking

**SUMMARY:** Pursuant to the Artists' Rights and Theft Prevention Act of 2005, the Copyright Office is proposing regulations for the preregistration of unpublished works that are being prepared for commercial distribution in classes of works that the Register of Copyrights determines have had a history of pre-release infringement.

**DATES:** Comments are due no later than August 22, 2005. Reply comments are due no later than September 7, 2005.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of any comment should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If hand delivered by a commercial courier, an original and five copies of any comment must be delivered to the Congressional Courier Acceptance Site located at Second and D Streets, NE., Washington, DC, between 8:30 a.m. and 4 p.m. The envelope should be

addressed as follows: Copyright Office General Counsel, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington DC. If sent by mail, an original and five copies of any comment should be addressed to: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024-0400. Comments may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

### FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or Charlotte Douglass, Principal Legal Advisor, P.O. Box 70400, Washington, DC 20024-0400, Telephone (202) 707-8380. Telefax: (202) 707-8366.

### SUPPLEMENTARY INFORMATION:

#### I. Background

This Notice of Proposed Rulemaking implements Section 104 of the Family Entertainment and Copyright Act, enacted April 27, 2005. Among other things, this new law permits owners of works in certain classes that have experienced a history of infringement prior to commercial distribution to preregister a work prior to its publication during the period when the work is being prepared for commercial distribution.

On April 27, 2005, President Bush signed the Family Entertainment and Copyright Act ("FECA"). Pub. L. No. 109-9, 119 Stat. 218. Title I of FECA is the Artists' Rights and Theft Prevention Act of 2005, or "ART Act," which among other things addresses copyright infringement of works committed prior to their authorized commercial distribution, or pre-release infringement. It includes, in section 103, new criminal penalties for certain acts of pre-release infringement. Section 104 directs the Copyright Office to conduct a rulemaking proceeding to establish a procedure for preregistration of unpublished works that are being prepared for commercial distribution. The regulations are to be in place not later than 180 days after enactment of the ART Act, i.e., by October 24, 2005. This notice proposes those regulations and seeks public comment prior to the announcement of final regulations.

Sections 103 and 104 of the ART Act were enacted in response to the increasingly serious problem of pre-release infringement. As Senator Hatch, the sponsor of the legislation, stated upon introducing the ART Act, "Obviously, the increasingly frequent situation of copyrighted works being distributed illegally via the Internet

before they are even made available for sale to the public severely undercuts the ability of copyright holders to receive fair and adequate compensation for their works." 151 Cong. Rec. S495 (daily ed. Jan. 25, 2005). Senator Cornyn, a cosponsor, explained that the legislation "focuses on the most egregious form of copyright piracy plaguing the entertainment industry today—the piracy of film, movies, and other copyrighted materials before copyright owners have had the opportunity to market fully their products." Id. at S498.

Copyright owners persuaded Congress that the existing rules making copyright registration a prerequisite for suit for infringement of United States works<sup>1</sup> and a prerequisite for awards of attorney's fees and statutory damages are unduly burdensome on plaintiffs seeking relief against pre-release infringement in civil suits for copyright. Because works intended for publication usually are not registered until they are in final form and are being disseminated to the public, most copyright owners' usual registration practices make it difficult to file suit and obtain full relief in cases of pre-release infringement. Accordingly, representatives of record companies and motion picture studios sought amendments to sections 411 and 412 of the Copyright Act that would remove the registration requirement in cases of pre-release infringement. Rather than take such an action that would weaken the incentive to register, Congress chose instead to instruct the Copyright Office to create a process which would permit copyright owners of works that have not yet been published and are being prepared for commercial distribution to preregister those works.

Preregistration is not a substitute for registration, but is a preliminary step prior to a full registration that will take place after the work has been published or infringed.

#### II. Statutory Provisions

The ART Act amends section 408 of the Copyright Act to add a new subparagraph (f), which directs the Register of Copyrights to allow preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution. A person who has preregistered a work is required under section 408 to follow through with a registration of the work within 3

<sup>1</sup> For the definition of "United States work," see 17 U.S.C. 101. United States works include, among others, works first published in the United States and unpublished works by United States authors.