

§ 251.52 Proposed findings and conclusions.

(d) Proposed conclusions shall be stated separately.

PART 252—FILING OF CLAIMS TO CABLE ROYALTY FEES

12. and 13. The authority citation for part 252 continues to read as follows:

Authority: 17 U.S.C. 111(d)(4), 801, 803.

§ 252.1 [Corrected]

14. Section 252.1 is corrected by removing the word "to" before the U.S. Code citation.

PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

15. The authority citation for part 253 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

§ 253.6 [Corrected]

16. In § 253.6(c)(4), the phrase "1988 through 1992," is revised to read "1993 through 1997,".

PART 254—ADJUSTMENT OF ROYALTY RATE FOR COIN-OPERATED PHONORECORD PLAYERS

17. The authority citation for part 254 continues to read as follows:

Authority: 17 U.S.C. 116, 801(b)(1).

§ 254.2 [Corrected]

18. Section 254.2 is revised to read as follows:

§ 254.2 Definition of coin-operated phonorecord player.

As used in this part, the term coin-operated phonorecord player is a machine or device that:

(a) Is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by insertion of coins, currency, tokens, or other monetary units or their equivalent;

(b) Is located in an establishment making no direct or indirect charge for admission;

(c) Is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

(d) Affords a choice of works available for performance and permits the choice

to be made by the patrons of the establishment in which it is located.

PART 255—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

19. The authority citation for part 255 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 803.

§ 255.3 [Corrected]

20. In § 255.3, paragraph (a), the phrase "paragraphs (b), (c), (d), (e), (f) and (g) of this section." is revised to read "paragraphs (b), (c), (d), (e), (f), (g) and (h) of this section."

21. In § 255.3, paragraph (b), the phrase "paragraphs (c), (d), (e), (f) and (g) of this section." is revised to read "paragraphs (c), (d), (e), (f), (g) and (h) of this section."

22. In § 255.3, paragraph (c), the phrase "paragraphs (d), (e), (f) and (g) of this section." is revised to read "paragraphs (d), (e), (f), (g) and (h) of this section."

23. In § 255.3, paragraph (d), the phrase "paragraphs (e), (f) and (g) of this section." is revised to read "paragraphs (e), (f), (g) and (h) of this section."

24. In § 255.3, paragraph (e), the phrase "paragraphs (f) and (g) of this section." is revised to read "paragraphs (f), (g) and (h) of this section."

25. In § 255.3, paragraphs (f) and (g) are redesignated (g) and (h), respectively, the reference in redesignated paragraph (g) to "paragraph (g)" is revised to read "paragraph (h)", and a new paragraph (f) is added as follows:

§ 255.3 Adjustment of royalty rate.

\* \* \* \* \*

(f) For every phonorecord made and distributed on or after January 1, 1992, the royalty payable with respect to each work embodied in the phonorecord shall be 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (g) and (h) of this section.

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PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

26. The authority citation for part 256 continues to read as follows:

Authority: 17 U.S.C. 702, 802.

§ 256.1 [Corrected]

27. The first sentence of § 256.1 is corrected by revising "or" to read "for".

PART 259—FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS

28. The authority citation for part 259 continues to read as follows:

Authority: 17 U.S.C. 1007(a)(1).

§ 259.1 [Amended]

29. Section 259.1 is amended by removing all references to "(Supp. IV 1992)".

§ 259.2 [Corrected]

30. In paragraphs (a) and (b) of § 259.2, "and/or Copyright Arbitration Royalty Panels" is added after the phrase "Copyright Office" and before the phrase "in royalty filing".

§ 259.3 [Amended]

31. Paragraph (a) of § 259.3 is amended by removing all references to "(Supp. IV 1992)".

§ 259.4 [Amended]

32. Paragraphs (a) and (b) of § 259.4 are amended by removing all references to "(Supp. IV 1992)".

Dated: February 7, 1995.

Marybeth Peters,

Register of Copyrights.

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37 CFR Parts 251 and 259

[Docket No. RM 94-1A]

Copyright Arbitration Royalty Panels; Correction

AGENCY: Copyright Office, Library of Congress.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, December 7, 1994, concerning copyright arbitration royalty panels. The first correction concerns the removal of § 251.72, and the second is a grammatical correction of § 259.3(d).

EFFECTIVE DATE: These regulations are effective February 13, 1995.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024, (202-707-8380).

SUPPLEMENTARY INFORMATION: On December 7, 1994, the final rules governing the copyright arbitration royalty panels (CARP) were published in the Federal Register. As published, the final regulations contained two errors. 59 FR 63025 (December 7, 1994).