



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

TECHNICAL AMENDMENT TO FINAL REGULATIONS

STATEMENTS OF ACCOUNT AND FILING REQUIREMENTS FOR SATELLITE CARRIER STATUTORY LICENSE

The following excerpt is taken from Volume 55, Number 233 of the Federal Register for Tuesday, December 4, 1990 (pp. 49998-49999)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 88-8]

Statements of Account and Filing Requirements for Satellite Carrier Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Technical amendment to final regulations.

SUMMARY: The Copyright Office amends the final regulations for statements of account and filing requirements for section 119 of title 17, United States Code. That section created a new statutory license for certain secondary transmissions made by satellite carriers to satellite home dish owners. The original text appeared in the Federal Register on July 3, 1989 (54 FR 27873).

EFFECTIVE DATE: December 4, 1990.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20540. Telephone: (202) 707-8380.

SUPPLEMENTARY INFORMATION: The Copyright Office implemented final regulations concerning the filing of statements of account pursuant to enactment of the Satellite Home Viewer Act of 1988, Public Law 100-667, codified in 17 U.S.C. 119, in an announcement published in the Federal Register on July 3, 1989 (54 FR 27873). The announcement incorrectly specified January 31 and July 31 as the dates by

which statements of account must be filed. The correct dates are January 30 and July 30. The errors are corrected by this technical amendment to the regulations.

Regulatory Flexibility Act Statement

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, chapter 5 of the U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since the Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this

¹ The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title (17), except with respect to the making of copies of copyright deposits."). (17 U.S.C. 708(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 201

Satellite carrier license.

Final Regulations

For the reasons set out in the preamble in 54 FR 27873, the Copyright Office makes technical amendments to 37 CFR, chapter II as set forth below.

PART 201—[AMENDED]

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

Authority: Copyright Act, Pub. L. 94-553, 90 Stat. 2541 (17 U.S.C. 702), as amended by Pub. L. 100-667.

§ 201.11 [Amended]

2. Section 201.11(c)(3) is revised to read as follows:

• • • • •
(c) • • •
(3) Statements of Account and royalty fees received before the end of the particular accounting period they purport to cover will not be processed by the Copyright Office. Statements of Account and royalty fees received after the filing deadlines of July 30 or January 30, respectively, will be accepted for whatever legal effect they may have, if any.

Dated: November 13, 1990.

Ralph Oman,
Register of Copyrights.

Approved by:
James H. Billington,
Librarian of Congress.
[FR Doc. 90-28389 Filed 12-3-90; 8:45 am]

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