

# Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

## FINAL REGULATION

### FILING OF COPIES OF CERTAIN CONTRACTS BY CABLE SYSTEMS

The following excerpt is taken from Vol. 42, No. 192 of the Federal Register for Tuesday, October 4, 1977 (p. 53961).

#### [ 1410-03 ]

Title 37—Patents, Trademarks, and  
Copyrights

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

[Docket RM 77-8]

#### PART 201—GENERAL PROVISIONS

##### Filing of Copies of Certain Contracts by Cable Systems

**AGENCY:** Library of Congress, Copy-  
right Office.

**ACTION:** Final regulation.

**SUMMARY:** This notice is issued to ad-  
vise the public that the Copyright Office  
of the Library of Congress is adopting a  
new regulation to implement section 111  
(e)(2) of the Act for General Revision  
of the Copyright Law. That section re-  
quires the filing, in particular cases, of  
certain contracts entered into by cable  
television systems located outside of the  
forty-eight contiguous states. The new  
regulation establishes formal require-  
ments governing the nature of the docu-  
ment to be filed for recordation.

**EFFECTIVE DATE:** January 1, 1978.

#### FOR FURTHER INFORMATION CON- TACT:

Jon Baumgarten, General Counsel,  
Copyright Office, Library of Congress,  
Washington, D.C. 20559 (703-557-  
8731).

**SUPPLEMENTARY INFORMATION:**  
Section 111 of the first section of Pub. L.  
94-553 (90 Stat. 2541) establishes a com-  
pulsory licensing system under which  
cable systems may make secondary  
transmissions of copyrighted works. As  
a general rule, secondary transmissions  
must occur simultaneously with the pri-  
mary transmission in order to be eligible  
for the compulsory license. However, sec-  
tion 111 provides for an exception to  
this general requirement for simultane-  
ous retransmission. Because of the lim-

ited availability of over-the-air signals  
in certain areas outside of the forty-  
eight contiguous States, cable systems  
located in these areas are eligible for the  
compulsory license even if their second-  
ary transmissions are "non-simultane-  
ous"—that is, even if they use videotapes  
or the like to record a broadcast program  
off-air and later retransmit the program  
from the recording.

Section 111(e)(2) of the Act deals with  
exchanges of videotapes and similar re-  
cordings of programs between cable sys-  
tems located in these areas. It provides  
that recordings embodying a program  
nonsimultaneously transmitted by a sys-  
tem may, under certain circumstances,  
be transferred to another system, but  
only "pursuant to a written nonprofit  
contract providing for the equitable  
sharing of the costs of such videotape  
and its transfer." Among other condi-  
tions it also requires that "a copy of such  
contract [be] filed, within thirty days  
after such contract is entered into, with  
the Copyright Office (which Office shall  
make such contract available for public  
inspection) \* \* \*"

On August 17, 1977, we published in  
the Federal Register (42 FR 41438; cor-  
rected 42 FR 42362) a proposal that the  
filing and recordation of these docu-  
ments be covered by the addition of a  
new § 201.12 to the regulations of the  
Copyright Office. Interested parties were  
given until September 16, 1977, to submit  
comments.

No comments have been received. The  
proposed regulation is adopted without  
change and is set forth below.

(17 U.S.C. 207, and under the following sec-  
tions of Title 17 of the U.S.C. as amended by  
Pub. L. 94-558: §§ 111; 702; 708(11).)

Dated: September 23, 1977.

BARBARA RINGER,  
*Register of Copyrights.*

Approved:  
DANIEL J. BOORSTIN,  
*Librarian of Congress.*

Part 201 of 37 CFR chapter II is  
amended by adding a new § 201.12 to  
read as follows:

§ 201.12 Recordation of certain con-  
tracts by cable systems located out-  
side of the forty-eight contiguous  
states.

(a) Written, nonprofit contracts pro-  
viding for the equitable sharing of costs  
of videotapes and their transfer, as iden-  
tified in section 111(e)(2) of Title 17 of  
the United States Code as amended by  
Pub. L. 94-553, will be filed in the Copy-  
right Office by recordation upon payment  
of the fee prescribed by this section. The  
document submitted for recordation  
shall meet the following requirements:

(1) It shall be an original instrument  
of contract; or it shall be a legible photo-  
copy or other full-size facsimile repro-  
duction of an original, accompanied by  
a certification signed by at least one of  
the parties to the contract, or an author-  
ized representative of that party, that  
the reproduction is a true copy;

(2) It shall bear the signatures of all  
persons identified as parties to the con-  
tract, or of their authorized agents or  
representatives;

(3) It shall be complete on its face,  
and shall include any schedules, appen-  
dixes, or other attachments referred  
to in the instrument as being part of it;  
and

(4) It shall be clearly identified, in its  
body or a covering transmittal letter, as  
being submitted for recordation under  
17 U.S.C. 111(e).

(b) For a document consisting of six  
pages or less the recordation fee is \$10;  
an additional charge of 50 cents is made  
for each page over six. If titles of works  
are specified in the contract, an addi-  
tional charge of 50 cents is made for  
each title over one.

(c) The date of recordation is the  
date when all of the elements required  
for recordation, including the prescribed  
fee, have been received in the Copyright  
Office. A document is filed in the Copy-  
right Office and a filing in the Copyright  
Office takes place on the date of recorda-  
tion. After recordation the document is  
returned to the sender with a certificate  
of record.

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