



ANNOUNCEMENT

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

FINAL RULE.

COST OF LIVING ADJUSTMENT FOR PERFORMANCE OF MUSICAL COMPOSITIONS BY COLLEGES AND UNIVERSITIES

The following excerpt is taken from Volume 64, Number 230 of the
Federal Register for Wednesday, December 1, 1999 (pp. 67187-67188)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 99-7 CARP]

37 CFR Part 253

Cost of Living Adjustment for Performance of Musical Compositions by Colleges and Universities

AGENCY: Copyright Office, Library of
Congress

ACTION: Final Rule.

SUMMARY: The Copyright Office of the
Library of Congress announces a cost of
living adjustment of 2.6% in the royalty rates
paid by colleges, universities, or other
nonprofit educational institutions that are not
affiliated with National Public Radio, for the
use of copyrighted published nondramatic
musical compositions. The cost of living
adjustment is based on the change in the
Consumer Price Index from October, 1998,
to October, 1999.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION

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SUPPLEMENTARY INFORMATION:

Section 118 of the Copyright Act, 17 U.S.C.,
creates a compulsory license for the use of
published nondramatic musical works and
published pictorial, graphic, and sculptural
works in connection with noncommercial

broadcasting. Terms and rates for this
compulsory license, applicable to parties who
are not subject to privately negotiated
licenses, are published in 37 CFR part 253
and are subject to adjustment at five-year
intervals. 17 U.S.C. 118(c). The last
proceeding to adjust the terms and rates for
the section 118 license began in 1996. 61 FR
54458 (October 18, 1996).

On January 14, 1998, the Copyright
Office announced final regulations governing
the terms and rates of copyright royalty
payments with respect to certain uses by
public broadcasting entities of published
nondramatic musical works, and published
pictorial, graphic, and sculptural works,
including the 1998 rates for the public
performance of musical compositions in the
ASCAP, BMI, and SESAC repertoires by
public broadcasting entities licensed to
colleges and universities. 63 FR 2142
(January 14, 1998).

Pursuant to these regulations, on
December 1 of each year "the Librarian of
Congress shall publish a notice of the change
in the cost of living during the period from
the most recent Index published prior to the
previous notice, to the most recent Index
published prior to December 1, of that year."
37 CFR 253.10(a). The regulations also
require that the Librarian publish a revised
schedule of rates for the public performance
of musical compositions in the ASCAP, BMI,
and SESAC repertoires by public broad-
casting entities licensed to colleges and
universities, reflecting the change in the
Consumer Price Index. 37 CFR 253.10(b).

Accordingly, the Copyright Office of the
Library of Congress is hereby announcing
the change in the Consumer Price Index and
performing the annual cost of living
adjustment to the rates set out in Sec.
253.5(c). 63 FR 2142 (January 14, 1998).

The change in the cost of living as
determined by the Consumer Price Index (all

consumers, all items) during the period from
the most recent Index published before
December 1, 1998, to the most recent
Index published before December 1, 1999,
was 2.6% (1998's figure was 164.0; 1999's
figure is 168.4, based on 1982-1984=100 as a
reference base). Rounding off to the nearest
dollar, the adjustment in the royalty rate for
the use of musical compositions in the
repertory of ASCAP and BMI is \$231, each,
and \$63 for the use of musical compositions
in the repertory of SESAC.

List of Subjects in 37 CFR Part 253 Copyright, Radio, Television.

Final Regulation

For the reasons set forth in the preamble,
part 253 of title 37 of the Code of Federal
Regulations is amended as follows:

PART 253--USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 253
continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and
803.

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2. 37 CFR 253.5 is amended by revising
paragraphs (c)(1) through (c)(3).

§ 253.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

(c) ***

(1) For all such compositions in the.

repertory of ASCAP, \$231 annually.

(2) For all such compositions in the
repertory of BMI, \$231 annually.

(3) For all such compositions in the
repertory of SESAC, \$63 annually.

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Dated: November 22, 1999.
Marybeth Peters,
Register of Copyrights.

[FR Doc. 99-30929 Filed 11-30-99; 8:45 am]

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