



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

TERMINATION OF PROCEEDING.

ELIGIBILITY FOR THE CABLE COMPULSORY LICENSE

The following excerpt is taken from Volume 62, Number 89 of the *Federal Register* for Thursday, May 8, 1997 (p. 25213)

LIBRARY OF CONGRESS**Copyright Office****[Docket No. 96-2A]****Eligibility for the Cable Compulsory License****AGENCY:** Copyright Office, Library of Congress.**ACTION:** Termination of proceeding.

SUMMARY: The Copyright Office is terminating Docket No. 96-2A until further notice due to a Congressional request that the Office undertake a global review of copyright licensing of broadcast retransmissions for the purpose of recommending legislative revision of the Copyright Act.**EFFECTIVE DATE:** June 9, 1997.**FOR ADDITIONAL INFORMATION:**

Nanette Petruzzelli, Acting General Counsel, or William Roberts, Senior Attorney for Compulsory Licenses, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Section 111 of the Copyright Act, 17 U.S.C., grants a compulsory copyright license to cable television systems for the retransmission of over-the-air broadcast stations to their subscribers. In exchange for the license, cable operators submit royalty payments, along with statements of account detailing their retransmissions, to the Copyright Office on a semiannual basis, which deposits the royalties with the United States Treasury in interest bearing accounts

for later distribution to copyright owners of non-network broadcast programming.

On May 6, 1996, the Copyright Office opened this notice of inquiry to consider the eligibility for the cable compulsory license of open video systems of telephone companies which retransmit broadcast signals pursuant to section 653 of the Telecommunications Act of 1996, Public Law No. 104-104, 110 Stat. 56. See 61 FR 20197 (May 6, 1996). The Office received comments and/or reply comments from fifteen parties addressing some or all of the issues raised by the Copyright Office in its Notice of Inquiry.

While the Office was considering the commenters' arguments as to whether open video systems are eligible for a compulsory license under section 111 of the Copyright Act, the Office received on February 6, 1997, a request from Senator Orrin Hatch, Chairman of the United States Senate Committee on the Judiciary, that the Office undertake a global review of copyright licensing of broadcast retransmissions. Senator Hatch asked the Copyright Office to solicit the views of the parties affected by the licensing issues being raised in the study, analyze the information gathered, and develop policy options and legislative recommendations for the Committee to consider before the end of the legislative session. Open video systems' eligibility for a section 111 license was targeted by Senator Hatch as one of the issues to be examined in the study.

The Copyright Office has already begun its examination of the issues raised by Senator Hatch and has announced dates for public meetings in May. In the process of preparing this study, the Office expects to hear from many of the parties who submitted comments in this Notice of Inquiry, both in written statements and at the May

proceedings; accordingly, the Office anticipates that the issues regarding the eligibility of open video systems for the cable compulsory license will be fully aired and analyzed. Those who have already commented fully in the 96-2A proceeding may incorporate those comments by reference in the record for the study (97-1).

After its analysis of the issues is completed, the Office may, in its report to Congress, propose one or more legislative solutions to the issues raised in this inquiry. Under these circumstances, the Office believes it is not appropriate or advisable to keep this rulemaking proceeding open. Therefore, the Copyright Office has decided to terminate Docket No. 96-2A until further notice.

DATED: April 21, 1997
Marybeth Peters,
Register of Copyrights.

APPROVED BY:
James H. Billington.
The Librarian of Congress.

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