



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

NOTICE WITH REQUEST FOR COMMENTS.

ASCERTAINMENT OF CONTROVERSY FOR 1995 CABLE ROYALTY FUNDS

The following excerpt is taken from Volume 62, Number 180 of the
Federal Register for Wednesday, September 17, 1997 (p. 48894-48895)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 97-2 CARP CD 95]

Ascertainment of Controversy for 1995 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice with request for comments.

SUMMARY: The Copyright Office of the Library of Congress directs all claimants to royalty fees collected for secondary transmission by cable systems in 1995 to submit comments as to whether a Phase I or a Phase II controversy exists as to the distribution of these funds.

DATES: Comments are due October 17, 1997.

ADDRESSES: If sent by mail, an original and five copies of written comments and a Notice of Intent to Participate should be addressed to:
Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. If hand-delivered, an original and five copies of written comments and a Notice of Intent to Participate should be brought to:
Office of the Copyright General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR ADDITIONAL INFORMATION:
William Roberts, Senior Attorney, or
Tanya M. Sandros, Attorney Advisor,
Copyright Arbitration Royalty Panels,
P.O. Box 70977, Southwest Station,

Washington, D.C. 20024.
Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Each year, cable systems submit royalties to the U.S. Copyright Office under a statutory license which allows cable systems to retransmit broadcast signals to their subscribers. 17 U.S.C. 111. These royalties are, in turn, distributed in one of two ways to copyright owners whose work was included in a cable system's secondary transmission of these signals and who filed timely a claim with the Copyright Office. The copyright owners may either negotiate a settlement agreement amongst themselves as to the distribution of the royalty fees, or the Librarian of Congress may convene an *ad hoc* Copyright Arbitration Royalty Panel (CARP) to determine the distribution of the royalty fees which remain in controversy. See 17 U.S.C. chapter 8.

Before commencing a distribution proceeding, however, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the funds. 17 U.S.C. 803(c). Therefore, the Copyright Office is requesting comment on the existence of any controversies as to the distribution of the 1995 cable royalties.

The Office also requests that those claimants intending to participate in the 1995 distribution proceeding file a Notice of Intent to Participate, noting whether they anticipate participating in a Phase I proceeding, a Phase II proceeding, or both. Failure to file a timely Notice of Intent to Participate shall preclude a party from participating in this proceeding.

In a Phase I proceeding, the arbitrators ascertain the distribution of royalties

among the categories of broadcast programming represented in the proceeding, and in a Phase II proceeding, the arbitrators settle disputes between claimants within a particular category concerning the distribution of royalty fees within the group. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest which by the end of the comment period has not yet been satisfied by private agreement.

Participants must advise the Office of the existence of all controversies, Phase I or Phase II, by the end of the comment period. The Office will not consider controversies which come to its attention after the close of the comment period.

Dated: September 12, 1997.
Nanette Petruzzelli,
Acting General Counsel.

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