



# ANNOUNCEMENT

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

## INTERIM RULE AMENDMENT.

### NOTICE AND RECORDKEEPING FOR DIGITAL TRANSMISSION OF SOUND RECORDINGS UNDER STATUTORY LICENSE

The following excerpt is taken from Volume 64, Number 177 of the  
*Federal Register* for Tuesday, September 14, 1999 (p. 49671)

#### LIBRARY OF CONGRESS

#### 37 CFR Part 201

[Docket No. RM 96-3C]

#### Notice and Recordkeeping for Digital Transmission of Sound Recordings Under Statutory License

**AGENCY:** Copyright Office, Library of  
Congress

**ACTION:** Interim rule amendment.

**SUMMARY:** The Copyright Office of the  
Library of Congress is amending the  
regulation that requires the filing of an initial  
notice of digital transmissions of sound  
recordings under statutory license with the  
Copyright Office to state that a suggested  
format for the Initial Notice will be posted on  
the Office's website, in an effort to better  
ensure that Initial Notices filed with the  
Office fully comply with the regulation.

**DATES:** Effective September 14, 1999.

#### FOR FURTHER INFORMATION

**CONTACT:** David O. Carson, General  
Counsel, or Tanya M. Sandros, Attorney  
Advisor, Copyright GC/I&R, P.O. Box  
70400, Southwest Station, Washington, D.C.  
20024. Telephone: (202) 707-8380. Telefax:  
(202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 1, 1995, Congress enacted  
the Digital Performance Right in Sound  
Recordings Act of 1995 ("DPRA"), Pub. L.  
104-39, 109 Stat. 336 (1995). The DPRA  
gave to sound recording copyright owners an

exclusive right to perform their works  
publicly by means of a digital audio  
transmission subject to a statutory license. 17  
U.S.C. 106(6); 17 U.S.C. 114.

The statutory license requires adherence  
to regulations under which copyright owners  
may receive reasonable notice of use of their  
sound recordings under the statutory license  
and under which entities performing the  
sound recordings shall keep and make  
available records of such use. 17 U.S.C.  
114(f)(2). On May 13, 1996, the Copyright  
Office initiated a rulemaking proceeding to  
promulgate regulations to govern the notice  
and recordkeeping requirements. 61 FR  
22004 (May 13, 1996). This rulemaking  
concluded with the issuance of interim rules  
to govern the filing of an initial notice of  
digital transmissions of sound recordings  
under statutory license, 37 CFR 201.35, and  
the filing of reports of use of sound  
recordings under statutory license, 37 CFR  
201.36. See 63 FR 34289 (June 24, 1998).

Since promulgation of the interim rules,  
several entities have filed Initial Notices with  
the Copyright Office in accordance with Sec.  
201.35. However, the majority of these Initial  
Notices have not provided all of the  
information required under Sec. 201.35. As  
stated in Sec. 201.35(c), "[t]he Copyright  
Office does not provide printed forms for the  
filing of Initial Notices." However, the  
Copyright Office is amending this section to  
state that a suggested format for the Initial  
Notice will be posted on the Copyright  
Office website, in an effort to better ensure  
that Initial Notices filed with the Office  
provide all of the information required under  
Sec. 201.35.

#### List of Subjects in 37 CFR Part 201 Copyright.

#### Regulations

For the reasons set forth in the preamble,

part 201 of title 37 of the Code of Federal  
Regulations is amended as follows:

#### PART 201—GENERAL PROVISIONS

1. The authority citation for part 201  
continues to read as follows:

**Authority:** 17 U.S.C. 702.

#### §201.35 [Amended]

2. Section 201.35(c) is amended by  
removing "The Copyright Office does not  
provide printed forms for the filing of Initial  
Notices." and adding in its place "A  
suggested format for the Initial Notices may  
be found on the Copyright Office website."

Dated: August 19, 1999.

**Marybeth Peters,**  
*Register of Copyrights.*

Approved by:

**James H. Billington,**  
*The Librarian of Congress.*

[FR Doc. 99-23908 Filed 9-13-99; 8:45 am]

**BILLING CODE 1410-31-P**