

§ 258.4

37 CFR Ch. II (7–1–10 Edition)

(h) Commencing January 1, 2009, the royalty rate for secondary transmission of analog signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 24 cents per subscriber per month for distant superstations.
 - (ii) 24 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

[62 FR 55759, Oct. 28, 1997, as amended at 64 FR 71660, Dec. 22, 1999; 70 FR 17320, Apr. 6, 2005; 70 FR 39179, July 7, 2005; 73 FR 14185, Mar. 17, 2008; 74 FR 12093, Mar. 23, 2009]

§ 258.4 Royalty fee for secondary transmission of digital signals of broadcast stations by satellite carriers.

(a) Commencing January 1, 2005, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 20 cents per subscriber per month for distant superstations.
 - (ii) 17 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 40 cents per subscriber per month for distant superstations.

(b) Commencing January 1, 2006, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 21.5 cents per subscriber per month for distant superstations.
 - (ii) 20 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 43 cents per subscriber per month for distant superstations.

(c) Commencing January 1, 2007, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 23 cents per subscriber per month for distant superstations.
 - (ii) 23 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 46 cents per subscriber per month for distant superstations.

(d) Commencing January 1, 2008, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 24 cents per subscriber per month for distant superstations.
 - (ii) 24 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

(e) Commencing January 1, 2009, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
 - (i) 24 cents per subscriber per month for distant superstations.
 - (ii) 24 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

(f) For purposes of calculating the royalty rates for secondary transmission of digital signals of broadcast stations by satellite carriers—

(1) In the case of digital multicasting, the rates in paragraphs (a) through (e) of this section apply to each digital stream that a satellite carrier or distributor retransmits pursuant to section 119; *provided*, however that no additional royalty shall be paid for the carriage of any material related to the programming on such stream; and

(2) Satellite carriers and distributors are not required to pay a section 119 royalty for the retransmission of a digital signal to a subscriber who resides in a community where that signal is “significantly viewed,” within the meaning of 17 U.S.C. 119(a)(3) and (b)(1), as amended.

[70 FR 39179, July 7, 2005, as amended at 73 FR 14185, Mar. 17, 2008; 74 FR 12093, Mar. 23, 2009]