

Circular 75

The Licensing Division of the Copyright Office

BASIC FUNCTION

The Licensing Division in the Copyright Office administers the compulsory and statutory licenses in the Copyright Act (title 17 of the United States Code).

These are:

- Statutory license for secondary transmissions by cable systems (section 111)
- Statutory license for making ephemeral recordings (section 112)
- Compulsory license for the public performance of sound recordings by means of a digital audio transmission (section 114)
- Compulsory license for making and distributing phonorecords (section 115)
- Compulsory license for public performances on coin-operated phonorecord players (section 116, [1978-1989, 1993], section 116A (1990-1993))
- Compulsory license for the use of certain works in connection with noncommercial broadcasting (section 118)
- Statutory license for secondary transmissions by satellite carriers for private home viewing (section 119)
- Statutory license for secondary transmissions by satellite carriers for local retransmissions (section 122)
- Statutory obligation for distribution of digital audio recording devices and media (chapter 10)

The Division collects royalty fees from cable operators for retransmitting television and radio broadcasts (section 111), from satellite carriers for retransmitting “superstation” and network signals (section 119), and from importers or manufacturers for distributing digital audio recording products. The Division deducts its full operating costs from the royalty fees and invests the balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners by Copyright Arbitration Royalty Panels.

A “Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords” (section 115) is recorded by the Division when the licensee cannot identify the copyright owner through a search of Copyright Office records. The Licensing Division also records voluntary license agreements between copyright owners of sound recordings and digital subscription services, or eligible digital non-subscription services (section 114); copyright owners of nondramatic musical works and those intending to digitally distribute phonorecords (section 115); copyright owners and public broadcasting entities (section 118); and copyright owners of broadcast programming and satellite carriers and/or distributors (section 119). Royalty payments are not made to the Copyright Office under any of these licenses.

Under section 116, a voluntary license agreement is in effect for performances of nondramatic musical compositions on coin-operated phonorecord players (“jukeboxes”). This agreement is between the performing rights societies (ASCAP, BMI, and SESAC) and the Amusement and Music Operators Association (AMOA). Royalty terms, rates, and payments are agreed to directly between the negotiating parties. Royalty payments are not made to the Licensing Division under the jukebox negotiated license.

Under section 122, a royalty-free statutory license authorizes the retransmission of local broadcast television stations by satellite carriers.

The statutory obligation in chapter 10, section 1003, provides for persons who import or manufacture and distribute in the U.S. any digital audio recording device or digital audio recording medium to file notices of distribution and quarterly and annual statements of account and to make royalty payments.

HOW TO CONTACT THE LICENSING DIVISION

The Licensing Division is located in the Library of Congress James Madison Memorial Building, Room LM-458 (4th floor). This building is located on Independence Avenue between First and Second Streets, S.E., on Capitol Hill. All mail to the Division should be addressed to:

Library of Congress
Copyright Office
Licensing Division, LM-458
101 Independence Avenue, S.E.
Washington, D.C. 20557-6400

Tel: (202) 707-8150
Fax: (202) 707-0905
Web: www.copyright.gov

The Division is open to the public between 8:30 a.m. and 5 p.m., eastern time, Monday through Friday, except federal holidays.

FUNDING OF THE LICENSING DIVISION

The Copyright Act provides that reasonable costs incurred by the Copyright Office in administering the compulsory and statutory licenses for cable systems, satellite carriers, and digital audio equipment be deducted from the royalty fees deposited for those licenses. The Licensing Division budget comes directly from the royalties, making it self-supporting with no tax dollars used for its operation.

ORGANIZATION OF THE DIVISION

- The Examining Section examines all licensing documents submitted for a statutory or compulsory license to determine that they meet the requirements under the statute and Copyright Office regulations, including the correct computation of the royalty fee. A Licensing Examiner will notify a licensee to correct errors or omissions on the document before final processing by the Copyright Office.
- The Fiscal Section performs all accounting, budgeting, and investing functions of the Division in conjunction with the accounting offices of the Library of Congress and the U.S. Treasury. This Section is also responsible for the ascertainment of funds available for distribution by Copyright Arbitration Royalty Panels.
- The Licensing Information Section provides information about the compulsory and statutory licenses; maintains all the Division's official licensing records; and performs reference searches of licensing documents for the public and Members of Congress.

DOCUMENTS AVAILABLE IN THE LICENSING DIVISION

Cable TV

- Statements of Account for Secondary Transmissions by Cable Systems (Forms SA1-2, SA-3)
- Initial Notices and Notices of Change (1978–1986)

Satellite Carrier

- Statements of Account for Secondary Transmissions by Satellite Carriers for Private Home Viewing
- Network Name and Address File

Jukebox Documents

- Applications for Recordation of Coin-Operated Phonorecord Players (1978–1989)

Mechanical Licenses

- Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords

Public Broadcasting Agreements

- License agreements voluntarily negotiated between one or more owners of copyright in published nondramatic musical works and published pictorial, graphic, and sculptural works and one or more public broadcasting entities

Sound Recordings

- Initial Notice of Digital Transmission of Sound Recordings
- Notice of Designation as Collective

Audio Home Recording Act

- Initial Notices of Distribution
- Statements of Account (Quarterly and Annual) for importers or manufacturers of digital audio recording devices or media

NOTE: Access to statements of account for digital audio recording products **will only** be granted to "interested copyright owners" pursuant to section 1003 (c) (2) of title 17 of the United States Code.

HOW TO SEARCH THE FILES

Licensing documents are available for public inspection and copying in the Licensing Division at the Library of Congress, James Madison Memorial Building, Room LM-458, between the hours of 8:30 a.m. and 5 p.m., eastern time, Monday through Friday, except federal holidays. If you wish to conduct your own search, you will be given assistance in search procedures to locate the records needed.

Upon request, the Licensing Division staff will conduct a search at the statutory rate for each hour or fraction of an hour consumed. Based on the information you furnish, we will provide an estimate of the total search fee. If you decide to have the Office staff perform the search, you should send the estimated amount with your request. The Division will then proceed with the search and send you a report.

COPYRIGHT ARBITRATION ROYALTY PANELS (CARP)

The Copyright Royalty Tribunal Reform Act of 1993, Public Law 103-198, eliminated the Copyright Royalty Tribunal and replaced it with a system of ad hoc Copyright Arbitration Royalty Panels (CARPs). The panels, administered by the Librarian of Congress and the Copyright Office, adjust the copyright compulsory license royalty rates and distribute the royalties collected by the Licensing Division to the appropriate copyright owners. Copies of royalty claims are available in the Licensing Division.

For further information about CARPs, write to:

Copyright Arbitration Royalty Panels (CARP)
P.O. Box 70977
Southwest Station
Washington, D.C. 20024

Tel: (202) 707-8380

Fax: (202) 252-3423

Web: www.copyright.gov/carp