

## SUBCHAPTER B—COPYRIGHT ARBITRATION ROYALTY PANEL RULES AND PROCEDURES

EDITORIAL NOTE: For nomenclature changes to subchapter B, see 58 FR 67691, Dec. 22, 1993, 59 FR 23993, 23994, and 23995, May 9, 1994, as corrected at 59 FR 33201 and 33202, June 28, 1994.

### PART 251—COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE

#### Subpart A—Organization

Sec.

- 251.1 Official addresses.
- 251.2 Purpose of Copyright Arbitration Royalty Panels.
- 251.3 Arbitrator lists.
- 251.4 Arbitrator lists: Objections.
- 251.5 Qualifications of the arbitrators.
- 251.6 Composition and selection of Copyright Arbitration Royalty Panels.
- 251.7 Actions of Copyright Arbitration Royalty Panels.
- 251.8 Suspension of proceedings.

#### Subpart B—Public Access to Copyright Arbitration Royalty Panel Meetings

- 251.11 Open meetings.
- 251.12 Conduct of open meetings.
- 251.13 Closed meetings.
- 251.14 Procedure for closed meetings.
- 251.15 Transcripts of closed meetings.
- 251.16 Requests to open or close meetings.

#### Subpart C—Public Access to and Inspection of Records

- 251.21 Public records.
- 251.22 Public access.
- 251.23 FOIA and Privacy Act.

#### Subpart D—Standards of Conduct

- 251.30 Basic obligations of arbitrators.
- 251.31 Financial interests.
- 251.32 Financial disclosure statement.
- 251.33 Ex parte communications.
- 251.34 Gifts and other things of monetary value.
- 251.35 Outside employment and other activities.
- 251.36 Pre-arbitration and post-arbitration employment restrictions.
- 251.37 Use of nonpublic information.
- 251.38 Billing and commitment to standards.
- 251.39 Remedies.

#### Subpart E—Procedures of Copyright Arbitration Royalty Panels

- 251.40 Scope.
- 251.41 Formal hearings.
- 251.42 Suspension or waiver of rules.
- 251.43 Written cases.
- 251.44 Filing and service of written cases and pleadings.
- 251.45 Discovery and prehearing motions.
- 251.46 Conduct of hearings: Role of arbitrators.
- 251.47 Conduct of hearings: Witnesses and counsel.
- 251.48 Rules of evidence.
- 251.49 Transcript and record.
- 251.50 Rulings and orders.
- 251.51 Closing the record.
- 251.52 Proposed findings and conclusions.
- 251.53 Report to the Librarian of Congress.
- 251.54 Assessment of costs of arbitration panels.
- 251.55 Post-panel motions.
- 251.56 Order of the Librarian of Congress.
- 251.57 Effective date of order.
- 251.58 Judicial review.

#### Subpart F—Rate Adjustment Proceedings

- 251.60 Scope.
- 251.61 Commencement of adjustment proceedings.
- 251.62 Content of petition.
- 251.63 Consideration of petition; settlements.
- 251.64 Disposition of petition; initiation of arbitration proceeding.
- 251.65 Deduction of costs of rate adjustment proceedings.

#### Subpart G—Royalty Fee Distribution Proceedings

- 251.70 Scope.
- 251.71 Commencement of proceedings.
- 251.72 Declaration of controversy: Initiation of arbitration proceeding.
- 251.73 Deduction of costs of distribution proceedings.

AUTHORITY: 17 U.S.C. 801–803.

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#### Subpart A—Organization

##### § 251.1 Official addresses.

Claims, pleadings, and general correspondence should be addressed to:

## § 251.2

Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024

or, hand-delivered to:

Office of the Copyright General Counsel, Room 403, James Madison Building, 101 Independence Avenue, SE., Washington, DC 20540

[61 FR 63717, Dec. 2, 1996]

### § 251.2 Purpose of Copyright Arbitration Royalty Panels.

The Librarian of Congress, upon the recommendation of the Register of Copyrights, may appoint and convene a Copyright Arbitration Royalty Panel (CARP) for the following purposes:

(a) To make determinations concerning royalty rates for the cable compulsory license, 17 U.S.C. 111;

(b) To make determinations concerning royalty rates and terms for making ephemeral recordings, 17 U.S.C. 112(e);

(c) To make determinations concerning royalty rates and terms for the public performance of sound recordings by certain digital audio transmissions, 17 U.S.C. 114;

(d) To make determinations concerning royalty rates for making and distributing phonorecords, and royalty rates and terms for digital transmissions that constitute digital phonorecord deliveries, 17 U.S.C. 115;

(e) To make determinations concerning royalty rates for coin-operated phonorecord players (jukeboxes) whenever a negotiated license expires or is terminated and is not replaced by another such license agreement, 17 U.S.C. 116;

(f) To make determinations concerning royalty rates and terms for the use by noncommercial educational broadcast stations for certain copyrighted works, 17 U.S.C. 118;

(g) To make determinations concerning royalty rates for the satellite carrier compulsory license, 17 U.S.C. 119; and

(h) To make determinations concerning the distribution of cable and satellite carrier royalty fees and digital audio recording devices and media payments deposited with the Register

## 37 CFR Ch. II (7-1-02 Edition)

of Copyrights, 17 U.S.C. 111, 119, and chapter 10, respectively.

[61 FR 37215, July 17, 1996, as amended at 63 FR 65556, Nov. 27, 1998]

### § 251.3 Arbitrator lists.

(a) Any professional arbitration association or organization may submit before January 1, 1998, and every two years thereafter, a list of persons qualified to serve as arbitrators on a Copyright Arbitration Royalty Panel. The list shall contain the following for each person:

(1) The full name, address, and telephone number of the person.

(2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.

(3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.

(4) A statement of the facts and information which qualify the person to serve as an arbitrator under § 251.5.

(5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.

(6) Any other information which the professional arbitration association or organization may consider relevant.

(b) After January 1, 1998, and every two years thereafter, the Librarian of Congress shall publish in the FEDERAL REGISTER a list of at least 30, but not more than 75 persons, submitted to the Librarian from at least three professional arbitration associations or organizations. The persons so listed must satisfy the qualifications and requirements of this subchapter and can reasonably be expected to be available to serve as arbitrators on a Copyright Arbitration Royalty Panel during that calendar year. This list will constitute the "arbitrator list" referred to in this subchapter. With respect to persons on the arbitrator list, the Librarian will