



# ANNOUNCEMENT

from the Copyright Office, Library of Congress,  
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

FINAL RULE; TECHNICAL AMENDMENTS.

## COPYRIGHT RULES AND REGULATIONS: COPYRIGHT, COMPULSORY LICENSES, COPYRIGHT ARBITRATION ROYALTY PANEL

The following excerpt is taken from Volume 64, Number 129 of the  
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### LIBRARY OF CONGRESS

#### Copyright Office

37 CFR Parts 201-204, 211, 251, 253, 259-260

#### Copyright Rules and Regulations: Copyright, Compulsory Licenses, Copyright Arbitration Royalty Panel

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

**ACTION:** Final rule; Technical amendments.

**SUMMARY:** The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

**EFFECTIVE DATE:** July 7, 1999.

#### FOR FURTHER INFORMATION

**CONTACT:** Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor or typographical errors in the published text. The Office has identified minor errors in the currently published rules. The following sections are amended to correct these errors: Secs. 201.11(d)(1), 201.11(e)(6), 201.11(e)(7), 201.11(h)(2)(i), 201.17(d)(1), 201.17(h)(4)(iii), 201.17(k), 201.18(a)(1), 201.19(a)(1), 201.19(a)(2), 201.19(a)(4), 201.19(e)(4)(i), 201.19(e)(7)(iii), 201.19(f)(3)(viii), 201.27(c), 201.27(e)(1), 201.28(e)(4)(i), 201.29(e)(3), 201.35(a), 201.36(b)(1), 201.36(c), 201.37(a),

201.37(b)(1), 202.3(b)(7)(ii), 202.17(f)(2), 202.20(c)(2)(vii)(D)(3), 202.20(c)(2)(vii)(D)(4), 202.20(c)(2)(vii)(D)(5), 202.20(c)(2)(xi)(A)(2), 202.23(c)(1), 202.23(c)(2), 202.23(d), 203.3(g), 204.4(a), 204.5(a), 204.7(a), 204.8(a), 211.4(e), 211.5(c)(2), 211.5(d), 251.54(e), 251.56(a), 251.56(b), 253.3(e)(4), 253.8(b)(1)(ii)(D), and 260.2(c)(2). Typographical errors are corrected in Secs. 201.1(b), 201.3(c), 201.3(c)(5), 201.10(b)(1)(v), 201.10(e)(2), 201.17(e)(2)(i), 201.17(j)(3)(iv)(A), 201.18(a)(3), 201.19(c)(4), 201.28(c)(4), 202.22(a), 202.22(c)(1), 203.4(f)(2), 251.58(b), 253.8(b)(1)(i)(A), 259.3(a)(5), 260.2(c)(1)(v), and 260.7.

#### List of Subjects

##### 37 CFR Part 201

Copyright, General provisions.

##### 37 CFR Part 202

Claims, Copyright.

##### 37 CFR Part 203

Freedom of information.

##### 37 CFR Part 204

Privacy.

##### 37 CFR Part 211

Mask work protection.

##### 37 CFR Part 251

Administrative practice and procedure, Hearing and appeal procedures.

##### 37 CFR Part 253

Noncommercial educational broadcasting, Copyright.

##### 37 CFR Part 259

Claims, Copyright, Digital audio recording devices and media.

#### 37 CFR Part 260

Copyright, Digital audio transmissions, Performance right, Sound recordings.

#### Final Rule

Accordingly, 37 CFR Chapter II is amended by making the following corrections and amendments.

#### PART 201--GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

#### Sec. 201.1 [Amended]

2. Section 201.1(b) is amended by removing "SE.," and adding in its place "SE.,".

#### Sec. 201.3 [Amended]

3. Section 201.3 is amended in the Table, in the column entitled "Fees" in paragraph (c)(5) by removing "10" and adding "10" in paragraph (c)(8) by removing "10" and adding "10", and by removing the word "issue" in footnote 1 and adding "issues".

4. Section 201.3(c)(5) is amended by removing the word "series" and adding in its place "serials".

#### Sec. 201.10 [Amended]

5. Section 201.10(b)(1)(v) is amended by removing the word "author's" and adding in its place "author's".

6. Section 201.10(e)(2) is amended by removing the word "describing" and adding in its place "describing".

**Sec. 201.11 [Amended]**

7. Section 201.11(d)(1) is amended by removing "Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

8. Section 201.11(e)(6) is amended by removing "of 17.5 cents per subscriber, on in the case of syndex-proof superstations as defined in 37 CFR 258.2, 14 cents (or in lieu thereof, the arbitrated rate, if applicable)" and adding in its place "prescribed in Sec. 258.3 of this chapter".

9. Section 201.11(e)(7) is amended by removing "of six (6) cents per subscriber (or, in lieu thereof, the arbitrated rate, if applicable)" and adding in its place "prescribed in Sec. 258.3 of this chapter".

10. Section 201.11(h)(2)(i) is amended by removing the phrase "Cable operators" and adding in its place "Satellite carriers".

**Sec. 201.17 [Amended]**

11. Section 201.17(d)(1) is amended by removing "Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

12. Section 201.17(e)(2)(i) is amended by removing "owner" and adding in its place "owner".

13. Section 201.17(h)(4)(iii) is amended by adding "(65)" after "sixty-five".

14. Section 201.17(j)(3)(iv)(A) is amended by removing "paragraph must" and adding in its place "paragraph) must".

15. Section 201.17(k) is amended by removing all material after the phrase "United States Code." beginning with "Any such entity".

**Sec. 201.18 [Amended]**

16. Section 201.18(a)(1) is amended by removing the phrase "as amended by Pub. L. 94-553."

17. Section 201.18(a)(3) is amended by removing "coowners" and adding the word "co-owners" in its place.

**Sec. 201.19 [Amended]**

18. Sections 201.19(a)(1), (a)(2), and (a)(4) are amended by removing the

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phrase "section 115(c)(3)" and adding in its place "section 115(c)(5)" and by removing the phrase "as amended by Pub. L. 94-553,"

19. Section 201.19(c)(4) is amended by removing "nine month" and adding in its place "nine-month".

20. Sections 201.19(e)(4)(i) and (e)(7)(iii) are amended by removing the phrase "as amended by Pub. L. 94-553,".

21. Section 201.19(f)(3)(viii) is amended by removing the phrase "as amended by Pub. L. 94-553,".

**Sec. 201.27 [Amended]**

22. Section 201.27(c) is amended by "Licensing Division of the Copyright Office, Washington, DC 20557" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

23. Section 201.27(e)(1) is amended by removing the phrase "of or the" and adding in its place "or if the".

**Sec. 201.28 [Amended]**

24. Section 201.28(c)(4) is amended by removing the phrase "two month" and adding in its place "two-month".

25. Section 201.28(e)(4)(i) is amended by removing "U.S." and adding in its place "of the United States".

**Sec. 201.29 [Amended]**

26. Section 201.29(e)(3) is amended by removing "Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557-6400" and adding in its place "Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400".

**Sec. 201.35 [Amended]**

27. Section 201.35(a) is amended by removing the phrase "as amended by Pub. L. 104-39, 109, Stat. 336".

**Sec. 201.36 [Amended]**

28. Section 201.36(b)(1) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing "section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

29. Section 201.36(c) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing "section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

**Sec. 201.37 [Amended]**

30. Section 201.37(a) is amended by removing the phrase "as amended by Pub. L. 104-39, 109 Stat. 336,".

31. Section 201.37(b)(1) is amended by removing "section 114(f)(1)" and adding in its place "section 114(f)(1)(A)"; by removing "section 114(f)(4)(A)" and adding in its place "section 114(f)(1)(C)(i)"; by removing "section 114(f)(2)" and adding in its place "section 114(f)(1)(B)"; and by removing "section 114(f)(4)(B)" and adding in its place "section 114(f)(1)(C)(ii)".

**PART 202--REGISTRATION OF CLAIMS TO COPYRIGHT**

32. The authority citation for part 202 continues to read as follows:

**Authority:** 17 U.S.C. 702.

**Sec. 202.3 [Amended]**

33. Section 202.3(b)(7)(ii) is amended by removing the phrase "this Sec. 202.3(b)(7)" and adding in its place "paragraph (b)(7) of this section".

**Sec. 202.17 [Amended]**

34. Section 202.17(f)(2) is amended by adding the phrase "of this section" after "(f)(1)" and after "(f)(1)(iii)".

**Sec. 202.20 [Amended]**

35. Section 202.20(c)(2)(vii)(D)(3) is amended by removing the word "this" and adding in its place "of this section" after "paragraph (c)(2)(vii)(D)".

36. Section 202.20(c)(2)(vii)(D)(4) is amended by adding the phrase "of this section" at the end of the paragraph.

37. Section 202.20(c)(2)(vii)(D)(5) is amended by removing the phrase "(6) or (7) immediately below" and adding in its place "paragraphs (c)(2)(vii)(D)(6) or (7) of this section".

38. Section 202.20(c)(2)(xi)(A)(2) is amended by removing the word "below" and adding in its place "of this section".

**Sec. 202.22 [Amended]**

39. Section 202.22(a) is amended by removing the word "copyright" and adding in its place "copyright".

40. Section 202.22(c)(1) is amended by removing the word "itle" and adding in its place "Title".

**Sec. 202.23 [Amended]**

41. Section 202.23(c)(1) is amended by adding the phrase "of this section" after "paragraph (b)".

42. Section 202.23(c)(2) is amended by removing the phrase "37 CFR".

43. Section 202.23(d) is amended by removing the phrase "37 CFR" and adding in its place "Secs. ".

#### **PART 203--FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

44. The authority citation for part 203 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552, as amended.

##### **Sec. 203.3 [Amended]**

45. Section 203.3(g) is amended by adding "-6000" after "20559".

##### **Sec. 203.4 [Amended]**

46. Section 203.4(f)(2) is amended by removing the word "requestor" and adding in its place "requester".

#### **PART 204--PRIVACY ACT: POLICIES AND PROCEDURES**

47. The authority citation for part 204 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552(a).

##### **Sec. 204.4 [Amended]**

48. Section 204.4(a) is amended by adding "-6000" after "20559".

##### **Sec. 204.5 [Amended]**

49. Section 204.5(a) is amended by adding "-6000" after "20559".

##### **Sec. 204.7 [Amended]**

50. Section 204.7(a) is amended by adding "-6000" after "20559".

##### **Sec. 204.8 [Amended]**

51. Section 204.8(a) is amended by adding "-6000" after "20559".

#### **PART 211--MASK WORK PROTECTION**

52. The authority citation for part 211 continues to read as follows:

**Authority:** 17 U.S.C. 702 and 908.

##### **Sec. 211.4 [Amended]**

53. Section 211.4(e) is amended by adding the phrase "of this section" after "paragraph (c)(2)".

##### **Sec. 211.5 [Amended]**

54. Section 211.5(c)(2) is amended by adding the phrase "of this section" after "paragraph (b)(2)(i)".

55. Section 211.5(d) is amended by adding "-6000" after "20559".

#### **PART 251--COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE**

56. The authority citation for part 251 continues to read as follows:

**Authority:** 17 U.S.C. 801-803.

##### **Sec. 251.54 [Amended]**

57. Section 251.54(e) is amended by removing the word "directly" after "arbitrators".

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##### **Sec. 251.56 [Amended]**

58. Section 251.56(a) is amended by removing the number "60" and adding the number "90" in its place.

59. Section 251.56(b) is amended by removing the phrase "the order" and adding in its place the phrase "the Librarian shall have an additional 30 days to issue the order which".

##### **Sec. 251.58 [Amended]**

60. Section 251.58(b) is amended by removing "30 day" and adding in its place "30-day".

#### **PART 253--USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING**

61. The authority citation for part 253 continues to read:

**Authority:** 17 U.S.C. 118, 801(b)(1), and 803.

##### **Sec. 253.3 [Amended]**

62. Section 253.3(e)(4) is amended by removing the word "or" after the word "author".

##### **Sec. 253.8 [Amended]**

63. Section 253.8(b)(1)(i)(A) is amended by removing the symbol "]" after "64.78".

64. Section 253.8(b)(1)(ii)(D) is amended by removing the word "semin" before the word "reproduced".

#### **PART 259--FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS**

65. The authority citation for part 259 continues to read:

**Authority:** 17 U.S.C. 1007(a)(1).

##### **Sec. 259.3 [Amended]**

66. Section 259.3(a)(5) is amended by removing "1001(6)" each place it appears and adding in its place "1001(6))".

#### **PART 260--USE OF SOUND RECORDINGS IN A DIGITAL PERFORMANCE**

67. The authority citation for part 260 continues to read:

**Authority:** 17 U.S.C. 114, 801(b)(1).

##### **Sec. 260.2 [Amended]**

68. Section 260.2(c)(1)(v) is amended by removing the word "licensee" and adding in its place "Licensee".

69. Section 260.2(c)(2) is amended by removing the phrase "as are in" and adding in its place "as set forth in".

##### **Sec. 260.7 [Amended]**

70. Section 260.7 is amended by removing the phrase "three year" and adding in its place "three-year".

Dated: June 29, 1999.

**David O. Carson,**  
*General Counsel.*

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