Copyright Royalty Board, Library of Congress  

§ 381.4

(f) Consultation. Before rendering a written report to a Copyright Owner or Performer, except where the auditor has a reasonable basis to suspect fraud and disclosure would, in the reasonable opinion of the auditor, prejudice the investigation of such suspected fraud, the auditor shall review the tentative written findings of the audit with the appropriate agent or employee of the Collective in order to remedy any factual errors and clarify any issues relating to the audit; Provided that the appropriate agent or employee of the Collective reasonably cooperates with the auditor to remedy promptly any factual errors or clarify any issues raised by the audit.

§ 381.27 Unclaimed funds.

If the Collective is unable to identify or locate a Copyright Owner or Performer who is entitled to receive a royalty distribution under this subpart, the Collective shall retain the required payment in a segregated trust account for a period of 3 years from the date of distribution. No claim to such distribution shall be valid after the expiration of the 3-year period. After expiration of this period, the Collective may apply the unclaimed funds to offset any costs deductible under 17 U.S.C. 114(g)(3). The foregoing shall apply notwithstanding the common law or statutes of any State.

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNEC-  
TION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

Sec.

381.1 General.

381.2 Definition of public broadcasting entity.

381.3 [Reserved]

381.4 Performance of musical compositions by PBS, NPR, and other public broad-
which are the subject of voluntary li-
cense agreements.

(a) Determination of royalty rate.

(1) For performance of such work in a feature presen-
tation of PBS:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$232.18</td>
</tr>
</tbody>
</table>

(2) For performance of such a work as background or theme music in a PBS program:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$58.51</td>
</tr>
</tbody>
</table>

(3) For performance of such a work in a feature presen-
tation of a station of PBS:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$19.84</td>
</tr>
</tbody>
</table>

(4) For performance of such a work as background or theme music in a pro-
gram of a station of PBS:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$4.18</td>
</tr>
</tbody>
</table>

(5) For the performance of such a work in a feature presen-
tation of NPR:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$23.53</td>
</tr>
</tbody>
</table>

(6) For the performance of such a work as back-
ground or theme music in an NPR program:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$5.70</td>
</tr>
</tbody>
</table>

(7) For the performance of such a work in a feature presen-
tation of a station of NPR:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$1.66</td>
</tr>
</tbody>
</table>

(8) For the performance of such a work as back-
ground or theme music in a program of a station of NPR:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–2017</td>
<td>$.59</td>
</tr>
</tbody>
</table>

(9) For purposes of this schedule the rate for the performance of theme music in an entire series shall be dou-
ble the single program theme rate.

(10) In the event the work is first per-
formed in a program of a station of PBS or NPR, and such program is sub-
sequently distributed by PBS or NPR, an additional royalty payment shall be made equal to the difference between the rate specified in this section for a program of a station of PBS or NPR, respectively, and the rate specified in this section for a PBS or NPR program, respectively.

(b) Payment of royalty rate. The re-
quired royalty rate shall be paid to each known copyright owner not later
than July 31 of each calendar year for uses during the first six months of that
calendar year, and not later than Janu-
ary 31 for uses during the last six
months of the preceding calendar year.

(c) Records of use. PBS and NPR shall,
upon the request of a copyright owner of a published musical work who be-
lieves a musical composition of such
owner has been performed under the
terms of this schedule, permit such
copyright owner a reasonable oppor-
tunity to examine their standard cue
sheets listing the nondramatic per-
formances of musical compositions on
PBS and NPR programs. Any local PBS
and NPR station that shall be required
by the provisions of any voluntary li-
cense agreement with ASCAP, BMI or
SESAC covering the license period
January 1, 2013, to December 31, 2017, to

(72 FR 67647, Nov. 30, 2007, as amended at 77
FR 71105, Nov. 29, 2012)

§ 381.5 Performance of musical com-
positions by public broadcasting
entities licensed to colleges and
universities.

(a) Scope. This section applies to the
performance of copyrighted published
nondramatic musical compositions by
noncommercial radio stations which
are licensed to accredited colleges, acc-
credited universities, or other accred-
ited nonprofit educational institutions
and which are not affiliated with Na-
tional Public Radio. For purposes of
this section, accreditation of institu-
tions providing post-secondary edu-
cation shall be determined by a re-

gional or national accrediting agency
recognized by the Council for Higher
Education Accreditation or the United
States Department of Education; and