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. 2011–30993 Filed 11–30–11; 8:45 am]

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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 repertories. 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.

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%.1 Rounding to the nearest dollar,2 the royalty rates for the performance of published nondramatic musical compositions in the repertories 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:

1 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.

2 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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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.

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.1 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%.2 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 SATTELITE 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:

§386.2 Royalty fee for secondary transmission by satellite carriers.

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<td>(ii) 2012: 53 cents per subscriber per month;</td>
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Dated: November 23, 2011.

James Scott Sledge,
Chief U.S. Copyright Royalty Judge.

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. To avoid confusion about the types of mailpieces included in this change, the Postal Service renames mailpieces that are designed to carry discs in 201.3.11 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 FMSs 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 FMSs 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 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 FMSs is 6 inches and the maximum length is 10½ inches, with a maximum thickness of ¾ 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 FMSs the final fold is on the leading edge. Tabs cannot be placed on the bottom open edge of an oblong-style FMS.

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