

basis for End Users covered by an Offering subject to subpart D of this part, except in the case of a Bundled Subscription Offering, subscriber-months shall be determined with respect to Active Subscribers. The product of the total number of subscriber-months for the Accounting Period and the specified number of cents per subscriber (or Active Subscriber, as the case may be) shall be used as the subscriber-based component of the royalty floor for the Accounting Period. A Family Plan shall be treated as 1.5 subscribers per month, prorated in the case of a Family Plan subscription in effect for only part of a calendar month. A Student Plan shall be treated as 0.50 subscribers per month, prorated in the case of a Student Plan End User who subscribed for only part of a calendar month.

**SUBPART D—PROMOTIONAL OFFERINGS, FREE TRIAL OFFERINGS AND CERTAIN PURCHASED CONTENT LOCKER SERVICES**

**§385.30 Scope.**

This subpart establishes rates and terms of royalty payments for Promotional Offerings, Free Trial Offerings, and certain Purchased Content Locker Services provided by subscription and nonsubscription digital music Service Providers in accordance with the provisions of 17 U.S.C. 115.

**§385.31 Royalty rates.**

(a) *Promotional Offerings.* For Promotional Offerings of audio-only Eligible Interactive Streams and Eligible Limited Downloads of sound recordings embodying musical works that the Sound Recording Company authorizes royalty-free to the Service Provider, the royalty rate is zero.

(b) *Free Trial Offerings.* For Free Trial Offerings for which the Service Provider receives no monetary consideration, the royalty rate is zero.

(c) *Certain Purchased Content Locker Services.* For every Purchased Content Locker Service for which the Service Provider receives no monetary consideration, the royalty rate is zero.

(d) *Unauthorized use.* If a Copyright Owner or agent of the Copyright Owner sends written notice to a Licensee stating in good faith that a particular Offering subject to this subpart differs in a material manner from the terms governing that Offering, the Licensee must within 5 business days cease Streaming or otherwise making available that Copyright Owner's musical works and shall withdraw from the identified Offering any End User's access to the subject musical work.

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

Sec.

386.1 General.

386.2 Royalty fee for secondary transmission by satellite carriers.

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

SOURCE: 75 FR 53198, Aug. 31, 2010, unless otherwise noted.

**§386.1 General.**

This part 386 adjusts the rates of royalties payable under the statutory license for the secondary transmission of broadcast stations under 17 U.S.C. 119.

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

(a) *General.* (1) For purposes of this section, *Per subscriber per month* shall mean for each subscriber subscribing to the station in question (or to a package including such station) on the last day of a given month.

(2) In the case of a station engaged in digital multicasting, the rates set forth in paragraph (b) of this section shall apply to each digital stream that a satellite carrier or distributor retransmits pursuant to 17 U.S.C. 119, provided however that no additional royalty shall be paid for the carriage of any material related to the programming on such stream.

(b) *Rates—(1) Private home viewing.* The rates applicable to Satellite Carriers' carriage of each broadcast signal for private home viewing shall be as follows:

(i) 2010: 25 cents per subscriber per month (for each month of 2010);

(ii) 2011: 25 cents per subscriber per month;

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

(iv) 2013: 27 cents per subscriber per month;

(v) 2014: 27 cents per subscriber per month.

(vi) 2015: 27 cents per subscriber per month (for each month of 2015).<sup>1</sup>

<sup>1</sup>This is the 2014 rate adjusted for the amount of inflation as measured by the change in the Consumer Price Index for All

(vii) 2016: 27 cents per subscriber per month (for each month of 2016).<sup>3</sup>

(viii) 2017: 27 cents per subscriber per month.

(ix) 2018: 28 cents per subscriber per month.

(x) 2019: 29 cents per subscriber per month.

(xi) 2020: 30 cents per subscriber per month.

(xii) 2021: 30 cents per subscriber per month.

(xiii) 2022: 32 cents per subscriber per month.

(xiv) 2023: 34 cents per subscriber per month.

(xv) 2024: 35 cents per subscriber per month.

(xvi) 2025: 36 cents per subscriber per month.

(2) *Viewing in commercial establishments.* The rates applicable to Satellite Carriers' carriage of each broadcast signal for viewing in commercial establishments shall be as follows:

(i) 2010: 50 cents per subscriber per month (for each month of 2010);

(ii) 2011: 51 cents per subscriber per month;

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

(iv) 2013: 54 cents per subscriber per month;

(v) 2014: 55 cents per subscriber per month.

(vi) 2015: 56 cents per subscriber per month (for each month of 2015).<sup>2</sup>

(vii) 2016: 56 cents per subscriber per month (for each month of 2016).<sup>4</sup>

(viii) 2017: 57 cents per subscriber per month.

(ix) 2018: 58 cents per subscriber per month.

Urban Consumers All Items from October 2013 to October 2014.

<sup>3</sup>This is the 2015 rate adjusted for the amount of inflation as measured by the change in the Consumer Price Index for All Urban Consumers All Items from October 2014 to October 2015.

<sup>2</sup>This is the 2014 rate adjusted for the amount of inflation as measured by the change in the Consumer Price Index for All Urban Consumers All Items from October 2013 to October 2014.

<sup>4</sup>This is the 2015 rate adjusted for the amount of inflation as measured by the change in the Consumer Price Index for All Urban Consumers All Items from October 2014 to October 2015.

(x) 2019: 59 cents per subscriber per month.

(xi) 2020: 60 cents per subscriber per month.

(xii) 2021: 61 cents per subscriber per month.

(xiii) 2022: 65 cents per subscriber per month.

(xiv) 2023: 70 cents per subscriber per month.

(xv) 2024: 72 cents per subscriber per month.

(xvi) 2025: 74 cents per subscriber per month.

[75 FR 53198, Aug. 31, 2010, as amended at 75 FR 75624, Dec. 6, 2010; 76 FR 74704, Dec. 1, 2011; 77 FR 70374, Nov. 26, 2012; 78 FR 71502, Nov. 29, 2013; 80 FR 22418, Apr. 22, 2015; 80 FR 73119, Nov. 24, 2015; 81 FR 84479, Nov. 23, 2016; 82 FR 55947, Nov. 27, 2017; 83 FR 61127, Nov. 28, 2018; 84 FR 64206, Nov. 21, 2019; 85 FR 74884, Nov. 24, 2020; 86 FR 67329, Nov. 26, 2021; 87 FR 73941, Dec. 2, 2022; 88 FR 83354, Nov. 29, 2023; 88 FR 84710, Dec. 6, 2023; 89 FR 94614, Nov. 29, 2024]

## PART 387—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

Sec.

387.1 General.

387.2 Royalty fee for compulsory license for secondary transmission by cable systems.

AUTHORITY: 17 U.S.C. 801(b)(2), 803(b)(6).

SOURCE: 81 FR 62813, Sept. 13, 2016, unless otherwise noted.

### § 387.1 General.

This part establishes adjusted terms and rates for royalty payments in accordance with the provisions of 17 U.S.C. 111 and 801(b)(2)(A), (B), (C), and (D). Upon compliance with 17 U.S.C. 111 and the terms and rates of this part, a cable system shall be subject to a statutory license authorizing secondary transmissions of broadcast signals to the extent provided in 17 U.S.C. 111.

### § 387.2 Royalty fee for compulsory license for secondary transmission by cable systems.

(a) *Royalty fee rates.* Commencing with the first semiannual accounting period of 2015 and for each semiannual