



# ANNOUNCEMENT

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

REOPENING OF COMMENT PERIOD.

## NOTICE AND RECORDKEEPING FOR MAKING AND DISTRIBUTING PHONORECORDS

The following excerpt is taken from Volume 63, Number 241 of the  
*Federal Register* for Wednesday, December 16, 1998 (p. 69251)

### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 98-7B]

#### Notice and Recordkeeping for Making and Distributing Phonorecords

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

**ACTION:** Reopening of comment period.

**SUMMARY:** The Copyright Office of the Library of Congress is reopening the comment period on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords.

**DATES:** The comment period is reopened until 12 p.m. on December 24, 1998.

**ADDRESSES:** If sent by mail, an original and ten copies of the comments should be addressed to: David O. Carson, General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. If hand delivered, an original and ten copies of the comments should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE, Washington, DC 20559-6000.

#### FOR FURTHER INFORMATION

**CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380 or Telefax (202) 252-3423.

#### SUPPLEMENTARY INFORMATION:

On September 4, 1998, the Copyright Office published a notice of inquiry seeking comments on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords. 63 FR 47215 (September 4, 1998). The Digital Performance Right in Sound Recordings Act of 1995, Pub. L. 104-39, 109 Stat. 336, requires the Librarian of Congress to establish these regulations to ensure proper payment to copyright owners for the use of their works. 17 U.S.C. 115(c)(3)(D). Comments were timely filed by the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and the National Music Publishers' Association, Inc. (NMPA) and the Recording Industry Association of America, Inc. (RIAA). Reply comments were due to be filed on November 18, 1998. On November 27, 1998, the Office granted a request to reopen the reply comment period; under the reopened deadline, reply comments were due to be filed on December 11, 1998. 63 FR 65567 (November 27, 1998). Although the November 27 Federal Register notice reopened the reply comment period, the Office recognizes that submissions filed in accordance with that notice would have been so substantive in nature as to constitute comments and not reply comments.

In response to requests for additional time and in light of the complexity of the issues involved in the adoption of notice and recordkeeping procedures for the making and distribution of phonorecords and the substantive nature of the comments to be filed, the Office agrees that it is appropriate to grant additional time for all interested parties to file their comments. Thus, the Office sets the reopened deadline for the filing of comments to 12 p.m. on December 24, 1998. Parties who have previously filed

comments may supplement those comments if they desire.

The Office will not, however, be reopening the reply comment period. Instead, after the filing of comments, the Office will publish in the Federal Register either a notice of proposed rulemaking, with a notice and comment period, or an interim rule, seeking comment.

Dated: December 11, 1998.

**David O. Carson,**  
General Counsel.

[FR Doc. 98-33342 Filed 12-15-98; 8:45 am]

BILLING CODE 1410-31-P