

§ 201.35

37 CFR Ch. II (7-1-03 Edition)

Monday through Friday. For the purpose of researching the full Office record of Correction NIEs on the Internet, the Office has made online searching instructions accessible through the Copyright Office Home Page. Researchers can access them through the Library of Congress Home Page on the World Wide Web by selecting the copyright link. Select the menu item "Copyright Office Records" and/or "URAA, GATT Amends U.S. law." Images of the complete Correction NIEs as filed will be stored on optical disk and will be available from the Copyright Office.

filing of this notice, and that the information given herein is true and correct to the best of my knowledge.

Name and Address (typed or printed):

Telephone/Fax:

As agent for:

Date and Signature:

[62 FR 55739, Oct. 28, 1997]

§ 201.35 Initial Notice of Digital Transmission of Sound Recordings under Statutory License.

APPENDIX A TO § 201.34—CORRECTION NOTICE OF INTENT TO ENFORCE

CORRECTION OF NOTICE OF INTENT TO ENFORCE

1. Name of Copyright Owner (or owner of exclusive right) If this correction notice is to cover multiple works, the author and the rights owner must be the same for all works covered by the notice.)

2. Title(s) (or brief description)

- (a) Work No. 1— Volume and Document Number: English Translation:
(b) Work No. 2 (if applicable)— Volume and Document Number: English Translation:
(c) Work No. 3 (if applicable)— Volume and Document Number: English Translation:
(d) Work No. 4 (if applicable)— Volume and Document Number: English Translation:

3. Statement of incorrect information on earlier NIE:

4. Statement of correct (or previously omitted) information:

Give the following only if incorrect or omitted on earlier NIE:

- (a) Type of work
(b) Rights owned
(c) Name of author (of entire work)
(d) Source Country
(e) Year of Publication (Approximate if precise year is unknown)
(f) Alternative titles

5. Explanation of error:

6. Certification and Signature: I hereby certify that for each of the work(s) listed above, I am the copyright owner, or the owner of an exclusive right, or the owner's authorized agent, the agency relationship having been constituted in a writing signed by the owner before the

(a) General. This section prescribes rules under which copyright owners shall receive initial notice of use of their sound recordings under statutory license under section 114(f) of title 17 of the United States Code.

(b) Definitions. (1) An Initial Notice of Digital Transmission of Sound Recordings under Statutory License is a notice to sound recording copyright owners of the use of their works under section 114(f), and required under this regulation to be filed by a Service in the Copyright Office.

(2) A Service is an entity engaged in the digital transmission of sound recordings, pursuant to section 114(f) of title 17 of the United States Code, and includes, without limitation, any entity that transmits an AM/FM broadcast signal over a digital communications network such as the Internet, regardless of whether the transmission is made by the broadcaster that originates the AM/FM signal or by a third party, provided that such transmission meets the applicable requirements of the statutory license set forth in 17 U.S.C. 114(d)(2).

(c) Forms. A suggested format for the Initial Notices may be found on the Copyright Office website.

(d) Content. An "Initial Notice of Digital Transmission of Sound Recordings under Statutory License" shall be identified as such by prominent caption or heading, and shall include the following:

(1) The full legal name of the Service commencing digital transmission of sound recordings under statutory license;

(2) The full address, including a specific number and street name or rural route, of the place of business of the Service. A post office box or similar designation will not be sufficient except where it is the only address that can be used in that geographic location;

(3) The telephone number and facsimile number of the Service; and

(4) Information on how to gain access to the online website or home page of the Service, or where information may be posted under these regulations concerning the use of sound recordings under statutory license.

(e) *Signature.* The Initial Notice shall include the signature of the appropriate officer or representative of the Service transmitting sound recordings under statutory license. The signature shall be accompanied by the printed or typewritten name and title of the person signing the Notice, and by the date of signature.

(f) *Filing.* A Service shall file the Initial Notice with the Licensing Division of the Copyright Office prior to the first transmission of sound recordings under the license, or by September 3, 1998, in the case of a Service that makes subscription transmissions before or on that date, or by December 1, 1999, in the case of a Service that makes eligible nonsubscription transmissions before, or on, that date. Each Notice shall be accompanied by a filing fee of \$20. Initial Notices and amendments will be placed in the public records of the Licensing Division of the Copyright Office, and posted online where they will be accessible through the Copyright Office website. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE., Washington, DC 20557-6400.

(g) *Amendments.* A Service shall file with the Licensing Division of the Copyright Office an amendment reporting a change in the information reported in the Initial Notice within 45 days of the change. An amendment shall be accompanied by a fee of \$20, and shall:

(1) Be clearly and prominently identified as "An Amendment to an Initial Notice of Digital Transmission of

Sound Recordings under Statutory License";

(2) Identify the specific Initial Notice intended to be amended, by Service name and filing date, so that it may be readily located in the records of the Copyright Office;

(3) Clearly specify the nature of the amendment to be made; and

(4) Be signed and dated in accordance with this section.

[63 FR 34296, June 24, 1998, as amended at 64 FR 36575, July 7, 1999; 64 FR 49671, Sept. 14, 1999; 64 FR 50759, Sept. 20, 1999; 64 FR 66392, Nov. 26, 1999; 65 FR 39819, June 28, 2000; 65 FR 77301, Dec. 11, 2000]

§ 201.36 Reports of Use of Sound Recordings under Statutory License.

(a) *General.* This section prescribes rules under which Services shall serve copyright owners with notice of use of their sound recordings, what the content of that notice should be, and under which records of such use shall be kept and made available.

(b) *Definitions.* (1) A *Collective* is a collection and distribution organization that is designated under the statutory license, either by settlement agreement reached under section 114(f)(1)(A) or section 114(f)(1)(C)(i) and adopted pursuant to 37 CFR 251.63(b), or by decision of a Copyright Arbitration Royalty Panel (CARP) under section 114(f)(1)(B) or section 114(f)(1)(C)(ii), or by an order of the Librarian pursuant to 17 U.S.C. 802(f).

(2) A *Report of Use of Sound Recordings under Statutory License* is a report required under this regulation to be provided by the Service transmitting sound recordings under statutory license.

(3) A *Service* is an entity engaged in the digital transmission of sound recordings pursuant to section 114(f) of title 17 of the United States Code.

(c) *Service.* Reports of Use shall be served upon Collectives that are identified in the records of the Licensing Division of the Copyright Office as having been designated under the statutory license, either by settlement agreement reached under section 114(f)(1)(A) or section 114(f)(1)(C)(i) and adopted pursuant to 37 CFR 251.63(b), or by decision of a Copyright Arbitration Royalty Panel (CARP) under section 114(f)(1)(B)