

The Licensing Connection

TLC: A newsletter from the U.S. Copyright Office Licensing Division

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Helen Hester-Ossa

The Licensing Division Collects First Filing Fees

As we dug out from winter snowstorm after snowstorm with visions of spring dancing in our heads, Licensing Division staff were very busy updating our website, forms, procedures, software, and outreach to prepare for accepting filing fees for the first time. We are now processing incoming royalty and filing

fees for 2013/2 statements of account. “Thus far, we have had a 95 percent compliance rate with the new filing fee; however, our goal is to get to 100 percent,” says **Tracie Coleman**, head of the division’s Information Section.

To achieve that goal, staff have been contacting remitters who did not submit a filing fee by telephone, email, fax, or conventional mail. For the 2013/2 accounting period, the division is allowing a one-time separate EFT (electronic funds transfer) payment for the filing fee if a remitter makes a payment within five business days of our initial contact (see the box below for information about EFT payments).

Moving forward, the missing filing fee will be deducted before the royalty payment is credited, causing the royalty fee payment to be insufficient. Interest will be assessed on the additional royalty due.

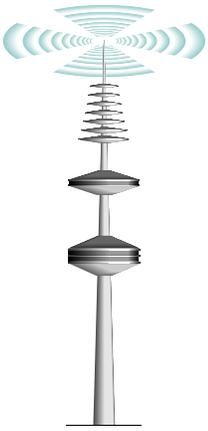
If you have questions, please write to us at licensing@loc.gov or phone us at (202) 707-8150. 

Paying by EFT

Filing fee payments must be made by ACH Credit, Pay.gov, or Fedwire. For more information about EFT payments, see the circulars listed below on our website, www.copyright.gov/licensing.

- Circular 74a, How to Make Statutory License Royalty EFT Payments via Wire
- Circular 74b, How to Make Statutory License Royalty EFT Payments via ACH Credit
- Circular 74c, How to Make Statutory License Royalty EFT Payments Using Pay.gov
- EFT Remittance Advice: Cable Satellite

American Broadcasting Companies v. Aereo Inc.



The Copyright Office was recently involved in a case currently before the Supreme Court, *American Broadcasting Companies v. Aereo Inc.* (Docket No. 13-461). This case concerns whether an Internet company, Aereo, “publicly performed” copyrighted broadcast television programs when it used thousands of mini-antennas installed at central locations to receive and record television programs on a remote hard drive, which it then transmitted either near-simultaneously or at a later time to paying customers over the Internet.

Plaintiff-broadcasters argue that Aereo is essentially doing what a cable company does when it transmits copyrighted programming to the public, except that Aereo does not secure a license for the works. Broadcasters believe that because the language of the right of public performance includes the right to transmit a work to members of the public “in the same place or in separate places and at the same time or at different times,” Aereo’s actions infringe on their exclusive rights, and the use of individual antennas does not change that analysis.

Aereo argues that it does not perform the copyrighted works publicly, because the

individualized antennas and partitioned hard drive facilitate a series of private performances initiated at the request of customers. Aereo also claims that it simply leases antennas and other hardware, is not a service, and allows consumers to receive over-the-air broadcasts they could otherwise receive legally.

The U.S. Department of Justice filed an amicus brief supporting the plaintiffs, and the Copyright Office’s Office of the General Counsel advised the Department of Justice in authoring the brief. It considers the letter of the law, legislative history, and the policy implications of Aereo’s interpretation of the right of public performance under the Copyright Act. The brief also notes the importance of the right of public performance to several copyright industries and points out that the right is both technology-neutral and wide-ranging. The brief explains that the public performance right is broad, in part, because when Congress created the current Copyright Act, it wanted both to overturn earlier Supreme Court decisions that narrowly interpreted the right of public performance and to account for unforeseen technological advances.

Oral arguments were held on April 22. 

Employee Spotlight

Christopher Steve, Licensing Examiner

How long have you worked with the Licensing Division?

I’ve worked in the division since September of 2005.

What do you like best about working for the division?

What I like best is the staff size and the nature of my work in the Examining Section. I find working with the Comcasts and Time Warners of the world exciting, challenging, and rewarding.



David Rice

What is the hardest part about learning to examine a statement of account?

The hardest part is the amount of patience it takes to really master and feel comfortable with examining. We encounter all kinds of scenarios and issues during the examination process; however, these experiences make us more thorough examiners.

What are you looking forward to accomplishing with new system?

I'm looking forward to a smoother workflow and touch-of-a-button access to the information I need to conduct a thorough examination, such as the atlas, major and secondary market maps, and prior statements filed.

What is your top priority for the system?

I hope to see the system run efficiently. ©

Meet Licensing's Interns: Jeffrey Thompson And Hector Ruiz

Jeffery Thompson



file photo

How long have you worked here?

I have been working here since January 2013.

What is your contribution to the daily workings of the Licensing Division?

My contribution to the Licensing Division is to scan official public records into digital form for filing and maintaining Licensing's public records filing system. I also assist in the review of the Licensing Division website for errors and non-working links and report my findings to Licensing Specialist.

What have you learned about the Licensing Division?

I learned that the Licensing Division staff is great! The work is constant and every staff member is an important part of a well developed team required to get the job done.

What do you do to best communicate with the staff?

I use sign language, lip reading and writing to communicate with the staff. The staff is very good at trying different methods of communication.

What are your future goals?

My future goal is to continue to contribute to the daily operation of the Licensing Division by performing my duties as a filing assistant to the best of my ability. I would like to continue to increase my skills and grow as an employee by taking on challenging projects so that I may become a permanent fixture here in the Licensing Division.

Jeffery Thompson was hired under the Americans with Disabilities Act through a program developed at the Model Secondary School for the Deaf at Gallaudet University in Washington, D.C., in partnership with the Library of Congress Office of Inclusiveness (OIC). Jeffrey has a BA in Business Administration. ©

Hector Ruiz



David Rice

How long have you worked here?

I've been working at the Library of Congress since January 13, 2014.

What is your contribution to the daily workings of the Licensing Division?

My contributions include checking Collection Information Repository (CIR) and Pay.gov for any remittances received, to print supporting

documents. I also enter remittances on LDS, as well as verify remittance batches. Additionally, I've performed assignments related to deposits, like preparing supporting documents, verifying and posting to General Ledger (GL) accounts utilizing Data Pro. Occasionally, I research and analyze data to present findings (either verbally or with a spreadsheet application software), to the Fiscal Specialists.

What do you like best about working in the Licensing Division?

I enjoy working and learning alongside professionals in my field. I love the friendly environment. I admire the diversity in culture within the sections. I also enjoy learning different software or web-based programs that allow me to perform multiple assignments.

What are your future goals?

My academic goal is to graduate with a masters' degree in Accounting and Information

Systems. Additionally, my professional goals are to get my license as a Certified Public Accountant (C.P.A.) and obtain the Certified Information Systems Auditor (CISA) certification.

Hector Ruiz was hired through the Hispanic Association of Colleges and Universities (HACU) established in 1986 with a founding membership of eighteen institutions in partnership with the Library of Congress Office of Inclusiveness (OIC). 

Being There

Got Conferences, Meetings, or Conventions?

Licensing Division staff may be available to attend, exhibit, or participate in upcoming activities. Email us at licensing@loc.gov to let us know of your plans.

Here are examples of events U.S. Copyright Office and Licensing Division staff have attended:

Recently Attended:

- March 11–13, 2014: The 2014 Satellite Conference, Washington, D.C.
- April 1-3, 2014: ACA Summit 21, Washington, D.C.

Coming Up Next:

- April 29-May 1, 2014: The Cable Show, Los Angeles (Booth 2341) <http://2014.thecableshow.com/Attending/Floor-Plan>
- July 27–30, 2014: Independent Cable Show, Kansas City, Mo. 

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We Need Your Feedback!!!

Are you receiving timely information from the Licensing Division? Please take time to respond to our survey. Click on <https://www.surveymonkey.com/s/LDSurveyTLC> and let us know how we're doing.

Coming Soon

The Licensing Division's website is under construction. Stay tuned for a tweet announcing our launch date!!!

