

RIAA Ex. J-103-DP

52 Fed. Reg. 41,711 (Oct. 30, 1987)

RULES and REGULATIONS

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

Cost of Living Adjustment of the Mechanical Royalty Rate

Friday, October 30, 1987

*41711 AGENCY: Copyright Royalty Tribunal.

SUMMARY: The Copyright Royalty Tribunal announces an adjustment of the mechanical royalty rate based upon the change in the Consumer Price Index from December, 1985 to September, 1987. The rate is increased to either 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger. The adjustment is being made in accordance with § 307.3(d) of the Tribunal's rules.

EFFECTIVE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street NW., Suite 450, Washington, DC. 20036 (202) 653-5175.

SUPPLEMENTARY INFORMATION: Earlier this year, the Copyright Royalty Tribunal conducted a proceeding to determine the method by which the mechanical royalty rate would be adjusted for the ten-year period beginning January 1, 1988 and ending December 31, 1997. The Tribunal adopted a joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make periodic adjustments to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987, and except when the CPI increased by more than 25%, in which case the rates would be no greater than 25%. 1987 Adjustment of the Mechanical Royalty Rate, 52 FR 22637 (June 15, 1987), as corrected, 52 FR 23546 (June 23, 1987).

The first of the rate adjustments is to be made for the period January 1, 1988 to December 31, 1989 based upon the change in the CPI from December, 1985 to September, 1987, rounded off to the nearest 1/20th of a cent.

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 5.19% (December, 1985's Index was 327.4 and September, 1987's Index was 344.4). The current mechanical rate is 5 cents, or .95 cent per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 5.19% and rounding off the results to the nearest 1/20th of a cent, the new rate, to become effective January 1, 1988, shall be 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger. Section 307.3 is revised as shown below.

List of Subjects in 37 CFR Part 307

Copyright, Music, Recordings.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR Part 307 as follows:

PART 307-- [AMENDED]

1. The authority citation for Part 307 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 804.

37 CFR § 307.3

§ 307.3 [Amended]

37 CFR § 307.3

2. Section 307.3(d) is revised to read as follows:

* * * * *

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (e) of this section.

* * * * *

37 CFR § 307.3

3. Section 307.3(e)(1) is revised to read as follows:

* * * * *

(e)(1) On November 1, 1989, and each November 1 biennially thereafter until November 1, 1995 (that is, November 1, 1991, 1993, and 1995), the Copyright Royalty Tribunal (CRT) shall publish in the Federal Register a notice of the percent change in the Consumer Price Index (all urban consumers, all items) (CPI) from the Index published for the September two years earlier to the Index published for the September of the year in which such notice is published, and the underlying calculations.

* * * * *

J.C. Argetsinger,

Chairman.

Dated: October 26, 1987.

[FR Doc. 87-25192 Filed 10-29-87; 8:45 am]

52 FR 41711-01

Page 3

52 FR 41711-01, 1987 WL 137982 (F.R.)

(Cite as: 52 FR 41711)

BILLING CODE 1410-09-M

52 FR 41711-01, 1987 WL 137982 (F.R.)

END OF DOCUMENT

54 Fed. Reg. 46,065-66 (Nov. 1, 1989)

RULES and REGULATIONS

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

Cost of Living Adjustment of the Mechanical Royalty Rate

Wednesday, November 1, 1989

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September, 1987 to September, 1989. The rate is increased to either 5.7 cents, or 1.1 cent per minute of playing *46066 time or fraction thereof, whichever amount is larger.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., Suite 450, Washington, DC 20036 (202) 653-5175.

SUPPLEMENTARY INFORMATION: In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987, and except when the CPI increased by more than 25%, in which case the rate increase would be no greater than 25%. 1987 Adjustment of the Mechanical Royalty Rate, 52 FR 22637 (June 15, 1987, as corrected, 52 FR 23546 (June 23, 1987)).

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 8.7% (September, 1987's Index was 115.0 and September, 1989's Index was 125.0, with 1982-1984=100). The current mechanical rate is 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 8.7% and rounding off the results to the nearest 1/20 th of a cent, the new rate, effective January 1, 1990, shall be 5.7 cents, or 1.1 cent per minute of playing time or fraction thereof, whichever amount is larger. Section 307.3 is revised as shown below.

List of Subjects in 37 CFR Part 307

Copyright, Music, Recordings.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR part 307 as follows:

PART 307--[AMENDED]

1. The authority citation for part 307 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 804.

37 CFR § 307.3

Section 307.3 is revised to read as follows:

37 CFR § 307.3

§ 307.3 Adjustment of royalty rate.

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or .8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (b), (c), (d), (e) and (f) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or .85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (c), (d), (e) and (f) of this section.

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty payable with respect to each work embodied in the phonorecord shall be either 5 cents, or .95 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (d), (e) and (f) of this section.

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (e) and (f) of this section.

(e) For every phonorecord made and distributed on or after January 1, 1990, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.7 cents, or 1.1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (f) of this section.

(f) (1) On November 1, 1991, and each November 1 biennially thereafter until November 1, 1995 (that is, November 1, 1993 and 1995), the Copyright Royalty Tribunal (CRT) shall publish in the Federal Register a notice of the percent change in the

Consumer Price Index (all urban consumers, all items) (CPI) from the Index published for the September two years earlier to the Index published for the September of the year in which such notice is published, and the underlying calculations.

(2) On the same date as the notice is published pursuant to paragraph (f)(1) of this section, the CRT shall publish in the Federal Register revised compulsory license royalty rates which shall adjust the amounts then in effect in direct proportion to the percent change in the CPI determined as provided in paragraph (f)(1) of this section, rounded to the nearest 1/20 th of a cent; Provided, however, That:

(i) The adjusted rates shall be no greater than 25% more than the rates then in effect; and

(ii) The adjusted rates shall be no less than the amounts set forth in § 307.3(c).

(3) The revised royalty rates for the compulsory license adjusted pursuant to this paragraph (f) shall become effective for every phonorecord made and distributed on or after January 1 of the year following that in which such notice is published; that is, on January 1, 1992, 1994 and 1996, respectively.

Dated: October 27, 1989.

Mario F. Aguero,

Acting Chairman.

[FR Doc. 89-25551 Filed 10-31-89; 8:45 am]

BILLING CODE 1410-09-M

54 FR 46065-02, 1989 WL 287439 (F.R.)

END OF DOCUMENT

58 Fed. Reg. 58,282 (Nov. 1, 1993)

RULES and REGULATIONS

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

Cost of Living Adjustment of the Mechanical Royalty Rate

Monday, November 1, 1993

*58282 AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September, 1991 to September, 1993. The rate is increased to either 6.61 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT:

Linda R. Bocchi, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, N.W., Suite 918, Washington, D.C. 20009 (202) 606-4400.

SUPPLEMENTARY INFORMATION: In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987, and except when the CPI increased by more than 25%, in which case the rate increase would be no greater than 25%. 1987 Adjustment of the Mechanical Royalty Rate, 52 Fed. Reg. 22637 (1987), corrected, 52 Fed. Reg. 23546 (1987).

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 5.76% (September, 1991's Index was 137.2 and September, 1993's Index was *58283 145.1, with 1982-1984=100). The current mechanical rate is 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 5.76% and rounding off the results to the nearest 1/20 th of a cent, the new rate, effective January 1, 1994, shall be 6.61 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. Section 307.3 is revised as shown below.

List of Subjects in 37 CFR Part 307

Copyright, Music recordings.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR Part 307 as follows:

PART 307--(AMENDED)

1. The authority citation for Part 307 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 804.

37 CFR § 307.3

2. Sec. 307.3 is revised to read as follows:

37 CFR § 307.3

§307.3 Adjustment of royalty rate.

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or .8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (b), (c), (d), (e), (f) and (g) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or .85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (c), (d), (e), (f) and (g) of this section.

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty payable with respect to each work embodied in the phonorecord shall be either 5 cents, or .95 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (d), (e), (f) and (g) of this section.

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (e), (f) and (g) of this section.

(e) For every phonorecord made and distributed on or after January 1, 1990, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.7 cents, or 1.1 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (f) and (g) of this section.

(f) For every phonorecord made and distributed on or after January 1, 1994, the

royalty payable with respect to each work embodied in the phonorecord shall be either 6.61 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (g) of this section.

(g) (1) On November 1, 1995 the Copyright Royalty Tribunal (CRT) shall publish in the Federal Register a notice of the percent change in the Consumer Price Index (all urban consumers, all items) (CPI) from the Index published for the September two years earlier to the Index published for the September of the year in which such notice is published, and the underlying calculations.

(2) On the same date as the notice is published pursuant to paragraph (g) (1) of this section, the CRT shall publish in the Federal Register revised compulsory license royalty rates which shall adjust the amounts then in effect in direct proportion to the percent change in the CPI determined as provided in paragraph (g) (1) of this section, rounded to the nearest 1/20 th of a cent; Provided, however, that:

(i) The adjusted rates shall be no greater than 25% more than the rates then in effect; and

(ii) The adjusted rates shall be no less than the amounts set forth in paragraph (c) of this section.

(3) The revised royalty rates for the compulsory license adjusted pursuant to this paragraph (g) shall become effective for every phonorecord made and distributed on or after January 1 of the year following that in which such notice is published; that is, on January 1, 1996.

Dated: October 27, 1993.

Cindy Daub,

Chairman.

(FR Doc. 93-26883 Filed 10-29-93; 8:45 am)

BILLING CODE 1410-09-M

58 FR 58282-01, 1993 WL 439607 (F.R.)

END OF DOCUMENT

58 Fed. Reg. 60,787 (Nov. 18, 1993)

RULES and REGULATIONS

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

Cost of Living Adjustment of the Mechanical Royalty Rate; Correction

Thursday, November 18, 1993

*60787 AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule published November 1, 1993 (58 FR 58282), relating to the cost of living adjustment of the mechanical royalty rate.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT:

Barbara N. Gray, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., suite 918, Washington, DC 20009, (202) 606-4400.

SUPPLEMENTARY INFORMATION: In the Cost of Living Adjustment of the Mechanical Royalty Rate; Final Rule, in the issue of Monday, November 1, 1993 (58 FR 58282), rule document 93-26883, beginning on pages 58282 and 58283, please make the following corrections:

1. On page 58282, in column 3, in SUMMARY, lines 6 and 7, "1993. The rate is increased to either 6.61 cents, or 1.3 cents per minute of playing," should read, "1993. The rate is increased to either 6.60 cents, or 1.25 cents per minute of playing."
2. On page 58283, in column 1, lines 8 and 9, "effective January 1, 1994, shall be 6.61 cents, or 1.3 cents per minute of playing," should read, "effective January 1, 1994, shall be 6.60 cents or 1.25 cents per minute of playing."
3. On page 58283, in column 2, in §307.3(f), line 5, "shall be either 6.61 cents, or 1.3 cents," should read, "shall be either 6.60 cents, or 1.25 cents."

Dated: November 15, 1993.

Cindy Daub,

Chairman.

58 FR 60787-01

Page 2

58 FR 60787-01, 1993 WL 473881 (F.R.)

(Cite as: 58 FR 60787)

(FR Doc. 93-28430 Filed 11-17-93; 8:45 am)

BILLING CODE 1410-09-M

58 FR 60787-01, 1993 WL 473881 (F.R.)

END OF DOCUMENT

60 Fed. Reg. 55,458 (Nov. 1, 1995)

RULES and REGULATIONS

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 255

[Docket No. 95-2 CARP]

Cost of Living Adjustment of the Mechanical Royalty Rate

Wednesday, November 1, 1995

*55458 AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September 1993 to September 1995. The rate is increased to either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever is larger.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or Tanya M. Sandros, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except: (1) when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987; and (2) when the CPI increased by more than 25%, in which case the rate increase *55459 would be no greater than 25%. 52 FR 22637 (June 15, 1987). Corrected to clarify the adjustment to the mechanical rate when the CPI declined. 52 FR 23546 (June 23, 1987).

On December 17, 1993, the Copyright Royalty Tribunal was abolished by Congress. Copyright Royalty Tribunal Reform Act of 1993 (CRT Reform Act), Pub. L. 103-198, 107 Stat. 2304. The CRT Reform Act directed the Library of Congress and the Copyright Office to adopt the rules and regulations of the CRT as found at 37 CFR chapter 3. 17 U.S.C. 802(d). The Office subsequently reissued the CRT regulations on December 22, 1993. 58 FR 67690 (December 22, 1993).

(Cite as: 60 FR 55458)

Former 37 CFR 307.3, which calls for a biannual cost of living adjustment to the mechanical royalty rate, was renumbered 37 CFR 255.3 in a later action. 59 FR 23964 (May 9, 1994).

Accordingly, the Copyright Office announces that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 5.58% (September 1993's Index was 145.1 and September 1995's Index was 153.2, with 1982-1984=100 as a reference base). The current mechanical rate is 6.60 cents, or 1.25 cents per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 5.58% and rounding off the results to the nearest 1/20 th of a cent, the new rate, effective January 1, 1996, shall be 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. Section 255.3 is revised as shown below.

List of Subjects in 37 CFR Part 255

Copyright, Music recordings.

37 CFR § 255.3

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR 255.3 as follows:

PART 255--ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

1. The authority citation for Part 255 continues to read as follows:

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

37 CFR § 255.3

2. Section 255.3 is revised to read as follows:

37 CFR § 255.3

§255.3 Adjustment of Royalty Rate.

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or 0.8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (b), (c), (d), (e), (f), (g), and (h) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or 0.85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (c), (d), (e), (f), (g), and (h) of this section.

(Cite as: 60 FR 55458)

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.0 cents, or 0.95 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (d), (e), (f), (g), and (h) of this section.

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1.0 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (e), (f), (g), and (h) of this section.

(e) For every phonorecord made and distributed on or after January 1, 1990, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.7 cents, or 1.1 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (f), (g), and (h) of this section.

(f) For every phonorecord made and distributed on or after January 1, 1992, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (g), and (h) of this section.

(g) For every phonorecord made and distributed on or after January 1, 1994, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.6 cents, or 1.25 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (h) of this section.

(h) For every phonorecord made and distributed on or after January 1, 1996, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger.

Dated: October 24, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95-27054 Filed 10-31-95; 8:45 am]

BILLING CODE 1410-33-P

60 FR 55458-01, 1995 WL 637325 (F.R.)

END OF DOCUMENT