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 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 repertories 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 repertories by public broadcasting 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.

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
(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.

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