



ANNOUNCEMENT

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

FINAL RULE; EXTENSION OF EFFECTIVE DATE; POLICY DECISION

CABLE COMPULSORY LICENSE:
STATUS OF MULTICHANNEL MULTIPOINT DISTRIBUTION SERVICES (MMDS)

The following excerpt is taken from Volume 58, Number 143 of
the Federal Register for Wednesday, July 28, 1993 (p. 40363)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 86-7c]

**Cable Compulsory License: Status
of Multichannel Multipoint Distri-
bution Services (MMDS)**

AGENCY: Copyright Office; Library
of Congress.

ACTION: Final Rule; extension of
effective date; policy decision.

SUMMARY: The Copyright Office is extending the effective date of its regulation denying satellite carriers, multipoint distribution services (MDS) and multichannel multipoint distribution services (MMDS) eligibility for the cable compulsory license. The new effective date for that regulation is January 1, 1995.

EFFECTIVE DATE: The effective date of § 201.17(k) published at 57 FR 3284, January 29, 1992, is extended from January 1, 1994 to January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 707-8380.

SUPPLEMENTARY INFORMATION: On January 29, 1992, the Copyright Office

issued a final regulation in its proceeding on the definition of a cable system. 57 FR 3284 (1992). The Office concluded that neither satellite carriers, MDS operators nor MMDS operators are cable systems within the meaning of the title 17, U.S.C., section 111(f) definition of a cable system and are therefore not eligible for compulsory licensing under § 111. 37 CFR 201.17(k). The Office stated that the effective date of the rulemaking is January 1, 1994, at which time the Office will no longer accept royalty filings from either satellite carriers, MDS or MMDS operators who claim compulsory licensing under § 111 for the retransmission of broadcast signals.

The purpose of the January 1, 1994 effective date is to permit sufficient time for legislative action providing a copyright solution for licensing of broadcast retransmissions by satellite carriers, MDS and MMDS operators. Several bills have already been introduced in this Congress addressing this issue. H.R. 1103 extends indefinitely the § 119 satellite carrier compulsory license, due to expire on December 31, 1994, and would expand the § 111 definition of a cable system to include broadcast retransmission providers such as MDS and MMDS. H.R. 759 would likewise broaden the § 111 definition of a cable system. Although there are currently no Senate bills pending, proposals addressing these issues are likely to soon be introduced. In short, the legislative climate is bright for satisfying the copyright needs of satellite

carriers, MDS, MMDS and other providers with respect to retransmission of broadcast programming.

In order to foster the opportunity for congressional action, the Copyright Office is extending the effective date of its cable definition regulation, § 201.17(k), to January 1, 1995. Until that date, the Office will continue its policy of receiving and filing royalty submissions from MDS and MMDS operators under § 111 without ruling as to their sufficiency. Satellite carriers should continue to file under § 119.

List of Subjects 37 CFR Part 201

Cable systems, and cable compulsory license.

Dated: July 14, 1993

Ralph Oman,
Register of Copyrights.

Approved by:
James H. Billington,
The Librarian of Congress

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