



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

INITIATION OF ARBITRATION

ADJUSTMENT OF THE RATES FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING COMPULSORY LICENSE

The following excerpt is taken from Volume 63, Number 21 of the
Federal Register for Monday, February 2, 1998 (pp. 5405-5406)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 96-6 CARP NCBRA]

Adjustment of the Rates for Noncommercial Educational Broadcasting Compulsory License

AGENCY: Copyright Office, Library of
Congress.

ACTION: Initiation of Arbitration.

SUMMARY: The Librarian of Congress is
announcing initiation of the 180-day
arbitration period for the adjustment of the
rates for the noncommercial educational
broadcasting license.

EFFECTIVE DATE: January 30, 1998.

ADDRESSES: All hearings and meetings for
the section 118 compulsory license
proceeding shall take place in the James
Madison Memorial Building, Room 414,
First and Independence Avenue, S.E.,
Washington, D.C. 20540.

FOR FURTHER INFORMATION

CONTACT: David O. Carson, General
Counsel, or William Roberts, Senior
Attorney, P.O. Box 70977, Southwest Station,
Washington, D.C. 20024. Telephone (202)
707-8380. Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

On October 18, 1996, the Library
published a Notice in the *Federal Register*
initiating a voluntary negotiation period for

adjustment of the royalty rates for the
noncommercial educational broadcasting
compulsory license, 17 U.S.C. 118, 61 FR
54458 (October 18, 1996). Section 118
creates a compulsory license for the use of
certain copyrighted works in connection with
noncommercial broadcasting. The Library set
a date of April 7, 1997, for initiation of
arbitration. 61 FR at 54461 (1996). The
parties who filed Notices of Intent to
Participate in this proceeding, however,
requested additional time to negotiate
voluntary agreements.

The Library has received several
negotiated agreements and joint proposals for
rates and terms, and has adopted certain
proposed rates and terms. See 62 FR 63502
(Dec. 1, 1997). A controversy remains,
however, regarding the rates to be paid by the
Public Broadcasting Service and National
Public Radio for the use of musical works
licensed by the American Society of
Composers, Authors and Publishers, and
Broadcast Music, Inc. Consequently, it is
necessary to commence a Copyright
Arbitration Royalty Panel (CARP)
proceeding to resolve this controversy. This
notice fulfills the requirements of 37 CFR
251.64 and sections 118 and 803(c) of title
17, United States Code.

Selection of Arbitrators

In accordance with Sec. 251.6 of the
CARP rules, the arbitrators have been
selected for this proceeding. They are:
The Honorable Lewis Hall Griffith
(Chairperson)
The Honorable Jeffrey Gulin
The Honorable Edward Dreyfus

Initiation of Proceeding

Pursuant to Sec. 251.64 of the CARP
rules, the Librarian is formally announcing

the existence of a controversy as to the
establishment of rates and terms for the
adjustment of rates for the section 118
compulsory license, and is initiating an
arbitration proceeding under chapter 8 of title
17 to resolve the determination. The
arbitration proceeding commences on
January 30, 1997, and runs for a period of
180 days. The arbitrators shall file their
written report with the Librarian by July 28,
1998, the end of the 180-day period, in
accordance with Sec. 251.53 of the rules.

A meeting between the participants in the
rate adjustment proceeding and the
arbitrators shall take place on Tuesday,
February 3, 1998, at 1:30 p.m. at the Library
of Congress, James Madison Building, LM
414, First and Independence Avenue, S.E.,
Washington, D.C., to discuss the hearing
schedule, arbitrator billing and payment, and
any other procedural matters. The meeting is
open to the public. Copies of the hearing
schedule, once finalized, will be available at
the Copyright Office upon request.

Dated: January 28, 1998.

David Carson,
General Counsel.

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