



ANNOUNCEMENT

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

FINAL REGULATION

COMPULSORY LICENSE FOR CABLE SYSTEMS

The following excerpt is taken from Volume 52, Number 145 of the Federal Register for Wednesday, July 29, 1987 (pp. 28252-28253)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 87-3]

Compulsory License for Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: The Copyright Office of the Library of Congress is issuing a final regulation to update its regulations concerning the cable compulsory license. By this "housekeeping" action the Office will delete 37 CFR 201.11 and amend 37 CFR 201.17, so that the Copyright Office's regulations conform with recently passed legislation and rate adjustments issued by the Copyright Royalty Tribunal. The amendments are not substantive, and merely clarify and update information given in the regulations so that such information is accurate.

EFFECTIVE DATE: July 29, 1987.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone (202) 287-8380.

SUPPLEMENTARY INFORMATION: On August 22, 1986, Congress amended the Copyright Act of 1976 to eliminate the requirement in 17 U.S.C. 111(d)(1) that cable systems file notices of identity and signal carriage complement. See Pub. L. No. 99-397 (1986). By this action,

the Copyright Office deletes the portion of its regulations at 37 CFR 201.11 that concerns the filing of such notices. Because § 201.11(a)(3), which defines a "cable system," and § 201.11(a)(4), which defines when an FM radio signal is "generally receivable," have continued relevance in the context of the Office's cable compulsory license regulations as a whole, those regulations are being transferred, unchanged, to § 201.17, that concerns the operation of the cable compulsory license.

This action also updates § 201.17 to conform with technical changes in the statement of account forms issued by the Copyright Office and gives current rates and gross receipts ceilings, so that the information reflects the 1985 inflationary rate adjustment made by the Copyright Royalty Tribunal. (50 FR 18480) (May 1, 1985).

The amendments are purely of a "housekeeping" nature, are not substantive, and do not change the Copyright Office's interpretation of section 111 of the Copyright Act.

List of Subjects in 37 CFR Part 201

Cable television, Cable compulsory license, Copyright Office.

Final Regulations

In consideration of the foregoing, Part 201 of CFR 37, Chapter II is amended in the manner set forth below.

PART 201--[AMENDED]

A. The authority citation for Part 201 continues to read in part as follows:

Authority: Sec. 702, 90 Stat. 2541; 17 U.S.C. 702.

• • • • •

§ 201.11 [Amended]

B. Section 201.11 is amended as follows:

1. Paragraphs (a)(1), (a)(2), and (a)(5) of § 201.11 are removed in their entirety.
2. Paragraph (a)(3) of § 201.11 is transferred to § 201.17 and is redesignated as 201.17(b)(2), as further described in amendment C.1. below.
3. Paragraph (a)(4) of § 201.11 is transferred to § 201.17 and is redesignated as 201.17(b)(4), as further described in amendment C.2. below.
4. Paragraphs (b), (c), (d), (e), and (f) of § 201.11 are removed in their entirety.
5. The heading for § 201.11 is removed and the section number is reserved.

§ 201.17 [Amended]

C. Section 201.17 is amended as follows:

1. Paragraph (b)(2) of § 201.17 is amended by adding the definition transferred from former § 201.11(a)(3), and reads as did former § 201.11(a)(3).
• • • • •
2. Paragraph (b)(4) of § 201.17 is amended by adding the definition transferred from former § 201.11(a)(4), and reads as did former § 201.11(a)(4).
• • • • •
3. Paragraph (b)(7) of § 201.17 is amended by removing the phrase "and § 201.11 of these regulations."
• • • • •
4. Paragraph (d)(2) (i) and (ii) of § 201.17 is revised to read as follows:
• • • • •
(d) • • •
(2) • • •
(i) Form SA1-2—"Short Form" for use by cable systems whose semiannual gross receipts for secondary

transmission total less than \$292,000;
and

(ii) Form SA3—"Long Form" for use
by cable systems whose semiannual
gross receipts for secondary
transmission total \$292,000 or more.

5. Paragraph (e)(2) of § 201.17 is
amended by removing the reference to
footnote 8, and removing footnote 8 in
its entirety.

6. Paragraph (e)(9) of § 201.17(vii) is
amended by removing the phrase "Form
CS/SA-1 or Form CS/SA-2" and
inserting in lieu thereof the phrase
"Form SA1-2".

7. Paragraph (e)(12) of § 201.17 is
amended by removing the phrase "\$41,500
or less" and inserting in lieu thereof the
phrase "\$75,800 or less".

8. Paragraph (e)(14)(iii)(E) of § 201.17
is revised to read as follows:

(e) * * *
(14) * * *
(iii) * * *

(E) A declaration of the veracity of the
statements of fact contained in the
Statement of Account and the good faith
of the person signing in making such
statement of fact.

9. Paragraph (g) of § 201.17 is amended
in its last sentence by removing the
phrase "or (ii) 0.799 of 1 percent" and
inserting in lieu thereof "or (ii) 0.893 of 1
percent.

10. The introductory text of paragraph
(h)(2) of § 201.17 is revised to read as
follows:

(h) * * *
(2) A cable system filing Form SA3
shall compute its royalty fee in the
following manner:

11. The introductory text of paragraph
(h)(3) of § 201.17 is revised to read as
follows:

(h) * * *

(3) A cable system whose semiannual
gross receipts for secondary
transmissions totalled \$214,000 or more
during the period January 1, 1983,
through June 30, 1983, shall compute its
royalty fee for carriage during that
period in the following manner:

12. Paragraph (h)(4)(iv) is removed in
its entirety.

13. Paragraph (j)(5) is removed in its
entirety.

Dated: July 9, 1987.

Ralph Oman,
Register of Copyrights.

Approved:

Daniel J. Boorstin,
The Librarian of Congress.

[FR Doc. 87-17121 Filed 7-28-87; 8:45 am]

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