

The Licensing Division of the Copyright Office

The Licensing Division of the Copyright Office administers the compulsory and statutory licenses in the Copyright Act (title 17 of the *United States Code*). These are:

- Statutory license for secondary transmissions by cable systems (section 111)
- Statutory license for making of ephemeral recordings (section 112)
- Statutory license for public performance of sound recordings by means of digital audio transmission (section 114)
- Compulsory license for making and distributing of phonorecords (section 115)
- Compulsory license for use of certain works in connection with noncommercial broadcasting (section 118)
- Statutory license for secondary transmissions of distant television programming by satellite carriers (section 119)
- Statutory license for secondary transmissions of local television programming by satellite carriers (section 122)
- Statutory obligation for distribution of digital audio recording devices and media (chapter 10)

The division collects royalty fees from cable operators for retransmitting television and radio broadcasts (section 111), from satellite carriers for retransmitting network and nonnetwork signals (section 119), and from importers or manufacturers of digital audio recording products for distributing the products (section 1003). The division deducts its full operating costs from the royalty fees and invests the balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners by Copyright Royalty Judges. (See “Rate-setting and Distribution Proceedings” below for details.)

A Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords (section 115) is recorded by the division when the licensee cannot identify the copyright owner. The Licensing Division also records voluntary license agreements between copyright owners of sound recordings and digital subscription services or eligible digital nonsubscription services (section 114); copyright owners of sound recordings and entities making ephemeral recordings (section 112); copyright owners of nondramatic musical works and those intending to digitally distribute phonorecords (section 115); copyright owners and public broadcasting entities (section 118); and copyright owners of broadcast programming and satellite carriers or distributors (section 119). Royalty payments are not made to the Copyright Office under any of these licenses.

Under section 122, a royalty-free statutory license authorizes the retransmission of local broadcast television stations by satellite carriers.

The statutory obligation in chapter 10, section 1003, of the Copyright Act provides that those who import or manufacture and distribute in the United States any digital audio recording device or digital audio recording medium

must file notices of distribution and quarterly and annual statements of account and make royalty payments.

Funding of the Licensing Division

The Copyright Act provides that reasonable costs incurred by the Copyright Office in administering the statutory licenses for cable systems and satellite carriers and the obligation for digital audio equipment be deducted from the royalty fees deposited for those licenses. The Licensing Division budget comes directly from the royalties, making it self-supporting with no tax dollars used for its operation.

Organization of the Division

The Examining Section examines all licensing documents submitted for a statutory or compulsory license to determine that they meet the requirements under the statute and Copyright Office regulations, including the correct computation of the royalty fee. A licensing examiner will notify a licensee to correct errors or omissions on a document before final processing by the Copyright Office.

The Fiscal Section performs all accounting, budgeting, and investing functions of the division in conjunction with the accounting offices of the Library of Congress and the U.S. Treasury. This section is also responsible for ascertaining the funds available for distribution by Copyright Royalty Judges.

The Licensing Information Section provides information about the compulsory and statutory licenses, maintains all the division's official licensing records, and performs reference searches of licensing documents for the public and members of Congress.

Documents Available

The following documents are available from the Licensing Division.

Cable TV

- Statements of Account for Secondary Transmissions by Cable Systems (Forms SA1-2, SA3)

Satellite Carrier

- Statements of Account for Secondary Transmissions by Satellite Carriers
- Network Name and Address File

Mechanical Licenses

- Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords

Public Broadcasting Agreements

- License agreements voluntarily negotiated between one or more owners of copyright in published nondramatic musical works and published pictorial, graphic, and sculptural works and one or more public broadcasting entities

Sound Recordings

- Notice of Use of Sound Recordings
- Initial Notice of Digital Transmission of Sound Recordings
- Notice of Designation as Collective

Audio Home Recording Act

- Initial Notices of Distribution
- Statements of Account (quarterly and annual) for importers or manufacturers of digital audio recording devices or media

NOTE: Access to statements of account for digital audio recording products will be granted only to "interested copyright owners" pursuant to section 1003(c)(2) of title 17 of the *United States Code*.

File Searches

You can conduct an online search to retrieve certain data from the statements of account filed by cable television operators under section 111 of the Copyright Act at <http://licensing.copyright.gov/search/>. The data begin with the accounting period January through June 1992 to the present and are updated daily.

Licensing documents are available for public inspection and copying in the Copyright Office Public Records Reading Room of the Library of Congress, located in room LM-404 of the James Madison Memorial Building, between 8:30 AM and 5:00 PM, eastern time, Monday through Friday, except federal holidays. Assistance in search procedures is available for those who want to conduct their own searches.

Upon request, Licensing Division staff will conduct a search at the statutory rate for each hour or fraction of an hour consumed. Based on information you furnish, staff will first estimate the total search fee. If you decide to proceed with the search, you will need to send the estimated amount in advance. Staff will then perform the search and provide a report.

Ratesetting and Distribution Proceedings

The Copyright Royalty Judges are responsible for adjusting the rates and terms for use of the statutory licenses in accordance with copyright law. In addition, the judges determine the distribution of royalties collected by the Copyright Office under sections 111 and 119 and chapter 10 of the Copyright Act.

For information about ratesetting and distribution proceedings, write to

*Copyright Royalty Board
PO Box 70977
Southwest Station
Washington, DC 20024*

TEL: (202) 707-7658
FAX: (202) 252-3423
WEB: www.loc.gov/crb

Contact Us

The Licensing Division is in the James Madison Memorial Building of the Library of Congress, located on Capitol Hill between First and Second Streets, SE, Washington, D.C. Please address all correspondence to the division to

*Library of Congress
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FAX: (202) 707-0905
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WEB: www.copyright.gov/licensing

Licensing Division staff members are available to answer questions between 8:30 AM and 5:00 PM, eastern time, Monday through Friday, except federal holidays.

