

Announcement

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

NOTICE OF INQUIRY

PERFORMANCE RIGHTS IN SOUND RECORDINGS

The following excerpt is taken from Volume 42, No. 215 of the Federal Register for Tuesday, November 8, 1977 (pp. 58226).

[1410-03]

LIBRARY OF CONGRESS

Copyright Office

[S 77-6-B]

PERFORMANCE RIGHTS IN SOUND RECORDINGS

Inquiry

AGENCY: Library of Congress, Copyright Office.

NOTICE: Notice of inquiry.

SUMMARY: The Copyright Office of the Library of Congress has received an independent economic impact analysis of the potential effects of proposals to amend the Copyright Law to provide royalties to performers and record producers for the public performance of their copyrighted sound recordings. The purpose of this notice is to obtain public comment and views upon the study's findings, to assist the Copyright Office in evaluating the study as part of its forthcoming report to Congress under section 114(d) of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law.

DATES: Initial comments should be received on or before December 1, 1977; reply comments should be received by December 12, 1977.

ADDRESS: Interested persons should submit five copies of their written comments to: Harriet L. Oler, Senior Attorney, Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

FOR FURTHER INFORMATION CONTACT:

Harriet Oler, Senior Attorney, General Counsel's Office, Copyright Office, Library of Congress, Washington, D.C. 20559.

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 compulsory license, for copyrighted sound recordings, but concluded that the issue required further study. Paragraph (d) of section 114 directs the Register of Copyrights, after consulting with representatives of the broadcasting, recording, motion picture and entertainment industries, arts organizations, copyright owners, organized labor, and performers 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 sound recordings. The report is to describe the status of performance rights for sound recordings in foreign countries, the views of major interested parties, and specific legislative or other recommendations if any.

Congressional and, more recently, Copyright Office hearings on this question demonstrate that many of the arguments concerning the equities of enacting performance rights legislation revolve around the projected economic effect of royalty payments on interested parties: broadcasters, record companies, performers, authors and composers, and consumers. The predictions as to economic consequences in earlier studies by broadcasters and recording interests were widely divergent. In an effort to obtain as objective, thorough, and accurate an analysis of this problem as possible, the Copyright Office contracted with the firm of Ruttenberg, Friedman, Kilgallon, Gutches & Associates to prepare an independent research study of the economic effect of enacting performance rights legislation similar to the proposed Danielson bill, H.R. 6063, 95th Cong., 1st Sess. (1977).

Copies of the study and all comments received will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday in the Public Information Office, Room No. 101 Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., telephone No.: 703-557-8700.

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

Dated: November 2, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

WILLIAM J. WELSH,
Acting Librarian of Congress.

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