



Current Statutory Licenses under U.S. Copyright Law

February 17, 2011

Table of Contents

Code Section: 111	2
Code Section: 112	2
Code Section: 114	2
Code Section: 115	3
Code Section: 118	3
Code Section: 119	3
Code Section: 122	4
Code Section: Chapter 10	4

Code Section: 111

- License
 - *Cable Retransmission* - Public performance of broadcast programming
- Beneficiary
 - Cable operators § 111(d)
- Rate Setting Mechanism
 - Statutory rate per § 111(d)(1) subject to CRB adjustment per § 801(b)(2).
 - Distribution determined by CRB §§ 111(d)(3); (4)
- Royalty Collection and Distribution
 - Copyright Office §§ 111(d)(2); (3)
- Notes
 - § 111(d)(6) provides copyright owners with an audit right.

Code Section: 112

- License
 - *Ephemeral Recordings* - Recordings which facilitate digital performances of sound recordings
- Beneficiary
 - "Transmitting organizations" licensed to make public performances of sound recordings under § 114. § 112(e)(1)
- Rate Setting Mechanism
 - Copyright Royalty Board §§ 112(e)(3); 801(b)(1)
- Royalty Collection and Distribution
 - Third-Party Agent
- Notes
 - § 112(e)(2) expressly permits the designation of a common agent to negotiate rates and collect royalties, notwithstanding the antitrust laws.

Code Section: 114

- License
 - *Digital Transmissions* - Public performance of sound recordings
- Beneficiary
 - Qualifying non-interactive digital transmissions § 114(f)
- Rate Setting Mechanism
 - Copyright Royalty Board §§ 114(f)(1), (2); 801(b)(1)
 - Distributions prescribed by statute § 114(g)
- Royalty Collection and Distribution
 - Third-Party Agent
- Notes
 - § 114(e)(1) expressly permits the designation of a common agent to negotiate rates and collect royalties, notwithstanding the antitrust laws.

Code Section: 115

- License
 - *Phonorecordings* - Reproduction of musical works
- Beneficiary
 - Anyone distributing phonorecordings (or digital phonorecords) of nondramatic musical works, provided the primary purpose is to distribute them to the public for private use. § 115(a)(1)
- Rate Setting Mechanism
 - Statutory (for phonorecords) § 115(c)(2), subject to CRB adjustment per § 801(b)(1).
 - Determined by CRB (for DPD) § 115(c)(3)(A)
- Royalty Collection and Distribution
 - Direct to copyright owner; notice filed with Copyright Office if owner cannot be located. § 115(b)(1)
- Notes
 - § 115(c)(3)(B) expressly permits the designation of a common agent to negotiate rates and collect royalties, notwithstanding the antitrust laws.

Code Section: 118

- License
 - *Public Broadcasting* - Reproduction, performance, and display of musical, pictorial, graphical, and sculptural works
- Beneficiary
 - Public broadcasting entities § 118(b)
- Rate Setting Mechanism
 - Copyright Royalty Board §§ 118(b)(4); 801(b)(1)
- Royalty Collection and Distribution
 - Undefined in statute. § 118(b) permits copyright owners to "designate common agents to negotiate, agree to, pay, or receive payments."
- Notes
 - § 118(b) expressly permits copyright owners to jointly negotiate royalty rates and terms, notwithstanding the antitrust laws.

Code Section: 119

- License
 - *Satellite Retransmission* - Public performance of broadcast programming
- Beneficiary
 - Satellite operators § 119(a)
- Rate Setting Mechanism
 - Statutory obligation to negotiate in good faith to reach a voluntary agreement which, after appropriate notice, will be adopted by the Librarian of Congress. §§ 119(c)(1)(B)-(D). Absent a voluntary agreement, statute provides for compulsory arbitration. § 119(c)(1)(F)

- Royalty Collection and Distribution
 - Copyright Office §§ 119(b)(1); (3)
- Notes
 - § 119(b)(2) provides copyright owners with an audit right.

Code Section: 122

- License
 - *Satellite Retransmission (local into local)* - Public performance of broadcast programming
- Beneficiary
 - Satellite operators § 122(a)(1)
- Rate Setting Mechanism
 - Statutory (no royalty fee for local-into-local) § 122(c)
- Royalty Collection and Distribution
 - Not applicable
- Notes

Code Section: Chapter 10

- License
 - *Digital audio recording devices*
- Beneficiary
 - Owners of copyrights in musical works and sound recordings that are embodied in publicly distributed recordings or transmissions. § 1006(a)
- Rate Setting Mechanism
 - Statutory rate § 1004
 - Distributions determined by CRB § 1007
- Royalty Collection and Distribution
 - Copyright Office § 1005
- Notes
 - § 1003(c)(2) provides an audit right.