

# Announcement

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

## COPYRIGHT OFFICE TO HOLD HEARINGS ON PERFORMANCE RIGHTS IN SOUND RECORDINGS

The following excerpt is taken from Vol. 42, No. 106 of the Federal Register for Thursday, June 2, 1977 (p. 28191).

Please note the dates given below for hearings, requests to present testimony, and submission of written statements.

### LIBRARY OF CONGRESS

Copyright Office

[S 77-6-A]

### PERFORMANCE RIGHTS IN SOUND RECORDINGS

Public Hearings

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Notice of Public Hearings.

**SUMMARY:** This notice of public hearing is issued to advise the public that the Copyright Office of the Library of Congress is preparing a report to Congress under section 114(d) of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, pertaining to performance rights in copyrighted sound recordings. This notice announces and invites participation in two public hearings intended to elicit views, comment and information from interested members of the public which will assist the Copyright Office in considering alternatives, formulating a report, and making legislative recommendations, if any.

**DATES:** The hearings will be held in Arlington, Virginia on July 6, 7, and 8, 1977, and in Beverly Hills, California on July 26, 27, and 28, 1977, commencing at 9:30 a.m.

Members of the public desiring to testify should submit written requests to present testimony for the Virginia hearing before June 21, 1977, and for the California hearing before July 11, 1977 to the address set forth below. The requests should clearly identify the individual or group requesting to testify, the hearing at which testimony will be offered, and the amount of time desired.

**ADDRESS:** The Virginia hearing will be held in Room 910, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. The California hearing will be held in the Monaco Suite, Beverly Hilton Hotel, 9867 Wilshire Boulevard, Beverly Hills, California 90210. Requests to present testimony should be addressed to: Harriet L. Oler, Senior Attorney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559.

### FOR FURTHER INFORMATION CONTACT:

Harriet L. Oler, Senior Attorney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559 (703-557-8737).

### SUPPLEMENTARY INFORMATION:

Section 114 of the newly enacted copyright law, Pub. L. 94-553, specifies that the exclusive rights of the owner of copyright in a sound recording are limited to the rights to reproduce the sound recording in copies or phonorecords, to prepare derivative works based on the sound recording and to distribute copies or phonorecords of the sound recording to the public. Paragraph (a) of section 114 states explicitly that the owner's rights "do not include any right of performance under section 106(4)."

Congress had considered the arguments in favor of establishing a limited performance right, in the form of a compulsory license, for copyrighted sound recordings but concluded that the issue required further study. Paragraph (d) of section 114 directs the Register of Copyrights to consult with various interests in the broadcasting, recording, motion picture and entertainment industries; arts organizations; and representatives of

copyright owners, organized labor and performers, and to report to Congress by January 3, 1978 whether section 114 should be amended to provide for performers and copyright owners any performance rights in such material. The report is to describe the status of such rights in foreign countries, the views of major interested parties, and specific legislative or other recommendations, if any.

To assist the Copyright Office in formulating the report and recommendation, the Office published a notice in the FEDERAL REGISTER (42 FR 2127-28, April 27, 1977) soliciting public comment on the subject of performance rights in sound recordings. Copies of all comments received are available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Copyright Office Information Office.

The Copyright Office believes that public hearings are appropriate forums to secure responses to these written comments and reply comments and to obtain additional information, data and public comment on the subject of performance rights in copyrighted sound recordings.

The Office is interested in receiving testimony on the following questions; related observations are welcome.

(1) What are the constitutional and legal constraints and problems arising from a performance royalty in sound recordings?

(2) What are the arguments for and against a performance royalty in sound recordings? What projected economic effect would it have on performers, record companies, broadcasters, cable systems, owners of copyright in musical compositions, background music services, juke-

box operators, record consumers and other interested parties?

(3) In the event that a performance right is enacted, who should enjoy it? If both record producers and performers enjoy it, what royalty split would be advisable?

(4) If a performance royalty is enacted, what mechanism should be established to implement it? Are voluntary negotiations possible and/or preferable? Would a compulsory licensing system work? If so, who should determine the rates, who should distribute the proceeds and how should the beneficiaries be identified? What role, if any, should the Copyright Office play?

(5) What effect would performance rights legislation have on United States international copyright relations? If such legislation is enacted should the United States join the 1961 International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)? If not, would the United States accord national treatment to foreign sound recordings under the Universal Copyright Convention?

Written Statements: All witnesses are requested to provide 10 copies of a written statement of their testimony to the Office of the General Counsel by June 28, 1977 for testimony to be presented at the Virginia hearing, and by July 18, 1977 for testimony to be presented at the Beverly Hills hearing.

The record of the proceedings will be kept open until August 26, 1977 for receipt of written supplemental statements.

(Title 17 of the United States Code as amended by Pub. L. 94-553: Sec. 114.)

Dated: May 26, 1977.

**BARBARA RINGER,**  
*Register of Copyrights.*

Approved:

**DANIEL J. BOORSTIN,**  
*Librarian of Congress.*

[FR Doc. 77-15600 Filed 6-1-77; 8:45 am]