

certain digital transmissions by certain Noncommercial Licensees in accordance with the provisions of 17 U.S.C. 114, and the making of ephemeral recordings by certain Noncommercial Licensees in accordance with the provisions of 17 U.S.C. 112(e), during the period 2003–2004.

### § 263.2 Definitions.

For purposes of this part, the following definition shall apply:

A *Noncommercial Licensee* is a person or entity that has obtained a compulsory license under 17 U.S.C. 114 and the implementing regulations therefor, or that has obtained a compulsory license under 17 U.S.C. 112(e) and the implementing regulations therefor to make ephemeral recordings for use in facilitating such transmissions, and—

(a) Is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);

(b) Has applied in good faith to the Internal Revenue Service for exemption from taxation under section 501 of the Internal Revenue Code and has a commercially reasonable expectation that such exemption shall be granted; or

(c) Is a State or possession or any governmental entity or subordinate thereof, or the United States or District of Columbia, making transmissions for exclusively public purposes.

### § 263.3 Royalty rates and terms.

A Noncommercial Licensee shall in every respect be treated as a “Licensee” under part 262 of this chapter, and all terms applicable to Licensees and their payments under part 262 of this chapter shall apply to Noncommercial Licensees and their payment, except that a Noncommercial Licensee shall pay royalties at the rates applicable to such a “Licensee,” as currently provided in § 261.3(a), (c), (d) and (e) of this chapter, rather than at the rates set forth in § 262.3(a) through (d) of this chapter.

## PART 270—NOTICE AND RECORD-KEEPING REQUIREMENTS FOR STATUTORY LICENSES

Sec.

270.1 Notice of use of sound recordings under statutory license.

270.2 Reports of use of sound recordings under statutory license for preexisting subscription services.

270.3 Reports of use of sound recordings under statutory license for nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services and business establishment services.

270.4 Reports of use of sound recordings under statutory license prior to April 1, 2004.

270.5 Designated collection and distribution organizations for records of use of sound recordings under statutory license.

AUTHORITY: 17 U.S.C. 702.

SOURCE: 69 FR 11527, Mar. 11, 2004, unless otherwise noted.

### § 270.1 Notice of use of sound recordings under statutory license.

(a) *General.* This section prescribes rules under which copyright owners shall receive notice of use of their sound recordings when used under either section 112(e) or 114(d)(2) of title 17, United States Code, or both.

(b) *Definitions.* (1) A *Notice of Use of Sound Recordings under Statutory License* is a written notice to sound recording copyright owners of the use of their works under section 112(e) or 114(d)(2) of title 17, United States Code, or both, and is required under this section to be filed by a Service in the Copyright Office.

(2) A *Service* is an entity engaged in either the digital transmission of sound recordings pursuant to section 114(d)(2) of title 17 of the United States Code or making ephemeral phonorecords of sound recordings pursuant to section 112(e) of title 17 of the United States Code or both. For purposes of this section, the definition of a Service includes an 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). A Service may be further characterized as either a preexisting subscription service, preexisting satellite digital audio radio service, nonsubscription transmission service, new subscription service, business establishment service or a combination of those:

(i) A *preexisting subscription service* is a service that performs sound recordings by means of noninteractive audio-only subscription digital audio transmissions, and was in existence and making such transmissions to the public for a fee on or before July 31, 1998, and may include a limited number of sample channels representative of the subscription service that are made available on a nonsubscription basis in order to promote the subscription service.

(ii) A *preexisting satellite digital audio radio service* is a subscription satellite digital audio radio service provided pursuant to a satellite digital audio radio service license issued by the Federal Communications Commission on or before July 31, 1998, and any renewal of such license to the extent of the scope of the original license, and may include a limited number of sample channels representative of the subscription service that are made available on a nonsubscription basis in order to promote the subscription service.

(iii) A *nonsubscription transmission service* is a service that makes noninteractive nonsubscription digital audio transmissions that are not exempt under section 114(d)(1) of title 17 of the United States Code and are made as part of a service that provides audio programming consisting, in whole or in part, of performances of sound recordings, including transmissions of broadcast transmissions, if the primary purpose of the service is to provide to the public such audio or other entertainment programming, and the primary purpose of the service is not to sell, advertise, or promote particular products or services other than sound recordings, live concerts, or other music-related events.

(iv) A *new subscription service* is a service that performs sound recordings by means of noninteractive subscrip-

tion digital audio transmissions and that is not a preexisting subscription service or a preexisting satellite digital audio radio service.

(v) A *business establishment service* is a service that makes ephemeral phonorecords of sound recordings pursuant to section 112(e) of title 17 of the United States Code and is exempt under section 114(d)(1)(C)(iv) of title 17 of the United States Code.

(c) *Forms and content.* A Notice of Use of Sound Recordings Under Statutory License shall be prepared on a form that may be obtained from the Copyright Office website or from the Licensing Division, and shall include the following information:

(1) The full legal name of the Service that is either commencing digital transmissions of sound recordings or making ephemeral phonorecords of sound recordings under statutory license or doing both.

(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.

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

(5) Identification of each license under which the Service intends to operate, including identification of each of the following categories under which the Service will be making digital transmissions of sound recordings: preexisting subscription service, preexisting satellite digital audio radio service, nonsubscription transmission service, new subscription service or business establishment service.

(6) The date or expected date of the initial digital transmission of a sound recording to be made under the section 114 statutory license and/or the date or the expected date of the initial use of the section 112(e) license for the purpose of making ephemeral phonorecords of the sound recordings.

(7) Identification of any amendments required by paragraph (f) of this section.

(d) *Signature.* The Notice shall include the signature of the appropriate officer or representative of the Service that is either transmitting the sound recordings or making ephemeral phonorecords of sound recordings under statutory license or doing both. The signature shall be accompanied by the printed or typewritten name and the title of the person signing the Notice and by the date of the signature.

(e) *Filing notices; fees.* The original and three copies shall be filed with the Licensing Division of the Copyright Office and shall be accompanied by the filing fee set forth in §201.3(c) of this chapter. Notices shall be placed in the public records of the Licensing Division. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400.

(1) A Service that, prior to April 12, 2004, has already commenced making digital transmissions of sound recordings pursuant to section 114(d)(2) of title 17 of the United States Code or making ephemeral phonorecords of sound recordings pursuant to section 112(e) of title 17 of the United States Code, or both, and that has already filed an Initial Notice of Digital Transmission of Sound Recordings Under Statutory License, and that intends to continue to make digital transmissions or ephemeral phonorecords following July 1, 2004, shall file a Notice of Use of Sound Recordings under Statutory License with the Licensing Division of the Copyright Office no later than July 1, 2004.

(2) A Service that, on or after July 1, 2004, commences making digital transmissions and ephemeral phonorecords of sound recordings under statutory license shall file a Notice of Use of Sound Recordings under Statutory License with the Licensing Division of the Copyright Office prior to the making of the first ephemeral phonorecord of the sound recording and prior to the first digital transmission of the sound recording.

(3) A Service that, on or after July 1, 2004, commences making only ephemeral

phonorecords of sound recordings, shall file a Notice of Use of Sound Recordings under Statutory License with the Licensing Division of the Copyright Office prior to the making of the first ephemeral phonorecord of a sound recording under the statutory license.

(f) *Amendment.* A Service shall file a new Notice of Use of Sound Recordings under Statutory License within 45 days after any of the information contained in the Notice on file has changed, and shall indicate in the space provided by the Copyright Office that the Notice is an amended filing. The Licensing Division shall retain copies of all prior Notices filed by the Service.

[69 FR 11527, Mar. 11, 2004, as amended at 69 FR 13127, Mar. 19, 2004]

**§ 270.2 Reports of use of sound recordings under statutory license for pre-existing subscription services.**

(a) *General.* This section prescribes rules under which preexisting subscription 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) of title 17 of the United States Code 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 the report of use required under this section to be provided by a Service transmitting sound recordings and making ephemeral phonorecords therewith under statutory licenses.

(3) A *Service* is a preexisting subscription service, as defined in 17 U.S.C. 114(j)(11).

(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

## § 270.2

## 37 CFR Ch. II (7–1–12 Edition)

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) or section 114(f)(1)(C)(ii), or by an order of the Librarian pursuant to 17 U.S.C. 802(f) or pursuant to a settlement agreement reached or statutory license adopted pursuant to section 112(e). Reports of Use shall be served, by certified or registered mail, or by other means if agreed upon by the respective preexisting subscription service and Collective, on or before the forty-fifth day after the close of each month.

(d) *Posting.* In the event that no Collective is designated under the statutory license, or if all designated Collectives have terminated collection and distribution operations, a preexisting subscription service transmitting sound recordings under statutory license shall post and make available online its Reports of Use. Preexisting subscription services shall post their Reports of Use online on or before the forty-fifth day after the close of each month, and make them available to all sound recording copyright owners for a period of 90 days. Preexisting subscription services may require use of passwords for access to posted Reports of Use, but must make passwords available in a timely manner and free of charge or other restrictions. Preexisting subscription services may predicate provision of a password upon:

(1) Information relating to identity, location and status as a sound recording copyright owner; and

(2) A “click-wrap” agreement not to use information in the Report of Use for purposes other than royalty collection, royalty distribution, and determining compliance with statutory license requirements, without the express consent of the preexisting subscription service providing the Report of Use.

(e) *Content.* A “Report of Use of Sound Recordings under Statutory License” shall be identified as such by prominent caption or heading, and shall include a preexisting subscription service’s “Intended Playlists” for each channel and each day of the reported

month. The “Intended Playlists” shall include a consecutive listing of every recording scheduled to be transmitted, and shall contain the following information in the following order:

(1) The name of the preexisting subscription service or entity;

(2) The channel;

(3) The sound recording title;

(4) The featured recording artist, group, or orchestra;

(5) The retail album title (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the preexisting subscription service for purchase of the sound recording);

(6) The marketing label of the commercially available album or other product on which the sound recording is found;

(7) The catalog number;

(8) The International Standard Recording Code (ISRC) embedded in the sound recording, where available and feasible;

(9) Where available, the copyright owner information provided in the copyright notice on the retail album or other product (e.g., following the symbol (P), that is the letter P in a circle) or, in the case of compilation albums created for commercial purposes, in the copyright notice for the individual sound recording;

(10) The date of transmission; and

(11) The time of transmission.

(f) *Signature.* Reports of Use shall include a signed statement by the appropriate officer or representative of the preexisting subscription service attesting, under penalty of perjury, that the information contained in the Report is believed to be accurate and is maintained by the preexisting subscription service in its ordinary course of business. The signature shall be accompanied by the printed or typewritten name and title of the person signing the Report, and by the date of signature.

(g) *Format.* Reports of Use should be provided on a standard machine-readable medium, such as diskette, optical disc, or magneto-optical disc, and should conform as closely as possible to the following specifications:

(1) ASCII delimited format, using pipe characters as delimiter, with no headers or footers;

(2) Carats should surround strings;

(3) No carats should surround dates and numbers;

(4) Dates should be indicated by: MM/DD/YYYY;

(5) Times should be based on a 24-hour clock: HH:MM:SS;

(6) A carriage return should be at the end of each line; and

(7) All data for one record should be on a single line.

(h) *Confidentiality*. Copyright owners, their agents and Collectives shall not disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the preexisting subscription service providing the Report of Use.

(i) *Documentation*. All compulsory licenses shall, for a period of at least three years from the date of service or posting of the Report of Use, keep and retain a copy of the Report of Use. For reporting periods from February 1, 1996, through August 31, 1998, the preexisting subscription service shall serve upon all designated Collectives and retain for a period of three years from the date of transmission records of use indicating which sound recordings were performed and the number of times each recording was performed, but is not required to produce full Reports of Use or Intended Playlists for those periods.

[69 FR 11527, Mar. 11, 2004, as amended at 70 FR 24310, May 9, 2005]

**§ 270.3 Reports of use of sound recordings under statutory license for nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services and business establishment services.**

(a) *General*. This section prescribes rules under which nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services, and business establishment services shall maintain reports of use of their sound recordings

under section 112(e) or section 114(d)(2) of title 17 of the United States Code, or both.

(b) *Definitions*. (1) *Aggregate Tuning Hours* are the total hours of programming that a nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service has transmitted during the reporting period identified in paragraph (c)(3) of this section to all listeners within the United States over the relevant channels or stations, and from any archived programs, that provide audio programming consisting, in whole or in part, of eligible nonsubscription service, preexisting satellite digital audio radio service, new subscription service or business establishment service transmissions, less the actual running time of any sound recordings for which the service has obtained direct licenses apart from 17 U.S.C. 114(d)(2) or which do not require a license under United States copyright law. For example, if a nonsubscription transmission service transmitted one hour of programming to 10 simultaneous listeners, the nonsubscription transmission service's Aggregate Tuning Hours would equal 10. If 3 minutes of that hour consisted of transmission of a directly licensed recording, the nonsubscription transmission service's Aggregate Tuning Hours would equal 9 hours and 30 minutes. If one listener listened to the transmission of a nonsubscription transmission service for 10 hours (and none of the recordings transmitted during that time was directly licensed), the nonsubscription transmission service's Aggregate Tuning Hours would equal 10.

(2) An *AM/FM Webcast* is a transmission made by an 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).

### §270.3

### 37 CFR Ch. II (7–1–12 Edition)

(3) A *Collective* is a collection and distribution organization that is designated under one or both of the statutory licenses, either by settlement agreement reached under section 112(e)(3), section 112(e)(6), section 114(f)(1)(A), section 114(f)(1)(C)(i), section 114(f)(2)(A), or section 114(f)(2)(C)(i) and adopted pursuant to §251.63(b) of this chapter, or by a decision of a Copyright Arbitration Royalty Panel under section 112(e)(4), section 112(e)(6), section 114(f)(1)(B), section (f)(1)(C)(ii), section 114(f)(2)(B), or section 114(f)(2)(C)(ii) or by order of the Librarian of Congress pursuant to 17 U.S.C. 802(f).

(4) A *new subscription service* is defined in §270.1(b)(2)(iv).

(5) A *nonsubscription transmission service* is defined in §270.1(b)(2)(iii).

(6) A *preexisting satellite digital audio radio service* is defined in §270.1(b)(2)(ii).

(7) A *business establishment service* is defined in §270.1(b)(2)(v).

(8) A *performance* is each instance in which any portion of a sound recording is publicly performed to a Listener by means of a digital audio transmission or retransmission (e.g., the delivery of any portion of a single track from a compact disc to one Listener) but excluding the following:

(i) A performance of a sound recording that does not require a license (e.g., the sound recording is not copyrighted);

(ii) A performance of a sound recording for which the service has previously obtained a license from the Copyright Owner of such sound recording; and

(iii) An incidental performance that both:

(A) Makes no more than incidental use of sound recordings including, but not limited to, brief musical transitions in and out of commercials or program segments, brief performances during news, talk and sports programming, brief background performances during disk jockey announcements, brief performances during commercials of sixty seconds or less in duration, or brief performances during sporting or other public events and

(B) Other than ambient music that is background at a public event, does not contain an entire sound recording and

does not feature a particular sound recording of more than thirty seconds (as in the case of a sound recording used as a theme song).

(9) *Play frequency* is the number of times a sound recording is publicly performed by a Service during the relevant period, without respect to the number of listeners receiving the sound recording. If a particular sound recording is transmitted to listeners on a particular channel or program only once during the two-week reporting period, then the play frequency is one. If the sound recording is transmitted 10 times during the two-week reporting period, then the play frequency is 10.

(10) A *Report of Use* is a report required under this section to be provided by a nonsubscription transmission service and new subscription service that is transmitting sound recordings pursuant to the statutory license set forth in section 114(d)(2) of title 17 of the United States Code or making ephemeral phonorecords of sound recordings pursuant to the statutory license set forth in section 112(e) of title 17 of the United States Code, or both.

(c) *Report of Use*—(1) *Separate reports not required.* A nonsubscription transmission service, preexisting satellite digital audio radio service or a new subscription service that transmits sound recordings pursuant to the statutory license set forth in section 114(d)(2) of title 17 of the United States Code and makes ephemeral phonorecords of sound recordings pursuant to the statutory license set forth in section 112(e) of title 17 of the United States Code need not maintain a separate Report of Use for each statutory license during the relevant reporting periods.

(2) *Content.* For a nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service that transmits sound recordings pursuant to the statutory license set forth in section 114(d)(2) of title 17 of the United States Code, or the statutory license set forth in section 112(e) of title 17 of the United States Code, or both, each Report of Use shall contain the following information, in the following order, for each

sound recording transmitted during the reporting periods identified in paragraph (c)(3) of this section:

(i) The name of the nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service making the transmissions, including the name of the entity filing the Report of Use, if different;

(ii) The category transmission code for the category of transmission operated by the nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service:

(A) For eligible nonsubscription transmissions other than broadcast simulcasts and transmissions of non-music programming;

(B) For eligible nonsubscription transmissions of broadcast simulcast programming not reasonably classified as news, talk, sports or business programming;

(C) For eligible nonsubscription transmissions of non-music programming reasonably classified as news, talk, sports or business programming;

(D) For eligible nonsubscription transmissions by a non-Corporation for Public Broadcasting noncommercial broadcaster making transmissions covered by §§ 261.3(a)(2)(i) and (ii) of this chapter;

(E) For eligible nonsubscription transmissions by a non-Corporation for Public Broadcasting noncommercial broadcaster making transmissions covered by § 261.3(a)(2)(iii) of this chapter;

(F) For eligible nonsubscription transmissions by a small webcaster operating under an agreement published in the FEDERAL REGISTER pursuant to the Small Webcaster Settlement Act;

(G) For eligible nonsubscription transmissions by a noncommercial broadcaster operating under an agreement published in the FEDERAL REGISTER pursuant to the Small Webcaster Settlement Act;

(H) For transmissions other than broadcast simulcasts and transmissions of non-music programming made by an eligible new subscription service;

(I) For transmissions of broadcast simulcast programming not reasonably classified as news, talk, sports or business programming made by an eligible new subscription service;

(J) For transmissions of non-music programming reasonably classified as news, talk, sports or business programming made by an eligible new subscription service; and

(K) For eligible transmissions by a business establishment service making ephemeral recordings;

(iii) The featured artist;

(iv) The sound recording title;

(v) The International Standard Recording Code (ISRC) or, alternatively to the ISRC, the

(A) Album title; and

(B) Marketing label;

(vi) The actual total performances of the sound recording during the reporting period or, alternatively, the

(A) Aggregate Tuning Hours;

(B) Channel or program name; and

(C) Play frequency.

(3) *Reporting period.* A Report of Use shall be prepared for a two-week period (two periods of 7 consecutive days) for each calendar quarter of the year. The two weeks need not be consecutive, but both weeks must be completely within the calendar quarter.

(4) *Signature.* Reports of Use shall include a signed statement by the appropriate officer or representative of the service attesting, under penalty of perjury, that the information contained in the Report is believed to be accurate and is maintained by the service in its ordinary course of business. The signature shall be accompanied by the printed or typewritten name and the title of the person signing the Report, and by the date of the signature.

(5) *Confidentiality.* Copyright owners, their agents and Collectives shall not disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, without consent of the service providing the Report of Use.

(6) *Documentation.* A Service shall, for a period of at least three years from the date of service or posting of a Report of Use, keep and retain a copy of the Report of Use.

## § 270.4

## 37 CFR Ch. II (7–1–12 Edition)

### § 270.4 Reports of use of sound recordings under statutory license prior to April 1, 2004.

(a) *General.* This section prescribes the rules which govern reports of use of sound recordings by nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services, and business establishment services under section 112(e) or section 114(d)(2) of title 17 of the United States Code, or both, for the period from October 28, 1998, through March 31, 2004.

(b) *Reports of use.* Reports of use filed by preexisting subscription services for transmissions made under 17 U.S.C. 114(f) pursuant to § 270.2 for use of sound recordings under section 112(e) or section 114(d)(2) of title 17 of the United States Code, or both, for the period October 28, 1998, through March 31, 2004, shall serve as the reports of use for nonsubscription transmission services, preexisting satellite digital audio radio services, new subscription services, and business establishment services for their use of sound recordings under section 112(e) or section 114(d)(2) of title 17 of the United States Code, or both, for the period from October 28, 1998, through March 31, 2004.

(c) *Royalty Logic Inc.* If, in accordance with § 261.4(c), any Copyright Owners or Performers have provided timely notice to SoundExchange of an election to receive royalties from Royalty Logic, Inc. as a Designated Agent for the period October 28, 1998, through December 31, 2002, or any portion thereof, SoundExchange shall provide to RLI copies of the Reports of Use described in paragraph (b) of this section for that period or the applicable portion thereof.

[69 FR 58262, Sept. 30, 2004]

### § 270.5 Designated collection and distribution organizations for records of use of sound recordings under statutory license.

(a) *General.* This section prescribes rules under which records of use shall be collected and distributed under section 114(f) of title 17 of the United States Code, 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 *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) *Notice of Designation as Collective under Statutory License.* A Collective shall file with the Licensing Division of the Copyright Office and post and make available online a “Notice of Designation as Collective under Statutory License,” which shall be identified as such by prominent caption or heading, and shall contain the following information:

(1) The Collective name, address, telephone number and facsimile number;

(2) A statement that the Collective has been designated for collection and distribution of performance royalties under statutory license for digital transmission of sound recordings; and

(3) Information on how to gain access to the online website or home page of the Collective, where information may be posted under this part concerning the use of sound recordings under statutory license. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE., Washington, DC 20557–6400.

(d) *Annual Report.* The Collective will post and make available online, for the duration of one year, an Annual Report on how the Collective operates, how royalties are collected and distributed, and what the Collective spent that fiscal year on administrative expenses.

(e) *Inspection of Reports of Use by copyright owners.* The Collective shall make copies of the Reports of Use for the preceding three years available for inspection by any sound recording

**Copyright Office, Library of Congress**

**§ 270.5**

copyright owner, without charge, during normal office hours upon reasonable notice. The Collective shall predicate inspection of Reports of Use upon information relating to identity, location and status as a sound recording copyright owner, and the copyright owner's written agreement not to utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use. The Collective shall render its best efforts to locate copyright owners in order to make available records of use, and such efforts shall include searches in Copyright Office public records and published directories of sound recording copyright owners.

(f) *Confidentiality.* Copyright owners, their agents, and Collectives shall not

disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use.

(g) *Termination and dissolution.* If a Collective terminates its collection and distribution operations prior to the close of its term of designation, the Collective shall notify the Copyright Office, and all Services transmitting sound recordings under statutory license, by certified or registered mail. The dissolving Collective shall provide each such Service with information identifying the copyright owners it has served.

[69 FR 11527, Mar. 11, 2004, Redesignated at 69 FR 58262, Sept. 30, 2004]



## INDEX TO CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept current by the Department of Commerce. This index is updated as of July 1, 2012.

	Section
Auditor's Reports, and other verification information filed in the Copyright Office for digital audio recording devices or media.....	201.29
Access to, and confidentiality of, Statements of Account for digital audio recording devices or media .....	201.29
Accounts, deposit.....	201.6
Account (Statements of) for digital audio recording devices or media.....	201.28
Acquisition and deposit of unpublished television transmission programs.....	202.22
Addresses prescribed for communications with the Copyright Office .....	201.1, 201.2, 201.5, 202.3
Administrative classification and application forms for registration .....	202.3(b)(2)
Basic or general purpose.....	201.1 (a)
Filing of materials in CARP proceedings .....	257.4(a), 259.5(a)
Form and content of application for supplementary registration .....	201.5(c)(2)
Group registration of related serials, letter affirming submission of copies to Library of Congress .....	202.3(c)(5)
Inspection and copying of records .....	201.2(b)(5)
Legal processes .....	205.2
Special limited addresses .....	201.1(b)
Advance notices of potential infringement .....	201.22
Affixation (methods of) of copyright notice and positions on works .....	201.20
Agreements between copyright owners and public broadcasting entities, Recordation of .....	201.9
Amend or correct individual's record under Privacy Act, Appeal of refusal to.....	204.8
Amendment or correction of records under Privacy Act, Request for.....	204.7
Annual Statements of Account, Contents of .....	201.28(f)
Anti-circumvention, (circumvention), Exemptions to prohibition against.....	201.40
Architectural works.....	202.11
Architectural works, Deposit of .....	202.20(c)(2)(xviii)
Archives and libraries, Warnings of copyright for use by .....	201.14
Arts (visual), registration of ( <i>see</i> Pictorial, graphic & sculptural works).....	202.10, 202.20
Arts (visual) registry.....	201.25
Audio (digital) recording devices or media, Initial notice of distribution of .....	201.27
Audio (digital) recording devices or media, Statements of Account for.....	201.28
Auditor's Reports filed in Copyright Office for digital audio recording devices or media (Access to, and confidentiality of) .....	201.29
Auditor's Reports (In general).....	201.28, 201.29
Basic registration defined .....	201.5(a)
Best Edition.....	202.19, 202.20, Appendix B to Part 202

37 CFR Ch. II (7–1–12 Edition)

Blind and physically handicapped,<sup>1</sup> Voluntary license to permit reproduction of nondramatic literary works solely for use of.....201.15

Broadcasting entities and copyright owners, Recordation of agreements between.....201.9

Broadcasting entities (public), Performance of musical compositions by.....253.4, 253.5

Broadcasting entity (public) defined .....253.2

Cable and satellite statutory licenses.....201.11 and 201.17

Cable compulsory license, Adjustment of royalty fees for .....256.1, 256.2

Cable compulsory license, Application of the 3.75% rate .....201.17, 256.2

Cable contracts for systems outside 48 contiguous states, Recordation of .....201.12

Cable royalty fees, Filing of claims for [under 17 U.S.C. 111(d)(4), 801, and 803].....252.1 to 252.5

Cable systems, Statements of Account covering compulsory licenses for secondary transmissions by .....201.17

Cancellation of completed registrations.....201.7

Cartographic (three-dimensional) representations of area, such as globes and relief models.....202.20(c)(2)(xi)(B)

Certification and Documents Section, Information and Reference Division, as address for certain requests .....201.1(c)

Certification of copies or documents, Requests for .....201.2(d)

Certification (official) defined.....201.4(a)

Circumvention, Exemptions to prohibition against.....201.40

Claimants, Copyright applications .....202.3

Claims to cable royalty fees under 17 U.S.C. 111(d)(4), 801 and 803.....252.1 to 252.5

Claims to satellite royalties .....257

Coin-operated phonorecord player defined .....254.2

Coin-operated phonorecord players, Adjustment of royalty rate for ....254.1 to 254.3

Collective works, Deposit of contributions to.....202.20(c)(2)(xv)

Colleges and universities, Performance of nondramatic musical compositions by public broadcasting entities licensed to .....253.5

Commercial prints and labels, Deposit of .....202.20(c)(2)(v)

Communications with Copyright Office, Addresses prescribed for (*see* Addresses for communication) .....201.1

Complete copy defined for mandatory deposit only .....202.19(b)(2)

Complete copy for purposes of registration, Definition of .....202.20(b)(2)

Compulsory license for making/distributing phonorecords of nondramatic musical works, Notice of intention to obtain .....201.18

Compulsory license for making/distributing phonorecords of nondramatic musical works, Rates .....255.1 to 255.5

Compulsory license for making/distributing phonorecords of nondramatic musical works, Royalties and statements of account under .....201.19

Compulsory license for secondary transmissions by cable systems, Statements of Account covering.....201.17

Compulsory license, Record keeping for use of sound recordings .....201.35 to 201.37

Compulsory license, Sound recordings .....201.35 to 201.37

Computer programs and databases embodied in machine-readable copies other than CD-ROM format, Deposit of .....202.20(c)(2)(vii)

Computer shareware, Recordation of documents pertaining to .....201.26

Computer software (public domain), Recordation of documents regarding donation of .....201.26

<sup>1</sup> But see 17 U.S.C. 121 (reproduction for blind or other people with disabilities), added by the Act of September 16, 1996, Pub. L. 104-197, 110 Stat. 2394, 2416.

## Index

Confidentiality of, and access to, Statements of Account, Auditor's Reports, and other verification information filed in the Copyright Office for digital audio recording devices or media .....	201.29
Congress (Library of), Deposit of published copies or phonorecords for .....	202.19
Congress (Library of), Transfer of unpublished copyright deposits to .....	201.23
Contents of Statements of Account covering compulsory licenses for secondary cable transmissions .....	201.17(e)
Contributions to collective works, Deposit of .....	202.20(c)(2)(xv)
Copies and phonorecords, Deposit for copyright registration of .....	202.20
Copies containing both visually perceptible and machine-readable material other than a CD-ROM format, Deposit of .....	202.20(c)(2)(ix)
Copies, Deposit of identifying material instead of .....	202.21
Copies deposited, Return of .....	201.6(d)
Copies of records or deposits, Requests for .....	201.1(c)
Copies or phonorecords (published) for the Library of Congress, Deposit of .....	202.19
Copy (complete) defined for mandatory deposit only .....	202.19(b)(2)
Copying of records and indexes (Inspection and) .....	201.2(b)
Copying of records under Freedom of Information Act [FOIA] (Inspection and) .....	203.5
Copyright deposits, Full-term retention of .....	202.23
Copyright deposits (unpublished), Transfer to Library of Congress of .....	201.23
Copyright, Material not subject to .....	202.1
Copyright notice, General .....	202.2
Copyright notice, Methods of affixation and position .....	201.20
Copyright Office fees. <i>See</i> Fees .....	201.3
Copyright Office, Information given by .....	201.2
Copyright Office, Proper address for mail and other communications with .....	201.1
Copyright owners and broadcasting entities, Recordation of agreements between .....	201.9
Copyright, Registration of claims to .....	202.3
Copyright restoration for certain motion pictures and their contents under NAFTA, <sup>2</sup> Procedures for .....	201.31
Copyright restoration under Uruguay Round Agreements Act .....	201.33
Copyright Warning for software lending by nonprofit libraries .....	201.24
Correction or amendment of records under Privacy Act, Request for .....	204.7
Corrections and amplifications of copyright registrations .....	201.5
Correspondence (official), Access and requests for copies of .....	201.2(c) & (d)
Databases and computer programs embodied in machine-readable copies other than CD-ROM format, Deposit of .....	202.20(c)(2)(vii)
Date (effective) of registration .....	202.4
Date of recordation defined .....	201.4(a), 201.26(f)
Definitions:	
Advance Notice of Potential Infringement .....	201.22(a)(1)
Annual Statement of Account (compulsory license) .....	201.19(a)(2)
Architectural works .....	202.11(b)
Basic registration .....	201.5(a)
Best edition .....	202.19(b)(1), 202.20(b)(1)
Cable system .....	201.17(b)(2)
Cancellation .....	201.7(a)
Certification (official) .....	201.4(e)
Coin-operated phonorecord player .....	254.2
Complete copy (deposit for registration) .....	202.20(b)(2)
Complete copy (mandatory deposit) .....	202.19(b)(2)

<sup>2</sup>NAFTA is the acronym for North American Free Trade Agreement.

**37 CFR Ch. II (7–1–12 Edition)**

Computer shareware .....	201.26(b)
Contributions to collective works.....	202.20(b)(2)(iii)
Current base rate (cable systems) .....	201.17(h)(1)(i)
Date of recordation.....	201.4(e), 201.26(f)
Digital performance right in sound recordings and ephemeral recordings, New subscription service .....	262
Digital phonorecord delivery .....	255.4
Digital subscription transmissions, Initial notice of use of works....	201.35 - 201.37
Display Warning of Copyright.....	201.14(a)(1)
Distant signal equivalent.....	201.17(b)(5)
Distributor (satellite carrier) .....	201.11(b)
Document designated as pertaining to computer shareware .....	201.26(b)(2)
Gross receipts for basic service (cable systems).....	201.17(b)(1)
Individual (Privacy Act).....	204.2(a)
Local service area of a primary transmitter.....	201.17(b)(5)
Masthead.....	201.20(b)(8)
Monthly Statement of Account (compulsory license).....	201.19(a)(1)
Motion pictures .....	202.20(b)(2)(vi)
Musical scores.....	202.20(b)(2)(v)
NAFTA <sup>2</sup> work .....	201.33(b)(1)
Network station (satellite carrier) .....	201.11(b)
Notice (initial) of Distribution of Digital Audio Recording Devices .....	201.27(b)
Notice of objection to certain noncommercial performances .....	201.13(a)
Off-the-air copying .....	202.22(c)
Order Warning of Copyright.....	201.14(a)(2)
Posthumous work (renewal).....	202.17(b)
Potential copyright owner (NAFTA) <sup>2</sup> .....	201.31(b)(4)
Primary transmission (satellite carrier).....	201.11(b)(2)
Privacy Act.....	204.2
Private home viewing (satellite carrier).....	201.11(b)
Public broadcasting entity .....	253.2
Public domain computer software .....	201.26(b)(3)
Publication (NAFTA) <sup>2</sup> .....	201.31(b)(5)
Record (Privacy Act) .....	204.2(c)
Registration (supplementary) .....	201.5(a)
Registration of claims to copyright, Group registration options .....	202.3
Reliance party .....	201.33(b)(2)
Renewal (posthumous work) .....	202.17(b)
Restored work .....	201.33(b)(3)
Routine use (Privacy Act) .....	204.2(e)
Satellite carrier .....	201.11(b)
Secondary transmission (satellite carrier) .....	201.11(b)(2)
Secure test .....	202.20(b)(4)
Single-leaf work .....	201.20(b)(9)
Sound recordings .....	202.20(b)(2)(iv)
Source country .....	201.33(b)(4)
Subscriber (satellite carrier) .....	201.11(b)
Superstation (satellite carrier).....	201.11(b)
Supplementary registration .....	201.5(a)
Syndex-proof signal (satellite retransmission).....	258.2
System of records (Privacy Act).....	204.2(d)
Title page .....	201.20(b)(5)
Unserved household (satellite carrier).....	201.11(b)
Warning of Copyright for Software Rental .....	201.24(a)
Deposit accounts .....	201.6(b)
Deposit (Acquisition and) of unpublished television transmission programs.....	202.22

## Index

Deposit (mandatory) of published copies or phonorecords for Library of Congress .....	202.19
Deposit, Nature of required .....	202.20(c)(1)
Deposit of copies for registration by category:	
Architectural works .....	202.20(c)(2)(xviii)
Certain pictorial and graphic works .....	202.20(c)(2)(iv)
Commercial prints and labels .....	202.20(c)(2)(v)
Computer programs and databases embodied in machine-readable copies other than CD-ROM format .....	202.20(c)(2)(vii)
Contributions to collective works .....	202.20(c)(2)(xv)
Generally .....	202.20(c)(2)(i)
Group registration of serials .....	202.20(c)(2)(xvii)
Holograms .....	202.20(c)(2)(iii)
Machine-readable copies of works other than computer programs, databases, and works fixed in a CD-ROM format .....	202.20(c)(2)(viii)
Oversize deposits .....	202.20(c)(2)(xiii)
Phonorecords .....	202.20(c)(2)(xvi)
Pictorial advertising material .....	202.20(c)(2)(xiv)
Soundtracks .....	202.20(c)(2)(xii)
Tests .....	202.20(c)(2)(vi)
Works fixed in a CD-ROM format .....	202.20(c)(2)(xix)
Works reproduced in or on sheetlike materials .....	202.20(c)(2)(x)
Works reproduced in or on three-dimensional objects .....	202.20(c)(2)(xi)
Deposit of copies for registration (special relief) .....	202.20(d)
Deposit of copies under 17 U.S.C. 407, Presumption as to .....	202.19(f)
Deposit of identifying material instead of copies .....	202.21
Deposit of identifying material (Mask works) .....	211.5
Deposit of oversize material .....	202.20(c)(2)(xiii)
Deposit requirements under 17 U.S.C. 407(a), Exemption from .....	202.19(c)
Deposits (copyright), Full-term retention of .....	202.23
Deposits, Requests for copies of .....	201.1(c)
Deposits (unpublished copyright), Transfer to Library of Congress of .....	201.23
Designs, Protection of original designs of vessel hulls .....	212.1 to 212.6
Digital audio recording devices and media royalty payments, Filing of claims to .....	259.1 to 259.6
Digital audio recording devices or media (Access to, and confidentiality of, Statements of Account, Auditor's Reports, and other verification information filed in the Copyright Office for) .....	201.29
Digital audio recording devices or media, Initial notice of distribution of .....	201.27
Digital audio recording devices or media, Statements of account for .....	201.28
Digital performance right in sound recordings and ephemeral recordings, New subscription service .....	262
Digital phonorecord deliveries, compulsory license for making and distributing phonorecords .....	201.18
Digital phonorecord delivery, definition of .....	255.4
Digital phonorecord delivery, royalty rate for .....	255.5
Digital subscription transmissions of sound recordings, Rates and terms .....	260.1 to 260.5
Digital transmissions and making of ephemeral reproductions of public performance of sound recordings .....	263
Displays [and] nondramatic performances of musical works for public broadcasting entities .....	253.7
Disruption of postal or other transportation or communications services .....	201.8
Documents pertaining to computer shareware, and public domain computer software, Recordation of .....	201.26
Documents, recordable .....	201.4(c)

**37 CFR Ch. II (7-1-12 Edition)**

Documents, Recordation of.....201.4  
 Effective date of registration ..... 202.4  
 Electronic payment of royalties..... 201.11, 201.17 and 201.28  
 Errors corrected by supplementary registration ..... 201.5  
 Errors (minor) or omissions in registration ..... 201.7(d)  
 Exemption from deposit requirements under 17 U.S.C. 407(a) ..... 202.19(c)  
 Exemption to prohibition on circumvention of copyright protection systems for access control technologies ..... 201.40(b)  
 Extended renewal term, Notices of termination of transfers and licenses covering ..... 201.10  
 Fees, Generally for Copyright Office services..... 201.3  
 Freedom of Information Act..... 203.6  
 Licensing Division service fees ..... 201.3(e)  
 Mask works..... 201.3(c)  
 Payment and Refunds ..... 201.6  
 Privacy Act..... 204.6  
 Registration, recordation and related services..... 201.3 (c)  
 Special services ..... 201.3(d)  
 Vessel hull designs..... 212.2, 212.5  
 Fees, Information on royalty payments or fees. *See Royalty or Royalties.*  
 Forms for recordation not provided by Copyright Office ..... 201.4(b)  
 Forms, Registration ..... 202.3(b)(2)  
 Forty-eight contiguous states, Recordation of certain contracts by cable systems located outside of ..... 201.12  
 Freedom of Information Act (FOIA), Electronic Records, public inspection and search..... 203.3 to 203.6  
 Freedom of Information Act (FOIA): Policies and Procedures ..... Part 203  
     Authority and functions ..... 203.2  
     In general..... 203.1  
     Inspection and copying ..... 203.5  
     Methods of operation ..... 203.4  
     Organization [of the Copyright Office] ..... 203.3  
     Schedule of fees and methods of payment for services rendered ..... 203.6  
 Full-term retention of copyright deposits ..... 202.23  
 GAP in termination provisions ..... 201.10  
 Graphic works, Pictorial, sculptural, and ..... 202.10  
 Group registration options ..... 202.3  
 Handicapped; physically or blind,<sup>1</sup> Voluntary license to permit reproduction of nondramatic literary works solely for use of those who are ..... 201.15  
 Holograms, Deposit of ..... 202.20(c)(2)(iii)  
 Identifying material instead of copies, Deposit of ..... 202.21  
 Identifying material for Mask works, Deposit of ..... 211.5  
 Indexes. *See Records.*  
 Individual defined for purposes of Privacy Act ..... 204.2(a)  
 Information (Freedom of) Act. *See Freedom of Information Act (FOIA).*  
 Information given by Copyright Office ..... 201.2  
 Infringement, Advance notices of potential..... 201.22  
 Initial notice of distribution of digital audio recording devices or media..... 201.27  
 Inquiries by mail, etc.; addresses..... 201.1  
 Inspection and copying of records ..... 201.2(b)  
 Inspection and copying of records under the Freedom of Information Act (FOIA)..... 203.5  
 Interest payments by cable systems on late-filed and underpaid royalties ..... 201.17  
 Labels, Deposit of commercial prints and..... 202.20(c)(2)(v)

## Index

### Legal processes:

<i>see</i> Service of process	
Complaints process on register or employee .....	205.12
Complaints served under 411(a) .....	205.13
General provisions .....	205.1 to 205.5
Production of documents in proceedings in which the Office is not a party .....	205.22
Scope of testimony in proceedings in which the Office is not a party .....	205.23
Service of § 411(a) notice .....	205.1
Service of process .....	205.11 to 205.13
Lending of software by nonprofit libraries, Warning of copyright for .....	201.24
Library of Congress, Deposit of published copies or phonorecords for .....	202.19
Library of Congress, Transfer of unpublished copyright deposits to .....	201.23
Libraries and archives, Notice of normal commercial exploitation or availability at reasonable price .....	201.39
Libraries and archives, Warning of copyright for use by .....	201.14
Libraries (Nonprofit), Warning of copyright for software lending by .....	201.24
License (compulsory) for making/distributing phonorecords of nondramatic musical works, Notice of intention to obtain .....	201.18
License (voluntary) solely for use of blind <sup>1</sup> and physically handicapped .....	201.15
Licenses and transfers covering extended renewal term, Notices of termination of .....	201.10
Licenses (compulsory) for secondary transmissions by cable systems, Statements of account covering .....	201.17
Licenses (statutory) for secondary transmissions for private home viewing, Satellite carrier statements of account covering .....	201.11
Licensing Division; inquiries/address .....	201.1
Machine-readable copies of works other than computer programs, databases, and works fixed in a CD-ROM format, Deposit of .....	202.20(c)(2)(viii)
Machine-readable copies other than CD-ROM format, Computer programs and databases embodied in .....	202.20(c)(2)(vii)
Mail and other communications with Copyright Office, Proper address for .....	201.1
Mail, disruption of .....	201.8
Mask Work Protection:	
Deposit of identifying material .....	211.5
General provisions .....	211.1
Mask work fees .....	201.3(c), 211.3
Methods of affixation and placement of mask work notice .....	211.6
Recordation of documents pertaining to mask works .....	211.2
Registration of claims of protection for mask works .....	211.4
Mandatory deposit of published electronic works available only online .....	202.19 and 202.24
Material not subject to copyright .....	202.1
Media, Initial notice of distribution of digital audio recording devices or .....	201.27
Motion pictures and their contents, Procedures for copyright restoration in accordance with NAFTA <sup>2</sup> for certain .....	201.31
Motion pictures, Deposit of .....	202.20(c)(2)(ii)
Musical compositions, Performance by public broadcasting entities of .....	253.4 to 253.6
Musical works (nondramatic), Notice of intention to obtain compulsory license for making/distributing phonorecords of .....	201.18
NAFTA, <sup>2</sup> Procedures for copyright restoration of certain motion pictures and the contents in accordance with .....	201.31
Noncommercial educational broadcasting .....	253.1 to 253.11

37 CFR Ch. II (7-1-12 Edition)

Noncommercial performances of nondramatic literary or musical works, Notices of objection to certain.....	201.13
Nondramatic literary or musical works, Notices of objection to certain noncommercial performances of .....	201.13
Nondramatic literary works, License to permit reproduction solely for use of blind and physically handicapped <sup>1</sup> .....	201.15
Nondramatic musical works, Notice of intention to obtain compulsory license for making/distributing phonorecords of.....	201.18
Nondramatic musical works, Royalties and statements of account under compulsory license for making/distributing phonorecords of .....	201.19
Nondramatic performances and displays of musical works for public broadcasting entities .....	253.7
Nonprofit libraries, Warning of copyright for lending of software by .....	201.24
Nonsubscription transmissions and the making of ephemeral record- ings.....	262
Notice (Mask work), Method of affixation and placement of.....	211.6
Notice of copyright.....	202.2
Notice of copyright, Methods of affixation and positions on works.....	201.20
Contributions to collective works .....	201.20(f)
Motion pictures and other audiovisual works.....	201.20(h)
Pictorial, graphic, and sculptural works .....	201.20(i)
Single-leaf works .....	201.20(e)
Works published in book form .....	201.20(d)
Works reproduced in machine-readable copies .....	201.20(g)
Notice (initial) of distribution of digital audio recording devices or media.....	201.27
Notices of iIntent to eEnforce a restored copyright, Correction notices, Procedures for filing .....	201.34
Notices of iIntent to eEnforce a restored copyright under the Uruguay Round Agreements Act, Procedures for filing.....	201.33
Notice of intention to obtain compulsory license for making/distributing phonorecords .....	201.18
Notices (advance) of potential infringement.....	201.22
Notices of objection to certain noncommercial performances of nondra- matic literary or musical works .....	201.13
Notices of termination of transfers and licenses covering extended re- newal term .....	201.10
Objection (Notice of) to certain noncommercial performances of nondra- matic literary or musical works .....	201.13
Off-the-air copying of unpublished television transmission programs.....	202.22(c)
Online registration of claims to copyright.....	202.3 and 202.20
Oversize deposits .....	202.20(c)(2)(xiii)
Performance of sound recordings by certain eligible nonsubscription transmissions and digital transmissions under statutory license .....	262, 263
Performances (nondramatic) and displays of musical works for public broadcasting entities .....	253.7
Performances of musical compositions by public broadcasting enti- ties.....	253.4 to 253.6
Performances of nondramatic literary or musical works, Notices of ob- jection to certain noncommercial.....	201.13
Phonorecords, Deposit for copyright registration.....	202.20
Phonorecords for Library of Congress, Deposit of published.....	202.19
Phonorecords of nondramatic musical works, Notice of intention to ob- tain compulsory license for making/distributing .....	201.18
Phonorecords of nondramatic musical works, Royalties and statements of account under compulsory license for making/distributing.....	201.19
Phonorecords, Royalty payable under compulsory license for making and distributing.....	255.1 to 255.8

## Index

Photographs, Group Registration of.....	202.3(b)
Pictorial advertising material, Deposit of.....	202.20(c)(2)(xiv)
Pictorial, graphic, and sculptural works.....	202.10
Pictorial, graphic, and sculptural works published by public broad- casting entities, Terms and rates of royalty payments for the use of.....	253.8
Positions and methods of affixation of copyright notice .....	201.20
Preregistration of certain unpublished copyright claims .....	202.16
Presumption as to deposit of copies under 17 U.S.C. 407.....	202.19(f)
Prints (commercial) and labels , Deposit of.....	202.20(c)(2)(v)
Privacy Act: Policies and Procedures .....	Part 204
Appeal of refusal to correct or amend an individual's record.....	204.8
Definitions.....	204.2
Fees.....	204.6
General policy.....	204.3
Judicial review .....	204.9
Procedure for notification of the existence of records pertaining to in- dividuals .....	204.4
Procedures for requesting access to records .....	204.5
Request for correction or amendment of records .....	204.7
Private home viewing, Satellite carrier statements of account covering statutory licenses for secondary transmissions for.....	201.11
Procedures for copyright restoration in U.S.A. of certain motion pic- tures and their contents in accordance with NAFTA <sup>2</sup> .....	201.31
Program, registration.....	202.5, 202.12, 202.19, 202.20, 202.21, 203.3, 211.5
Prohibition on Circumvention of Copyright Protection Systems for Ac- cess Control Technologies.....	201.40(b)
Public broadcasting entities, Nondramatic performances and displays of musical works for .....	253.7
Public broadcasting entities, Performance of musical compositions by.....	253.4 to 253.6
Public broadcasting entities, Recordation of agreements between copy- right owners and .....	201.9
Public broadcasting entity defined.....	253.2
Public domain computer software, Recordation of documents pertaining to donation of.....	201.26
Published copies or phonorecords, Deposit (mandatory) for Library of Congress .....	202.19
Published electronic works available only online, Mandatory deposit of.....	202.19 and 202.24
Rate adjustment proceedings for secondary transmissions by satellite carriers (CARP) .....	258.1 - 258.3
Reconsideration procedure .....	202.5
Record of individual under Privacy Act, Appeal of refusal to correct or amend .....	204.8
Recordability of documents (general requirements) .....	201.4(c)
Recordation, Date of.....	201.4(e)
Recordation fees .....	201.4(d)
Recordation forms not necessary .....	201.4(b)
Recordation of agreements between copyright owners and public broad- casting entities.....	201.9
Recordation of cable contracts for systems outside the 48 contiguous states.....	201.12
Recordation of transfers and other documents.....	201.4
Recording devices (digital audio) or media, Initial notice of distribution of .....	201.27
Recording devices (digital audio) or media, Statements of account for.....	201.28

**37 CFR Ch. II (7–1–12 Edition)**

Records and indexes, Inspection and copying of.....201.2(b)  
Records; filings; addresses for requests ..... 201.1  
Records, Request under Privacy Act for amendment or correction of .....204.7  
Records (System of) under Privacy Act..... 204.2(d)  
Records under Freedom of Information Act (FOIA), Inspection and copy-  
ing of.....203.5  
Reference and Bibliography Section as address for search requests ..... 201.1(d)  
Refund of Copyright Office fees ..... 201.6  
Refusal to correct or amend an individual’s record, Appeal of..... 204.8  
Registration (basic), Effect of supplementary registration on..... 201.5(d)  
Registration (copyright), Deposit of copies and phonorecords for ..... 202.20  
Registration, Effective date of ..... 202.4  
Registration of claims to copyright, Group registration options ..... 202.3  
Registration of copyright ..... 202.3  
Registration of group of related works ..... 202.3(b)(4) to (8)  
Automated databases ..... 202.3(b)(4)  
Contributions to periodicals..... 202.3(b)(7)  
Daily newsletters..... 202.3(b)(8)  
Daily newspapers ..... 202.3(b)(6)  
Photographs ..... 202.3(b)  
Serials..... 202.3(b)(5)  
Registration of original designs of vessel hulls ..... 212.1 to 212.6  
Registration, one registration per work ..... 202.3(b)(10)  
Registration Program..... 202.5, 202.12, 202.19, 202.20, 202.21, 203.3, 211.5  
Registrations and recordations, Requests for searches of ..... 201.1(d)  
Registrations (completed), Cancellation of ..... 201.7  
Registrations (corrected and amplified) ..... 201.5  
Registrations (supplementary) ..... 201.5  
Registry (Visual Arts)..... 201.25  
Relief (Special) ..... 202.19(e), 202.20(d)  
Renewal term (extended), Notices of termination of transfers and li-  
censes covering..... 201.10  
Renewals ..... 202.17  
Reports of use of sound recordings under statutory license ..... 270.2  
Restoration of copyright for certain motion pictures and their contents  
in accordance with NAFTA,<sup>2</sup> Procedures for ..... 201.31  
Restoration of copyright under the Uruguay Round Agreement Act .... 201.33, 202.12  
Restored copyrights, Registration of ..... 202.12  
Retention (Full-term) of copyright deposits ..... 202.23  
Royalties and statements of account under compulsory license for mak-  
ing/distributing phonorecords of nondramatic musical works..... 201.19  
Royalties, Electronic payment of..... 201.11, 201.17 and 201.28  
Royalty (cable) fees, Filing of claims under 17 U.S.C. 111(d)(4), 801, 803,  
to ..... 252.1 to 252.5  
Royalty fee for cable compulsory license, Adjustment of..... 256.1 and 256.2  
Royalty fee for secondary transmissions by satellite carriers, Adjust-  
ment of ..... 258.1 to 258.3  
Royalty fees for secondary transmissions by satellite carriers, Filing of  
claims to..... 257.1 to 257.6  
Royalty payable under compulsory license for making/distributing  
phonorecords ..... 255.1 to 255.3, 255.5  
Royalty payments for digital audio recording devices and media, Filing  
of claims to..... 259.1 to 259.6  
Royalty payments for use of published pictorial, graphic, and sculptural  
works ..... 253.8  
Royalty rate for coin-operated phonorecord players, Adjustment of.... 254.1 to 254.3  
Satellite carrier royalty fees, Filing of claims to ..... 257.1 to 257.6

## Index

Satellite carrier statements of account and royalty fees covering licenses for secondary transmissions for private home viewing.....	201.11
Satellite carriers, Adjustment of royalty fee for secondary transmissions by.....	258.1 to 258.3
Sculptural works (Pictorial, graphic, and) .....	202.10
Search of records, Requests for .....	201.1(d)
Second transmissions by cable systems, Statements of Account covering compulsory licenses for .....	201.17
Secondary transmission by cable systems, Royalty fee for compulsory license for.....	256.2
Secondary transmission by satellite carriers, Royalty fee for .....	258.3
Serials, Group registration of.....	202.20(c)(2)(xvii)
Service of process <i>See</i> Legal processes .....	205.1 to 205.23
Shareware (computer), Recordation of documents pertaining to .....	201.26
Software lending by nonprofit libraries, Warning of copyright for.....	201.24
Software (public domain computer), Recordation of documents pertaining to donation of .....	201.26
Sound recordings, Public performance of, Definition of a service .....	201.35(b)(2)
Sound recordings, Recordkeeping for use of.....	201.35 to 201.37
Sound recordings under statutory license, Reports of use of .....	270.2
Soundtracks, Deposit of .....	202.20(c)(2)(xii)
Special relief (deposit of copies for registration).....	202.20(d)
Special relief (mandatory deposit under 17 U.S.C. 407).....	202.19(e)
Special Services (Copyright Office), Fees for .....	201.3(d)
Specialty stations designated under cable compulsory license .....	256.2
Statements of account (and royalties) under compulsory license for making/distributing phonorecords of nondramatic musical works.....	201.19
Statements of account and royalty fees (satellite carrier) covering licenses for secondary transmissions for private home viewing.....	201.11
Statements of Account, Auditor's Reports, etc. filed in Copyright Office for digital audio recording devices or media, Access to and confidentiality of.....	201.29
Statements of account covering compulsory licenses for secondary transmissions by cable systems .....	201.17
Statements of account for digital audio recording devices or media .....	201.28
Statements of Account (In general) .....	201.11, 201.17, 201.19, 201.28, 201.29
States (48 contiguous), Recordation of cable contracts for systems outside of.....	201.12
Statutory license, Notice and recordkeeping for use of sound recordings.....	201.35 to 201.37
Statutory licenses for secondary transmissions for private home viewing, Satellite carrier statements of account and royalty fees covering .....	201.11
Subscription services and the making of ephemeral recordings .....	262
Supplementary registration application (form and content) .....	201.5(c)
Supplementary registration, Effect on basic registration of .....	201.5(d)
Syndex-proof signal (satellite carrier retransmission), Definition of.....	258.2
System of records under Privacy Act.....	204.2(d)
Television broadcast signals transmitted by satellite carriers to the public for private home viewing, Adjustment of royalties payable under compulsory license for .....	258.1 to 258.3
Television broadcast signals transmitted by satellite carriers to the public for private home viewing, Procedures for filing claims for compulsory license royalty fees covering .....	257.1 to 257.6
Television transmission programs (unpublished), Acquisition and deposit of .....	202.22

**37 CFR Ch. II (7–1–12 Edition)**

Termination of transfers and licenses covering extended renewal term, Notices of .....	201.10
Termination provisions, in GAP .....	201.10
Tests, Deposit of .....	202.20(c)(2)(vi)
Transfer of unpublished copyright deposits to Library of Congress.....	201.23
Transfers and licenses covering extended renewal term, Notices of termi- nation of.....	201.10
Transfers and other documents, Recordation of.....	201.4
Transmission programs (television), Acquisition and deposit of unpub- lished.....	202.22
Unpublished copyright deposits, Transfer to Library of Congress of.....	201.23
Unpublished television transmission programs, Acquisition and deposit of .....	202.22
Use (routine) under Privacy Act.....	204.2(e)
Verification information filed in Copyright Office for digital audio re- cording devices or media, Access to and confidentiality of .....	201.29
Vessel Hulls, Protection of original designs.....	212.1 to 212.6
Visual Arts Registry .....	201.25
Visually perceptible and machine-readable material other than a CD- ROM format, Deposit of copies containing both.....	202.20(c)(2)(ix)
Voluntary license to permit reproduction of nondramatic literary works solely for use of the blind and physically handicapped <sup>1</sup> .....	201.15
Warning of copyright for software lending by nonprofit libraries .....	201.24
Warnings (display) of copyright for use by certain libraries and ar- chives .....	201.14
Works:	
Architectural .....	202.11
Nondramatic literary .....	201.13
Nondramatic musical .....	201.13, 201.18, and 201.19
Pictorial, graphic, and sculptural .....	202.10
Works consisting of sounds, images, or both, Advance notices of poten- tial infringement of.....	201.22
Works fixed in CD-ROM format, Deposit of .....	202.20(c)(2)(xi <del>x</del> )
Works reproduced in or on sheetlike materials, Deposit of .....	202.20(c)(2)( <del>x</del> )
Works reproduced in or on three-dimensional objects, Deposit of.....	202.20(c)(2)(xi)
Xerographic or photographic copies on good quality paper are acceptable deposits for archival purposes in connection with the registration of claims to copyright in architectural works.....	202.20(c)(2)(xviii)