



ANNOUNCEMENT

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

FINAL RULE AND CORRECTIONS

COPYRIGHT ARBITRATION ROYALTY PANELS: RULES AND REGULATIONS

The following excerpt is taken from Volume 59, Number 123 of the Federal Register for Tuesday June 28, 1994 (pp. 33201-33202)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 253, 255 and 259

[Docket Nos. RM 89-1 and 94-1A]

Copyright Arbitration Royalty Panels: Rules and Regulations

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule and corrections.

SUMMARY: As directed in the Copyright Royalty Tribunal Reform Act of 1993, the Copyright Office of the Library of Congress adopted the rules and regulations of the Tribunal that were found in 37 CFR chapter III on an interim basis with only technical changes. It later issued revised rules and regulations. The Office failed to amend one of the existing Copyright Office regulations and also erred in several sections of the revised interim regulations. The Office is making only technical changes to correct those errors.

EFFECTIVE DATE: June 28, 1994.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

On December 17, 1993, the President signed into law the Copyright Royalty Tribunal Reform Act of 1993 (Reform Act). Pub.L.No. 103-198. Effective immediately upon enactment, the Reform Act amended the Copyright Act, 17 U.S.C., by eliminating the Copyright Royalty Tribunal and transferring its

responsibilities and duties to ad hoc copyright royalty panels, to be administered by the Library of Congress and the Copyright Office. The copyright royalty panels will be convened by the Librarian of Congress for limited times for the purpose of adjusting rates and distributing royalties collected under the compulsory licenses of the Copyright Code. See 17 U.S.C. 111, 115, 118, 119, and Chapter 10.

The Reform Act eliminated the Copyright Royalty Tribunal and directed the Librarian of Congress to adopt immediately the rules and regulations of the Tribunal in their entirety. We adopted the Tribunal's regulations with certain technical amendments as interim regulations on December 22, 1993 (58 FR 67690). In one part of these interim regulations we changed the terms "Copyright Royalty Tribunal" and "Tribunal" wherever they appeared to "copyright arbitration royalty panels and/or Librarian of Congress". We did not change any references to the Tribunal in our own regulations at that time.

On May 9, 1994, we issued interim regulations in the **Federal Register** (59 FR 23964) amending the interim regulations we had adopted on December 22, 1993. In the amended regulations of May 9, 1994, we made errors in §§253.8(e); 255.3(g)(1); 259.1; 259.2, 259.3(d)(e)(f); and 259.4(a)(b)(d). In the December 22, 1993, amendments, we had changed the designations "Copyright Royalty Tribunal" and "Tribunal" to "copyright arbitration royalty panels and/or Librarian of Congress". We failed to recognize all of these changes when we revised the interim regulation on May 22, 1994, and inserted "Copyright Office" in some

sections. However, instead of amending the existing terms "copyright arbitration royalty panel and/or Librarian of Congress" we made these amendments to the already deleted terms "Copyright Royalty Tribunal" and "Tribunal" or "CRT". This document will correct the errors found in the May 9, 1994, document.

Also, we did not earlier amend §201.16(a) and (b)(3)(iii) of our regulations to add "the former" in front of Copyright Royalty Tribunal in §201.16(a) and change "Copyright Royalty Tribunal" to "copyright arbitration royalty panels and/or Librarian of Congress" in §201.16(b)(3)(iii). This rule is issued as a final rule for §201.16(a) and (b)(3)(iii) and a correction of the document of May 9, 1994.

List of Subjects:

37 CFR 201

Copyright, Coin-operated, Phonorecord players.

37 CFR 253

Copyright, Music, Radio, Rates, Television.

37 CFR 255

Copyright, Music, Recordings.

37 CFR 259

Claims, Copyright, Digital audio recording devices and media.

For the reasons set out in the preamble, 37 CFR chapter II is amended or corrected under the authority of 17 U.S.C 702 and 802(d).

§201.16 [Amended]

1. Section 201.16 is amended.
 - 1a. The authority citation for part 201

continues to read as follows:

Authority: 17 U.S.C. 702 and 802(d).

1b. In paragraph (a) by adding "the former" in front of Copyright Royalty Tribunal.

1c. In paragraph (b)(3)iii) by removing "Copyright Royalty Tribunal" and adding in its place "copyright arbitration royalty panel and/or Librarian of Congress".

2. In the rule document beginning on page 23964 in the issue of Monday, May 9, 1994, make the following corrections.

§255.3 [Corrected]

2a. On page 23993, in the third column in the amendment to §255.3, remove "Copyright Royalty Tribunal" and replace it with "copyright arbitration royalty panel and/or Librarian of Congress".

§259.1 [Corrected]

2b. On page 23994, in the third column in the amendment to §259.1, remove "Copyright Royalty Tribunal" and replace it with "copyright arbitration royalty panel and/or Librarian of Congress".

§259.2 [Corrected]

2c. On page 23994, in the third column in the amendment to §259.2, remove "Copyright Royalty Tribunal" and replace it with "copyright arbitration royalty panel and/or Librarian of Congress".

§259.3 [Corrected]

2d. On page 23994, in the third column in the amendment to §259.3, remove "Copyright Royalty Tribunal" and replace it with "copyright arbitration royalty panel and/or Librarian of Congress".

§259.4 [Corrected]

2e. On page 23995, in the first column in the amendment to §259.4, remove "Copyright Royalty Tribunal" and replace it with "copyright arbitration royalty panel and/or Librarian of Congress".

Dated: June 22, 1994

Barbara Ringer,
Acting Register of Copyrights.

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