

section if it is accompanied by a statement that each item of information contained in the information disclosure statement:

(i) Was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement; or

(ii) Is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

(2) The thirty-day period set forth in paragraph (d)(1) of this section is not extendable.

\* \* \* \* \*

Dated: November 21, 2011.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2011-30933 Filed 11-30-11; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 381

[Docket No. 2011-9 CRB NCEB COLA]

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

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (“COLA”) of 3.5% in the royalty rates that colleges, universities, and other educational institutions that are not affiliated with National Public Radio pay for the use of published nondramatic musical compositions in the ASCAP, BMI and SESAC repertoires. The COLA is based on the change in the Consumer Price Index from October 2010 to October 2011.

**DATES:** *Effective Date:* January 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, Program Specialist. Telephone: (202) 707-7658. Email: [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** Section 118 of the Copyright Act, title 17 of the

United States Code, 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 parts 253 and 381.

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 for the license period beginning January 1, 2008, and ending December 31, 2012, were published in the **Federal Register** on November 30, 2007. *See* 72 FR 67646. Pursuant to these regulations, on or before December 1 of each year, the Judges shall publish a notice of the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items (“CPI-U”)) 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. *See* 37 CFR

381.10(a)(requiring publication of a revised schedule of rates for 37 CFR 381.5). Accordingly, the Judges are hereby announcing the change in the CPI-U and applying the annual COLA to the rates set out in 37 CFR 381.5(c).

The change in the cost of living as determined by the CPI-U during the period from the most recent index published before December 1, 2010, to the most recent index published before December 1, 2011, is 3.5%.<sup>1</sup> Rounding to the nearest dollar,<sup>2</sup> the royalty rates for the performance of published nondramatic musical compositions in the repertoires of ASCAP, BMI, and SESAC are \$312, \$312, and \$125, respectively.

#### List of Subjects in 37 CFR Part 381

Copyright, Music, Radio, Television, Rates.

#### Final Regulations

For the reasons set forth in the preamble, part 381 of title 37 of the Code of Federal Regulations is amended to read as follows:

<sup>1</sup> The most recent CPI-U figures are published in November of each year and use the period 1982-1984 to establish a reference base of 100. The index for October 2010 was 218.711, while the figure for October 2011 was 226.421.

<sup>2</sup> *See* 37 CFR 381.10(b) (adjusted royalty rates shall be “fixed at the nearest dollar”).

## PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

■ 1. The authority citation for part 381 continues to read as follows:

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

■ 2. Section 381.5 is amended by revising paragraphs (c)(1) through (3) to read as follows:

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

\* \* \* \* \*

(c) \* \* \*

(1) For all such compositions in the repertory of ASCAP, \$312 annually.

(2) For all such compositions in the repertory of BMI, \$312 annually.

(3) For all such compositions in the repertory of SESAC, \$125 annually.

\* \* \* \* \*

Dated: November 23, 2011.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

[FR Doc. 2011-30712 Filed 11-30-11; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 386

[Docket No. 2011-10 CRB Satellite COLA]

#### Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (“COLA”) of 3.5% in the royalty rates paid by satellite carriers under the satellite carrier compulsory license of the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2010 to October 2011.

**DATES:** *Effective Date:* January 1, 2012.

*Applicability Dates:* These rates are applicable for the period January 1, 2012, through December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, Program Specialist. Telephone: (202) 707-7658. Email: [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** The satellite carrier compulsory license

establishes a statutory copyright licensing scheme for the retransmission of distant television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and has reauthorized the license for additional five-year periods, most recently with the passage of the Satellite Television Extension and Localism Act of 2010, ("STELA"), Public Law 111–175.

The Copyright Royalty Judges adopted as final the rates for the section 119 compulsory license for the period 2010–2014 after publication in the **Federal Register** of the rates, as proposed by Copyright Owners and Satellite Carriers,<sup>1</sup> yielded no objections. See 75 FR 53198 (August 31, 2010). Section 119(c)(2) requires the Judges annually to adjust these rates "to reflect any changes occurring in the cost of living adjustment (for all consumers and for all items) ["CPI-U"] published \* \* \* at least 25 days before January 1." *Id.* Today's notice fulfills this obligation.

The change in the cost of living as determined by the CPI-U during the period from the most recent index published before December 1, 2010, to the most recent index published before December 1, 2011, is 3.5%.<sup>2</sup> Rounding to the nearest cent, the royalty rates for the secondary transmission of broadcast stations by satellite carriers for private home viewing and viewing in commercial establishments are 26 cents and 53 cents, respectively.

#### List of Subjects in 37 CFR Part 386

Copyright, Satellite, Television.

#### Final Regulations

For the reasons set forth in the preamble, part 386 of title 37 of the Code of Federal Regulations is amended as follows:

#### PART 386—ADJUSTMENT OF ROYALTY FEES FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

1. The authority citation for part 386 continues to read as follows:

**Authority:** 17 U.S.C. 119(c), 801(b)(1).

2. Section 386.2 is amended by revising paragraphs (b)(1)(iii) and (b)(2)(iii) to read as follows:

<sup>1</sup> Program Suppliers and Joint Sports Claimants comprised the Copyright Owners, while DIRECTV, Inc., DISH Network, LLC and National Programming Service, LLC, comprised the Satellite Carriers.

<sup>2</sup> The most recent CPI-U figures are published in November of each year and use the period 1982–1984 to establish a reference base of 100. The index for October 2010 was 218.711, while the figure for October 2011 was 226.421.

#### § 386.2 Royalty fee for secondary transmission by satellite carriers.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iii) 2012: 26 cents per subscriber per month;

\* \* \* \* \*

(2) \* \* \*

(iii) 2012: 53 cents per subscriber per month;

\* \* \* \* \*

Dated: November 23, 2011.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

[FR Doc. 2011–30705 Filed 11–30–11; 8:45 am]

**BILLING CODE 1410–72–P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Folded Self-Mailers and Unenveloped Mailpieces

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service will revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 201.3.14, to provide new standards for folded self-mailers (FSM) and unenveloped mailpieces that are mailed at automation or machinable prices. To avoid confusion with revised standards for FSM mailpieces having loose enclosures, the Postal Service renames mailpieces that are designed to carry discs, and expands the standards that apply to tabs to include folded self-mailers.

**DATES:** Effective January 5, 2013.

**FOR FURTHER INFORMATION CONTACT:** Craig Vance (202) 268–7595 or Susan Thomas (202) 268–8069.

**SUPPLEMENTARY INFORMATION:** On August 15, 2011, the Postal Service published a **Federal Register** proposed rule (76 FR 50438–50441) for changes to the design and construction of folded self-mailers and unenveloped mailpieces that are mailed at automation or machinable prices. The proposed standards were issued after two years of collaborative work with mailers to analyze and test a wide variety of folded self-mailer letter-size designs. In response to the proposed standards, the Postal Service received 51 comments. Many of those who commented provided input on more than one aspect of the proposal. Each comment was given consideration and modifications were made to the proposed standards when possible. This final rule will be adopted based on our proposed rule with only minor

revisions. These standards do not apply to cards, envelopes, booklet style letters, or mailpieces designed to carry discs.

#### General

The final rule includes DMM recommendations for design elements and sealing methods for FSMs. To avoid confusion about the types of mailpieces included in this change, the Postal Service renames mailpieces that are designed to carry discs in 201.3.4. To simplify the requirements that apply to tabs that can be used to seal unenveloped letter-sized mailpieces, DMM 201.3.11 is modified to include folded self-mailers. The final rule also includes recommended revisions to the proposed requirements based on observations of a wide variety of FSMs tested over the past several years.

Although the effective date of these revisions is not until January 5, 2013, we encourage all customers who prepare FSMs mailed at automation or machinable prices to begin conversion to these design concepts as soon as possible.

#### Definition

A folded self-mailer is formed of panels that are created when one or more *unbound* sheets of paper are folded together and sealed to make a letter-size mailpiece. The number of sheets in the mailpiece and the number of the times the sheets are folded determine the number of panels. Sheets that are bound by one or more staples are not considered folded self-mailers even when all other preparation recommendations are met.

#### Physical Characteristics

The maximum height for all automation and machinable FSMs is 6 inches and the maximum length is 10½ inches, with a maximum thickness of ¼ inch. The maximum weight of three ounces is applicable to all mailpieces prepared without envelopes.

The paper basis weight for folded self-mailers is based on book-grade paper unless otherwise specified and varies depending on the total weight of the mailpiece and/or optional elements that are incorporated in the design. The final fold must be at the bottom for all designs except oblong style pieces. For oblong-style FSMs the final fold is on the leading edge. Tabs cannot be placed on the bottom open edge of an oblong-style FSM.

A minimum of two tabs will be required to seal all FSMs when tabs are used as the sealing method. Tabs used as seals may not have perforations. Glue may be used as an alternate sealing