



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

INITIATION OF ARBITRATION.

DETERMINATION OF THE DISTRIBUTION OF THE 1991 CABLE ROYALTIES IN THE MUSIC CLAIMANTS CATEGORY

The following excerpt is taken from Volume 62, Number 167 of the
Federal Register for Thursday, August 28, 1997 (p. 45687)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 94-3 CARP CD 90-92]

Determination of the Distribution of the 1991 Cable Royalties in the Music Claimants Category

AGENCY: Copyright Office, Library of
Congress.

ACTION: Initiation of arbitration.

SUMMARY: The Librarian of Congress
is announcing initiation of the 180-day
arbitration period for determination of
the distribution of the 1991 cable
royalties in the Music Claimants
category.

EFFECTIVE DATE: September 3, 1997.

ADDRESSES: All hearings and
meetings for this proceeding shall take
place in the Library of Congress,
Copyright Office, 101 Independence
Avenue, S.E., James Madison Memorial
Building, Room 414, Washington,
D.C. 20559-6000.

FOR ADDITIONAL INFORMATION:

William Roberts, Senior Attorney, or
Tanya Sandros, Attorney Advisor, P.O.
Box 70977, Southwest Station,
Washington, D.C. 20024. Telephone
(202) 707-8380. Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

This notice fulfills the requirement of
37 C.F.R. 251.72 which provides that:

If the Librarian determines that a
controversy exists among claimants to
either cable, satellite carrier, or digital
audio recording devices and media
royalties, the Librarian shall publish
in the Federal Register a declaration of
controversy along with a notice of
initiation of an arbitration proceeding.
Such notice shall, to the extent feasible,
describe the nature, general structure
and schedule of the proceeding.

This notice published today fulfills the
requirements of Sec. 251.72 for the
distribution of the 1991 cable royalties in
the Music Claimants category.

On February 15, 1996, the Library of
Congress published a notice requesting
interested parties to comment on the
existence of Phase II controversies for the
distribution of the 1990, 1991, and 1992
cable royalty funds. 61 FR 6040 (February
15, 1996). The parties who filed
comments and Notices of Intent to
Participate identified two unsettled
categories that would require resolution
before a CARP. The first controversy
involved the distribution of the 1991
royalty funds between James Cannings
and Broadcast Music, Inc., the American
Society of Composers, Authors and
Publishers, and SESAC, Inc. (collectively,
"the Music Claimants"). The second
controversy involved the distribution of
the 1990-1992 cable royalty funds
between the National Association of
Broadcasters (NAB) and the Public
Broadcasting Service (PBS). On June
3, 1997, however, NAB and PBS notified
the Copyright Office that they had
reached settlement concerning all
matters related to their Phase II
dispute over the distribution of the 1990-
1992 royalty funds, thus leaving a single
dispute for resolution by a CARP.

Each proceeding includes a 45 day
precontroversy discovery period.
The original schedule for the recontro-
versy discovery period established by
order of the Register of Copyrights, see
Order in Docket No. 94-3 CARP CD 90-
92 (February 14, 1997), was vacated and
reset at the request of the Music
Claimants. See Order in Docket No. 94-3
CARP CD 90-92 (May 21, 1997).

The precontroversy discovery phase of
the CARP proceeding now being com-
plete, the Copyright Office of the Library
of Congress is announcing the existence
of a Phase II controversy as to the
distribution of the 1991 cable compulsory
license royalties in the Music Claimants
category, and is initiating an arbitration
proceeding under chapter 8 of title 17 to
resolve the distribution of the funds. The
arbitration proceeding shall begin on
September 3, 1997, and shall continue for
a period not to exceed 180 days.
Consequently, the proceeding shall
conclude, and the arbitrators shall
submit their final report to the Librarian
of Congress by March 2, 1998, in
accordance with Sec. 251.53 of the rules.

Section 802(b) of the Copyright Act, 17
U.S.C., also instructs the Librarian of
Congress to select two arbitrators within
10 days of the initiation of the
proceeding. Having already completed
this task, the Librarian is announcing the
names of the two arbitrators who have
agreed to serve on this panel:

The Honorable John Farmakides and
The Honorable Jesse Etelson. The
third arbitrator, who shall serve as the
Chairperson for the panel, will be
selected in accordance with section
802(b).

A meeting between the copyright
claimants participating in the
distribution proceeding and the

arbitrators shall take place at 2 p.m. on Thursday, September 4, 1997, at the above described address to discuss the hearing schedule, billing for the services of the arbitrators and payment, and all other procedural matters. The meeting is open to the public. Further scheduling of the Music Claimants 1991 cable distribution proceeding is within the discretion of the CARP. The Library will publish a schedule of the proceedings, as required by 37 CFR 251.11(b), when it becomes available.

Dated: August 25, 1997.
Nanette Petruzzelli,
Acting General Counsel.

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