

date? If so, what date would be advisable?

*b. Eligibility and Access.* Please describe any appropriate limitations on the end-users who should be eligible to access a digital collection under a qualifying mass digitization project. For example, should access be limited to students, affiliates, and employees of the digitizing institution, or should ECL licensees be permitted to provide access to the general public? In addition, please describe any appropriate restrictions on methods of access. Should licensees be permitted to offer access to a collection remotely, or only through onsite computer terminals?

*c. Security Requirements.* The Office has recommended that CMOs and users be required to include, as part of any ECL license, terms requiring the user to implement and reasonably maintain adequate digital security measures to control access to the collection, and to prevent unauthorized reproduction, distribution, or display of the licensed works. Please describe any specific technical measures that should be required as part of this obligation. In addition, the Office invites stakeholder views on the extent to which specific security requirements should be set forth by statute or defined through Copyright Office regulations.

*2. Dispute Resolution Process.* The Office has recommended that the ECL pilot provide for a dispute resolution process before the Copyright Royalty Board (CRB) when an authorized CMO and a prospective user are unable to agree to licensing terms. The Office is interested in receiving public comment on what form this process should take. Should the legislation authorize informal mediation, with the CRB's role limited to that of a facilitator of negotiations? Or should the statute provide for binding arbitration? Some foreign ECL laws provide voluntary procedures under which parties can agree to submit their dispute to a binding proceeding, but are not required to do so.<sup>3</sup> Do those laws provide a

<sup>3</sup> See LOV 1961–05–12 nr 02: Lov om opphavsrett til åndsverk m.v. (åndsverkloven) [Act No. 2 of May 12, 1961 Relating to Copyright in Literary, Scientific and Artistic Works], as amended on Dec. 22, 2006, § 38 (Nor.), translated at [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=248181](http://www.wipo.int/wipolex/en/text.jsp?file_id=248181) (unofficial translation), last amended by LOV–2014–06–13 nr 22 [Act No. 22 of June 13, 2014] (translation unavailable); Lag om medling i vissa upphovsrättstvister (Svensk författningssamling [SFS] 1980:612) [Act on Mediation in Certain Copyright Disputes] (1995) art. 5 (Swed.), translated at [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=241666](http://www.wipo.int/wipolex/en/text.jsp?file_id=241666) (unofficial translation), as amended by Lag, May 26, 2005 (2005:361), translated at [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=129617](http://www.wipo.int/wipolex/en/text.jsp?file_id=129617) (unofficial translation), last amended by Lag, June 27, 2013 (2013:690) (translation unavailable).

workable dispute resolution model for a U.S. ECL program?

*3. Distribution of Royalties.* To ensure that rightsholders receive compensation within a reasonable time, the Office has recommended that the legislation or regulations establish a specific period within which a CMO must distribute royalties to rightsholders whom it has identified and located. Both the United Kingdom's ECL regulations and the European Union's February 2014 Directive on collective rights management generally require that such payments be made no later than nine months from the end of the financial year in which the royalties were collected.<sup>4</sup> In the United States, there is some industry precedent for distributions by CMOs on a quarterly basis.<sup>5</sup> What would be an appropriate timeframe for required distributions under a U.S. ECL program?

*4. Diligent Search.* The Office has recommended that a CMO be required to conduct diligent searches for non-member rightsholders for whom it has collected royalties. The Office believes that this obligation should include, but not be limited to, maintaining a publicly available list of information on all licensed works for which one or more rightsholders have not been identified or located.<sup>6</sup> What additional actions should be required as part of a CMO's diligent search obligation?

*5. Other Issues.* Please comment on any additional issues that the Copyright Office may wish to consider in developing draft ECL legislation.

Dated: June 4, 2015.

**Karyn A. Temple Claggett,**

*Associate Register of Copyrights and Director of Policy and International Affairs.*

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<sup>4</sup> Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014, S.I. 2014/2588, art. 18, ¶ 3 (U.K.) (“U.K. ECL Regulations”); Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on Collective Management of Copyright and Related Rights and Multi-Territorial Licensing of Rights in Musical Works for Online Use in the Internal Market, art. 13(1), 2014 O.J. (L 84) 72, 87, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0026&from=EN>.

<sup>5</sup> See, e.g., Copyright Clearance Center, Royalty Payment Schedule (2014), available at <http://www.copyright.com/wp-content/uploads/2015/03/Royaltypaymentsschedule.pdf>; General FAQ, SoundExchange, <http://www.soundexchange.com/about/general-faq/>.

<sup>6</sup> Cf. U.K. ECL Regulations, S.I. 2014/2588, art. 18, ¶ 5; Directive 2014/26/EU art. 13(3).

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15–045)]

### National Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board; Charter Renewal

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of advisory committee renewal.

**SUMMARY:** Notice is hereby given that in accordance with the 2004 U.S. Space-Based PNT Policy and continuing and consistent Executive Branch PNT policy objectives since that time, it has been determined that the PNT Advisory Board comprised of experts from outside the United States Government continues to be necessary and in the public interest. Accordingly, NASA has renewed the charter of the National Space-Based PNT Advisory Board, effective May 8, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. James J. Miller, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4417, fax (202) 358–4297, or [jj.miller@nasa.gov](mailto:jj.miller@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The National Space-Based PNT Advisory Board provides advice on U.S. space-based PNT policy, planning, program management, and funding profiles in relation to the current state of national and international space-based PNT services. The National Space-Based PNT Advisory Board functions solely as an advisory body and complies fully with the provisions of the Federal Advisory Committee Act (FACA). Copies of the charter are filed with the General Services Administration, the appropriate Committees of the U.S. Congress, and the Library of Congress.

**Patricia D. Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–046]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.