

# The Licensing Section

## of the Copyright Office

This circular presents an overview of the Licensing Section of the Copyright Office. It includes compulsory and statutory licenses and the forms and documents available.<sup>1</sup>

The Licensing Section of the Copyright Office administers the compulsory and statutory licenses in the Copyright Act (Title 17 of the *United States Code*). These licenses are:

- Statutory license for secondary transmissions by cable systems ([section 111](#))
- Statutory license for making of ephemeral recordings ([section 112](#))
- Statutory license for public performance of sound recordings by means of digital audio transmission ([section 114](#))
- Compulsory license for making and distributing of phonorecords ([section 115](#))
- Statutory license for secondary transmissions of distant television programming by satellite carriers ([section 119](#))
- Statutory license for secondary transmissions of local television programming by satellite carriers ([section 122](#))
- Statutory obligation for distribution of digital audio recording devices and media ([section 1003](#))

The section collects royalty fees from cable operators for retransmitting television and radio broadcasts ([section 111](#)), from satellite carriers for retransmitting network and nonnetwork signals ([section 119](#)), and from importers or manufacturers of digital audio recording products for distributing their products ([section 1003](#)). In general, the section deducts its operating costs from royalty fees collected and invests the balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners. (See *Report of Receipts* and “*Ratesetting and Distribution Proceedings*” below for details.) The section also collects filing fees to cover part of the costs in administering the cable and satellite licenses.

A Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords other than digital phonorecord deliveries (**section 115**) may be filed with the section when the licensee cannot identify the copyright owner. Royalty payments are not made to the Copyright Office under this license.

The section also records voluntary license agreements between copyright owners of broadcast programming and satellite carriers or distributors (**section 119**).

Under section 122, a royalty-free statutory license authorizes the retransmission of local broadcast television stations by satellite carriers.

The statutory obligation in section 1003 of the Copyright Act provides that those who import or manufacture and distribute in the United States any digital audio recording device or digital audio recording medium must file notices of distribution and quarterly and annual statements of account and make royalty payments.

### **Funding of the Licensing Section**

The Copyright Act provides that reasonable costs incurred by the Copyright Office in administering the statutory licenses for cable systems and satellite carriers and the obligation for digital audio equipment be deducted from the royalty fees deposited for those licenses. The Licensing Section also collects filing fees to cover part of the costs in administering the cable and satellite licenses. The Licensing Section budget comes directly from the royalties and filing fees collected, making it self-supporting with no tax dollars used for its operation. See *Copyright Office Licensing Section Service Fees* (**Circular 76**).

### **Organization of the Section**

The *Examining Section* examines licensing documents submitted for a statutory or compulsory license to determine that they meet the requirements under the statute and Copyright Office regulations, including correct computations of the filing and royalty fees. A licensing examiner will notify a licensee of errors or omissions that need to be corrected before final processing by the Copyright Office.

The *Fiscal Section* performs all accounting, budgeting, and investing functions of the Licensing Section in conjunction with the Copyright Office chief financial officer, the Library of Congress Office of the Chief Financial Officer, and the U.S. Treasury. This section is also responsible for ascertaining the funds available for distribution by Copyright Royalty Judges.

The *Information Section* provides information about the compulsory and statutory licenses, maintains all the Licensing Section's official licensing records, and performs reference searches of licensing documents for the public and members of Congress.

## **Documents Available**

The following documents are available from the Licensing Section.

### ***Cable TV***

- Statements of Account for Secondary Transmissions by Cable Systems (Forms [sa1-2](#), [sa3](#))

### ***Satellite Carrier***

- Statements of Account for Secondary Transmissions by Satellite Carriers
- Network Name and Address File

### ***Mechanical Licenses***

- Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords Other than Digital Phonorecord Deliveries

### ***Sound Recordings***

- Notice of Use of Sound Recordings
- Initial Notice of Digital Transmission of Sound Recordings

### ***Audio Home Recording Act***

- Initial Notices of Distribution
- Statements of Account (quarterly and annual) for importers or manufacturers of digital audio recording devices or media

**NOTE:** Access to statements of account for digital audio recording products will be granted only to “interested copyright owners” pursuant to section 1003(c)(2) of Title 17 of the United States Code.

## **File Searches**

You can conduct an online search to retrieve certain data from the statements of account filed by cable television operators under section 111 of the Copyright Act. The data begin with the accounting period 1992/1 (January 1 through June 30) and are updated daily.

Licensing documents are available for public inspection and copying in the Copyright Reading Room of the Library of Congress, located in room LM-463 of the James Madison Memorial Building, between 8:30 am and 5:00 pm, eastern time, Monday through Friday, except federal holidays. Assistance in search procedures is available for those who want to conduct their own searches.

Upon request, Licensing Section staff will conduct a search at the statutory rate for each hour or fraction of an hour consumed. Based on information you furnish, staff will first estimate the total search fee. If you decide to proceed with the search, you will need to send the estimated amount in advance. Staff will then perform the search and provide a report.

## **Ratesetting and Distribution Proceedings**

The Copyright Royalty Judges are responsible for adjusting the rates and terms for use of the statutory licenses in accordance with copyright law. In addition, the judges determine the distribution of royalties collected by the Copyright Office under sections 111, 119, and 1003 of the Copyright Act. For information about ratesetting and distribution proceedings, write to

Copyright Royalty Board  
PO Box 70977  
Southwest Station  
Washington, DC 20024-0977  
phone: (202) 707-7658  
web: [www.crb.gov](http://www.crb.gov)

## **Contact Us**

The Licensing Section is in the James Madison Memorial Building of the Library of Congress, located on Capitol Hill between First and Second Streets, SE, Washington, DC. Please address all correspondence to the section to

Library of Congress  
U.S. Copyright Office  
Licensing Section  
101 Independence Avenue, SE #6400  
Washington, DC 20557-6400  
phone: (202) 707-8150  
fax: (202) 707-0905  
email: [licensing@loc.gov](mailto:licensing@loc.gov)  
web: [www.copyright.gov/licensing](http://www.copyright.gov/licensing)

Licensing Section staff members are available to answer questions between 8:30 am and 5:00 pm, eastern time, Monday through Friday, except federal holidays.

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**NOTE**

1. This circular is intended as an overview of the Licensing Section of the Copyright Office. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

## **For Further Information**

### ***By Internet***

The copyright law, the *Compendium*, electronic registration, application forms, and related materials are available from the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

### ***By Email***

To send a licensing related inquiry, e-mail [licensing@copyright.gov](mailto:licensing@copyright.gov). To send a general email inquiry, click the *Contact Us* link on the Copyright Office website.

### ***By Telephone***

For licensing related information, call the Licensing Section at (202) 707-8150. For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request paper application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 (toll free) and leave a recorded message.

### ***By Regular Mail***

Write to

Library of Congress  
U.S. Copyright Office  
Licensing Section  
101 Independence Avenue, SE #6400  
Washington, DC 20557-6400

