

The Licensing Division of the Copyright Office

Basic Function

The Licensing Division in the Copyright Office administers the compulsory and statutory licenses in the Copyright Act (title 17 of the *United States Code*). These are:

- Statutory license for secondary transmissions by cable systems (section 111)
- Statutory license for making ephemeral recordings (section 112)
- Statutory license for the public performance of sound recordings by means of a digital audio transmission (section 114)
- Compulsory license for making and distributing phonorecords (section 115)
- Compulsory license for the use of certain works in connection with non-commercial broadcasting (section 118)
- Statutory license for secondary transmissions by satellite carriers (section 119)
- Statutory license for secondary transmissions by satellite carriers for local retransmissions (section 122)
- Statutory obligation for distribution of digital audio recording devices and media (chapter 10)

The division collects royalty fees from cable operators for retransmitting television and radio broadcasts (section 111), from satellite carriers for retransmitting “superstation” and network signals (section 119), and from importers or manufacturers for distributing digital audio recording products (section 1003). The division deducts its full operating costs from the royalty fees and invests the balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners by Copyright Royalty Judges. (See the section in this circular titled “Ratesetting and Distribution Proceedings” for details about the Copyright Royalty Judges.)

A Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords (section 115) is recorded by the division when the licensee cannot identify the copyright owner. The Licensing Division also records voluntary license agreements between copyright owners of sound recordings and digital subscription services or eligible digital nonsubscription services (section 114); copyright owners of sound recordings and those entities making ephemeral recordings (section 112); copyright owners of nondramatic musical works and those intending to digitally distribute phonorecords (section 115); copyright owners and public broadcasting entities (section 118); and copyright owners of broadcast programming and satellite carriers or distributors (section 119). Royalty payments are not made to the Copyright Office under any of these licenses.

Under section 122, a royalty-free statutory license authorizes the retransmission of local broadcast television stations by satellite carriers.

The statutory obligation in chapter 10, section 1003, provides for persons who import or manufacture and distribute in the United States any digital audio recording device or digital audio recording medium to file notices of distribution and quarterly and annual statements of account and to make royalty payments.

How to Contact the Licensing Division

The Licensing Division is located in the Library of Congress, James Madison Memorial Building, located on Independence Avenue between First and Second Streets SE, Washington, DC, on Capitol Hill. All mail to the division should be addressed to:

*Library of Congress
Copyright Office-LD
101 Independence Avenue SE
Washington, DC 20557-6400*

TEL: (202) 707-8150

FAX: (202) 707-0905

EMAIL: licensing@loc.gov

WEB: www.copyright.gov/licensing

Licensing Division staff members are available to answer questions between 8:30 AM and 5:00 PM, eastern time, Monday through Friday, except federal holidays.

Funding of the Licensing Division

The Copyright Act provides that reasonable costs incurred by the Copyright Office in administering the statutory licenses for cable systems and satellite carriers and the obligation for digital audio equipment be deducted from the royalty fees deposited for those licenses. The Licensing Division budget comes directly from the royalties, making it self-supporting with no tax dollars used for its operation.

Organization of the Division

The Examining Section examines all licensing documents submitted for a statutory or compulsory license to determine that they meet the requirements under the statute and Copyright Office regulations, including the correct computation of the royalty fee. A licensing examiner will notify a licensee

to correct errors or omissions on a document before final processing by the Copyright Office.

The Fiscal Section performs all accounting, budgeting, and investing functions of the division in conjunction with the accounting offices of the Library of Congress and the U.S. Treasury. This section is also responsible for the ascertainment of funds available for distribution by Copyright Royalty Judges.

The Licensing Information Section provides information about the compulsory and statutory licenses, maintains all the division's official licensing records, and performs reference searches of licensing documents for the public and members of Congress.

Documents Available

Cable TV

- Statements of Account for Secondary Transmissions by Cable Systems (Forms SA1-2, SA3)

Satellite Carrier

- Statements of Account for Secondary Transmissions by Satellite Carriers
- Network Name and Address File

Mechanical Licenses

- Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords

Public Broadcasting Agreements

- License agreements voluntarily negotiated between one or more owners of copyright in published nondramatic musical works and published pictorial, graphic, and sculptural works and one or more public broadcasting entities

Sound Recordings

- Notice of Use of Sound Recordings
- Initial Notice of Digital Transmission of Sound Recordings
- Notice of Designation as Collective

Audio Home Recording Act

- Initial Notices of Distribution
- Statements of Account (quarterly and annual) for importers or manufacturers of digital audio recording devices or media

NOTE: Access to statements of account for digital audio recording products will be granted only to "interested copyright owners" pursuant to section 1003(c)(2) of title 17 of the *United States Code*.

How to Search the Files

Conduct an online search to retrieve certain data from the statements of account (SOA) filed by cable television operators under section 111 of the Copyright Act at <http://licensing.copyright.gov/search/>. The SOA data begins with the accounting period January through June 1992 to the present and is updated daily.

Licensing documents are available for public inspection and copying at the Library of Congress, James Madison Memorial Building, Copyright Office Public Records Reading Room, LM-404, between the hours of 8:30 AM and 5:00 PM, eastern time, Monday through Friday, except federal holidays. If you wish to conduct your own search, you will be given assistance in search procedures to locate the records needed.

Upon request, the Licensing Division staff will conduct a search at the statutory rate for each hour or fraction of an hour consumed. Based on the information furnished, we will provide an estimate of the total search fee. If you decide to have the Office staff perform the search, send the estimated amount with your request. The Division will then proceed with the search and provide a report.

Ratesetting and Distribution Proceedings

The Copyright Royalty Judges (CRJs) are responsible for adjusting the rates and terms for use of the statutory licenses in accordance with copyright law. In addition, the CRJs determine the distribution of royalties collected by the Copyright Office under sections 111 and 119 and chapter 10 of the Copyright Act.

For further information about ratesetting and distribution proceedings, write to:

*Copyright Royalty Board
PO Box 70977
Southwest Station
Washington, DC 20024*

TEL: (202) 707-7658
FAX: (202) 252-3423
WEB: www.loc.gov/crb

