

separately address each numbered subject for which a response is submitted.

#### General Questions Regarding Availability of Moral Rights in the United States

1. Please comment on the means by which the United States protects the moral rights of authors, specifically the rights of integrity and attribution. Should additional moral rights protection be considered? If so, what specific changes should be considered by Congress?

#### Title 17

2. How effective has section 106A (VARA) been in promoting and protecting the moral rights of authors of visual works? What, if any, legislative solutions to improve VARA might be advisable?

3. How have section 1202's provisions on copyright management information been used to support authors' moral rights? Should Congress consider updates to section 1202 to strengthen moral rights protections? If so, in what ways?

4. Would stronger protections for either the right of attribution or the right of integrity implicate the First Amendment? If so, how should they be reconciled?

5. If a more explicit provision on moral rights were to be added to the Copyright Act, what exceptions or limitations should be considered? What limitations on remedies should be considered?

#### Other Federal and State Laws

6. How has the *Dastar* decision affected moral rights protections in the United States? Should Congress consider legislation to address the impact of the *Dastar* decision on moral rights protection? If so, how?

7. What impact has contract law and collective bargaining had on an author's ability to enforce his or her moral rights? How does the issue of waiver of moral rights affect transactions and other commercial, as well as non-commercial, dealings?

#### Insights From Other Countries' Implementation of Moral Rights Obligations

8. How have foreign countries protected the moral rights of authors, including the rights of attribution and integrity? How well would such an approach to protecting moral rights work in the U.S. context?

#### Technological Developments

9. How does, or could, technology be used to address, facilitate, or resolve

challenges and problems faced by authors who want to protect the attribution and integrity of their works?

#### Other Issues

10. Are there any voluntary initiatives that could be developed and taken by interested parties in the private sector to improve authors' means to secure and enforce their rights of attribution and integrity? If so, how could the government facilitate these initiatives?

11. Please identify any pertinent issues not referenced above that the Copyright Office should consider in conducting its study

Dated: January 13, 2017.

**Karyn Temple Claggett,**

*Acting Register of Copyrights and Director of the U.S. Copyright Office.*

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**BILLING CODE 1410-30-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket Nos. 17-0008-CRB-AU and 17-0009-CRB-AU]

#### Notice of Intent To Audit

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt of two notices of intent to audit the 2013, 2014, and 2015 statements of account submitted by broadcasters Cox Radio (Docket No. 17-CRB-0009-AU) and Hubbard Broadcasting (Docket No. 17-CRB-0008-AU) concerning royalty payments each made pursuant to two statutory licenses.

#### FOR FURTHER INFORMATION CONTACT:

Anita Brown, Program Specialist, by telephone at (202) 707-7658 or by email at [crb@loc.gov](mailto:crb@loc.gov).

**SUMMARY INFORMATION:** The Copyright Act, title 17 of the United States Code, grants to copyright owners of sound recordings the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the right is limited by the statutory license in section 114 which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary

ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licenses may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380 and 382-84.

As part of the terms set for these licenses, the Judges designated SoundExchange, Inc., as the Collective, *i.e.*, the organization charged with collecting the royalty payments and statements of account submitted by eligible nonsubscription services such as broadcasters and with distributing the royalties to copyright owners and performers entitled to receive them. See 37 CFR 380.33(b)(1).

As the designated Collective, SoundExchange may, once during a calendar year, conduct an audit of a licensee for any or all of the prior three years in order to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. See 37 CFR 380.35.

On December 22, 2016, SoundExchange filed with the Judges notices of intent to audit licensee broadcasters Cox Radio, Inc., and Hubbard Broadcasting, Inc., for 2013-15. The Judges must publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. See 37 CFR 380.35(c). Today's notice fulfills this requirement with respect to SoundExchange's December 22, 2016 notices of intent to audit.

Dated: January 13, 2017.

**Suzanne M. Barnett,**

*Chief Copyright Royalty Judge.*

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### Copyright Royalty Board

[Docket No. 17-0004-CRB-AU, 17-0007-CRB-AU, and 17-0010-CRB-AU]

#### Notice of Intent To Audit

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt of three notices of intent to audit the 2013, 2014, and 2015 statements of account submitted by commercial webcasters Radionomy (Docket No. 17-CRB-0004-AU), IMVU, Inc. (Docket No. 17-CRB-0007-AU),