

§ 83.24 [Amended]

■ 5. In § 83.24, in paragraph (g)(iii), after the phrase “shall not exceed 100 meters:”, remove the word “Provided”, and add in its place the word “provided”.

§ 83.27 [Amended]

■ 6. Amend § 83.27 as follows:

■ a. In paragraph (b)(iii), remove the word “when”, and add in its place the word “When”; and

■ b. In paragraph (e)(ii), remove the word “insure” and add in its place the word “ensure”.

■ 7. Revise the heading for § 83.30 to read as follows:

§ 83.30 Vessels anchored, aground and moored barges (Rule 30).

* * * * *

§ 83.35 [Amended]

■ 8. In § 83.35, in paragraph (h), remove the words “paragraph (f)” and add in their place the words “paragraph (g)”.

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

■ 9. The authority citation for part 84 continues to read as follows:

Authority: Sec. 303, Pub. L. 108–293, 118 Stat. 1042 (33 U.S.C. 2071); Department of Homeland Security Delegation No. 0170.1.

§ 84.02 [Amended]

■ 10. In § 84.02, in paragraph (j), after the phrase “when engaged in fishing shall be”, add the word “at”.

PART 88—ANNEX V: PILOT RULES

■ 11. The authority citation for part 88 continues to read as follows:

Authority: Sec. 303, Pub. L. 108–293, 118 Stat. 1042 (33 U.S.C. 2071); Department of Homeland Security Delegation No. 0170.1.

§ 88.07 [Amended]

■ 12. In § 88.07, in paragraph (a), following the phrase “activities must abide by the”, remove the phrase “inland navigation rules” and add in its place the phrase “Inland Navigation Rules”.

Dated: November 13, 2014.

Katia Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

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LIBRARY OF CONGRESS**U.S. Copyright Office****37 CFR Part 201**

[Docket No. 2014–08]

Fees for Submitting Corrected Electronic Title Appendices

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office recently adopted amended regulations to allow remitters to submit title lists in electronic format when recording documents that reference 100 or more titles. Those regulations also provide a process for correcting inaccuracies in the Office’s online Public Catalog resulting from errors in electronic title lists. To avoid delay in implementing the electronic title list option, the Office decided to issue that final rule without imposition of a fee for corrections until such time as a fee could be set in accordance with this separate rulemaking. Today, the Office is amending its regulations to set that fee at a rate of seven dollars per corrected title.

DATES: Effective December 18, 2014.

FOR FURTHER INFORMATION CONTACT:

Sarang V. Damle, Special Advisor to the General Counsel, by email at sdam@loc.gov or by telephone at 202–707–8350; or Abi Oyewole, Attorney-Advisor, by email at aoye@loc.gov or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: On September 17, 2014, under a rulemaking entitled “Changes to Recordation Practices,” the Copyright Office (“Office”) amended its regulations to, among other things, allow remitters to submit lists of titles in electronic format when recording documents that reference 100 or more titles of copyrighted works. *See* 79 FR 55633. Those electronic lists are used by the Office for the purposes of indexing the online Public Catalog of recorded documents. In response to a comment received from the Recording Industry Association of America, Inc. (“RIAA”),¹ the amended regulations also adopted a procedure for correcting errors in the online Public Catalog that have been caused by remitters’ submission of inaccurate title lists. *See* 37 CFR

201.4(c)(4)(v). However, to avoid delay in implementing the electronic title list option, the Office decided to issue that final rule without imposition of a fee for corrections until a fee could be set in accordance with a separate Notice of Proposed Rulemaking (“NPRM”).

That separate NPRM was published on September 17, 2014 and proposed a fee of seven dollars per corrected title. 79 FR 55694. The Office received only one substantive submission containing comments from RIAA.² In its comments, RIAA expressed approval of the Office’s decision to implement a correction process for electronic title lists. RIAA Comments at 1. It stated that it believed the number of errors found in an electronic title list would be small, and in such cases the \$7 fee was “reasonable.” *Id.* But, it urged that in the “presumably rare situations where a major clerical error requires a remitter to correct a large number of titles, a fee of \$7 per title could serve as a disincentive for correcting the Office’s records or as a penalty for having made a mistake in the first instance.” *Id.* at 1–2. RIAA suggested that the Office “track instances of large-scale corrections to electronic lists” and consider a “fee structure” that would reduce the fee per corrected title once remitters exceed a set number of errors. *Id.* at 2.

As the NPRM explained, the fee of seven dollars per corrected title was determined after considering the various personnel and system costs associated with providing the new service. 79 FR at 55695. What RIAA proposes, in essence, is that remitters who submit lists with a large number of errors be given a “volume discount” that is below the Office’s costs.

The Office declines to adopt this recommendation. To the extent the fee established here will have any effect on remitter behavior, the Office believes that it will principally serve as an *incentive* for submitting accurate electronic title lists in the first place, rather than as “a disincentive for correcting the Office’s records.” RIAA Comments at 1–2. As the Office has stressed, remitters should “establish[] appropriate internal procedures to review and confirm electronic lists before they are submitted to the Office.” 79 FR at 55634. In any event, the statute itself provides an incentive for the submission of correct information as the benefits of recordation depend upon the

¹ Recording Industry Ass’n of Am., Inc., Comments Submitted in Response to U.S. Copyright Office’s July 16, 2014 Notice of Proposed Rulemaking (Aug. 15, 2014), available at <http://copyright.gov/rulemaking/recordation-practices/docket2014-4/comments/RIAA.pdf>.

² Recording Industry Ass’n of Am. Inc., Comments Submitted in Response to U.S. Copyright Office’s September 17, 2014 Notice of Proposed Rulemaking (Oct. 17, 2014) (“RIAA Comments”), available at http://copyright.gov/rulemaking/etitle-fees/comments/docket_2014%E2%80%930308/RIAA.pdf.

accurate identification and indexing of titles affected. See 17 U.S.C. 205(c)–(d).

List of Subjects in 37 CFR Part 201

Copyright.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

2. Amend § 201.3 by revising paragraph (c)(16) to read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *
(c) * * *

Table with 2 columns: Description of services and Fees (\$). Rows include (16) Recordation of document, including a notice of intention to enforce (single title) at 105, Additional titles (per group of 1 to 10 titles) at 35, and Correction of online Public Catalog data due to erroneous electronic title submission (per title) at 7.

3. Amend § 201.4 by revising the last sentence of paragraph (c)(4)(v) to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

(c) * * *
(4) * * *
(v) * * * Upon receipt of a corrected electronic list in proper form and the appropriate fee, the Office will proceed to correct the data in the online Public Catalog, and will make a note in the record indicating that the corrections were made and the date they were made.

Dated: October 30, 2014.

Maria A. Pallante, Register of Copyrights.

Approved by:

James H. Billington, Librarian of Congress.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2012-5]

Verification of Statements of Account Submitted by Cable Operators and Satellite Carriers

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is adopting a final rule that establishes a new regulation allowing copyright owners to audit the statements of account that cable operators and satellite carriers file with the Office reflecting royalty payments due for secondary transmissions of copyrighted broadcast programming made pursuant to statutory licenses.

DATES: Effective on December 18, 2014.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, by email at jcharlesworth@loc.gov, or by telephone at 202-707-8350; Erik Bertin, Assistant General Counsel, by email at ebertain@loc.gov, or by telephone at 202-707-8350; or Sy Damle, Special Advisor to the General Counsel, by email at sdam@loc.gov, or by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111 and 119 of the Copyright Act (the "Act"), Title 17 of the United States Code, allow cable operators and satellite carriers to retransmit programming that broadcast television stations transmit via over-the-air broadcast signals. To use these statutory licenses, cable operators and satellite carriers are required to file statements of account ("SOAs") and deposit royalty fees with the U.S. Copyright Office ("Office") on a semi-annual basis. The Office invests these royalties in United States Treasury securities pending distribution of the funds to copyright owners that are entitled to receive a share of the royalties.

The Satellite Television Extension and Localism Act of 2010 ("STELA"), Pub. L. No. 111-175, amended the Act

by directing the Register of Copyrights to issue regulations to allow copyright owners to audit the SOAs and royalty fees that cable operators and satellite carriers file with the Office. Section 119(b)(2) of the Act directs the Register to "issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection." 17 U.S.C. 119(b)(2). Similarly, section 111(d)(6) directs the Register to "issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to [section 111] of the information reported on the semiannual statements of account filed under this subsection for accounting periods beginning on or after January 1, 2010, in order that the auditor designated under subparagraph [111(d)(6)(A)] is able to confirm the correctness of the calculations and royalty payments reported therein." 17 U.S.C. 111(d)(6).

On June 14, 2012, the Office issued a Notice of Proposed Rulemaking that set forth its initial proposal for the audit procedure (the "First Proposed Rule"). See 77 FR 35643 (June 14, 2012). In drafting this proposal the Office considered similar audit regulations that the Office developed for parties that make ephemeral recordings or transmit digital sound recordings under 17 U.S.C. sections 112(e) and 114(f), respectively, or manufacture, import, and distribute digital audio recording devices under 17 U.S.C. chapter 10. The Office also considered a joint proposal ("the Petition for Rulemaking") that was submitted by the Motion Picture Association of America, Inc. ("MPAA"), its member companies, and other