

The Licensing Connection

A NEWSLETTER FROM THE U.S. COPYRIGHT OFFICE LICENSING DIVISION

Nearly Two-Thirds of Cable SOAs Filed Electronically

Beginning with the 2017/1 accounting period, the Licensing Division began accepting the electronic Statement of Account (eSOA), offering filers a more efficient process for submitting their semi-annual statements of account. In just three accounting periods, we are happy to report that more than 60 percent of all statements are now filed electronically!

Thank you for embracing this new system and helping to make the transition successful! We've appreciated your support, patience, and feedback as we work to develop the process.

As we head into the filing period for 2018/2, we want to provide you with some clarification and reminders for filing your statement(s) of account.

To file your statements electronically:

The Licensing Division has released Excel versions of its short- and long-form Statements of Account (eSOA) to submit via email. To ensure statements are filed properly, you are strongly encouraged to use these Excel forms when filing your statement(s) electronically. These forms can be found on our website at https://www.copyright.gov/licensing/sec_111.html. If you choose to submit your statement(s) by email, please do not mail a paper copy of your submission.

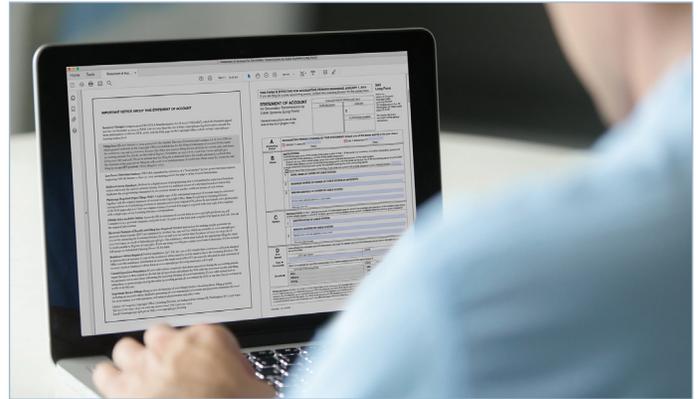
The eSOA must be signed using an electronic or "s-signature" (e.g., /s/ John Smith) and submitted in its native Excel format, along with the Remittance Advice (RA), via email to coplicsoa@copyright.gov.

Please make sure that you send your statements(s) of account to only coplicsoa@copyright.gov to ensure that your forms are received and processed in a timely manner. Within a couple of days of submission, you should receive a reply that acknowledges receipt.

Important note: Copyright Office Excel forms that have been converted to a PDF prior to submission will not be accepted. Instead, if you are using the Excel form, please email the signed form in its native Excel format.

To file your statements by mail:

As a reminder you will not receive paper statements of account in the mail. As mentioned in previous issues of *The Licensing Connection*, the Division ceased mailing the forms starting with the 2018/1 accounting period in an effort to increase efficiencies, reduce costs, and look toward the future.



If you still prefer to submit your statement(s) of account via mail, you can always access the most up-to-date forms on our website at https://www.copyright.gov/licensing/sec_111.html. If you choose to submit your statement(s) by mail, please do not email or fax a copy of your submission.

With these fillable-PDF forms, you can download and print the PDF form and use a handwritten or electronic "s-signature" to certify it. Filers must submit the form, along with a legible copy of the form and the Remittance Advice, via physical mail in accordance with the instructions on the statement.

Do not use the Excel forms to submit your statement(s) of account by mail.

To make royalty and filing fee payments:

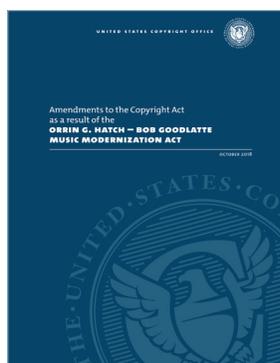
In our *previous TLC issue*, we noted that Pay.gov is the preferred method for submitting all cable, satellite, and DART statement of account payments. Pay.gov is an easy and economical way to make secure payments to the Licensing Division, and if you haven't already, we encourage you to create an account in advance of the next filing period. Please see *Circular 74c* and our *Pay.gov Tutorial* for more information on setting up an account and using this method for your royalty and filing fee payments. For other current payment methods, please see *Circular 74a* and *Circular 74b*. In the future, the Office intends to transition to a single EFT payment method (Pay.gov).

With any payment method, you are required by federal regulations [37 CFR §201.17(k)] to submit a *Remittance Advice (RA)* form to the Licensing Division. If you are filing electronically, email the RA to both licfiscal@copyright.gov and coplicsoa@copyright.gov. If filing by mail, you can email your RA to licfiscal@copyright.gov or fax it to 202-707-0905. When filing by mail, be sure to also include the RA with your statement of account submission.



Passage of Music Modernization Act Brings Changes to Section 115 Compulsory License

On October 11, 2018, the Orrin G. Hatch-Bob Goodlatte Music Modernization Act (MMA) was signed into law. This bipartisan legislation has three key components: Title I—Music Licensing Modernization, Title II—Classics Protection and Access, and Title III—Allocation for Music Producers. The passage of this legislation is the culmination of years of work by stakeholders, policymakers, and the Copyright Office to update the music-licensing process for the digital world.



One immediate effect from the passage of this law is the significant changes it makes to the section 115 compulsory license and the role of the Licensing Division in this new process. In accordance with the MMA, the Licensing Division no longer accepts section 115 notices of intention (NOI) to obtain a compulsory license for making a digital phonorecord delivery (DPD) of a musical work. The Division will continue to accept NOIs with respect to physical phonorecords (e.g., CDs, vinyl, tapes, or other physical media) if the Copyright Office's public records do not identify the copyright owner and include an address at which notice can be served. For information on submitting NOIs, see the section 115 webpage at https://www.copyright.gov/licensing/sec_115.html.

To handle the compulsory licensing of DPDs, a Mechanical Licensing Collective (MLC) will be established to administer a new blanket license for digital music providers. The MLC will receive notices and reports from digital music providers, collect and distribute royalties, identify musical works and their owners for payment, and develop and maintain a public database

of musical works and sound recordings. During the transition period prior to the blanket license becoming available, individuals who wish to make use of the section 115 license for DPDs should continue to send NOIs on a song-by-song basis to copyright owners. If the owner cannot be found, the digital music provider can enjoy a limitation of liability so long as the provider engages in good-faith, commercially reasonable efforts to identify and locate the copyright owner. The digital music provider will be expected to provide a cumulative usage report and pay accrued royalties to the copyright owner once found or, if the copyright owner remains unidentified at the end of the transition period, to the MLC.

The Copyright Office recently issued an interim rule to amend the Office's current regulations regarding notices of intention and statements of account in order to conform to the requirements of the MMA. To review the *Federal Register* notice, go to <https://www.gpo.gov/fdsys/pkg/FR-2018-12-07/pdf/2018-26579.pdf>. The Copyright Office is currently seeking public comment on the rule. Written comments can be submitted at <https://www.copyright.gov/rulemaking/mma-115-techamend> and should be made no later than 11:59 pm eastern time on January 22, 2019.

For more information on the MMA, including how it affects the section 115 compulsory license, visit the Copyright Office's Music Modernization webpage at <https://www.copyright.gov/music-modernization> as well as its FAQs page at <https://www.copyright.gov/music-modernization/faq.html>.

Federal Register Notices Pertaining to Licensing

The following *Federal Register* notices were published in recent months.

Notices of Intention and Statements of Account Under Compulsory License To Make and Distribute Phonorecords of Musical Works
December 7, (83 FR 63061)

Distribution of Cable and Satellite Royalty Funds
December 6, (83 FR 62908)

Adjustment of Cable Statutory License Royalty Rates
December 6, (83 FR 62714)

Distribution of Cable Royalty Funds; Distribution of Satellite Royalty Funds
November 30, (83 FR 61683)

Cost of Living Adjustment to Public Broadcasters Compulsory License Royalty Rate
November 28, (83 FR 61126)

Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates
November 28, (83 FR 61126)

Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License
November 28, (83 FR 61125) and
December 10, (83 FR 63418)

Modification and Amendment of Regulations to Conform to the MMA
November 5, (83 FR 55334) and
November 26, (83 FR 60384)

Determination of Royalty Rates and Terms for Making Ephemeral Copies of Sound Recordings for Transmission to Business Establishments (Business Establishments III)
November 26, (83 FR 60362)

Streamlining the Administration of DART Royalty Accounts and Electronic Royalty Payment Processes
October 15, (83 FR 51840)

Distribution of Cable Royalty Funds; Distribution of Satellite Royalty Funds
August 6, (83 FR 38326)

To keep an eye on relevant *Federal Register* notices, visit the U.S. Copyright Office's [website](#) and Copyright Royalty Board's [website](#).

John A. “Tony” Newton Retires After More Than Thirty-Five Years with The Library of Congress



Tony Newton

It is with mixed emotions and deep gratitude that we announce the retirement of John A. “Tony” Newton, who has served as the Examining Section head since January 2012 and has been an integral part of the Licensing Division since 1984. Though Tony will retire at the end of this year, he will leave an indelible mark on the Office as well as on those who have had the pleasure of working with him throughout his more than thirty-five years with the Library.

Tony began his career with the Library of Congress in May 1983 as an administrative clerk with the National Library Service for the Blind and Physically Handicapped but soon made his way to the Copyright Office and the Licensing Division, where he’s held many positions over the years. From working as a records maintenance clerk to a copyright specialist and a licensing technical specialist, with both the Information and Examining Sections, Tony has become an expert in statutory licensing for the Division and its stakeholders. In January 2012, he was named the Examining Section head, a role in which he manages a team of examiners processing thousands of cable, satellite, and DART statements of account annually.

After spending so much time with the Copyright Office, it’s the people that Tony will miss the most. He noted, “In my thirty-five years, I’ve always enjoyed meeting the many different people who perform so many different jobs. Many perform their duties professionally, proficiently, and joyfully!”

And while he has a lot to appreciate about his time at the Copyright Office, one memory stands out as his favorite: meeting his wife, Elise. Elise was the youngest sister of one of Tony’s colleagues, who introduced the two because they were both studying accounting. The rest, as they say, is history: they’ll celebrate their thirtieth wedding anniversary in 2019!

In addition to caring for his mom, Tony is looking forward to spending his retirement traveling with Elise—including taking her on a promised vacation to Aruba—and visiting family around the country.



PHOTOS BY DAVID RICE

*Congratulations, Tony, on
your well-deserved retirement!
We wish you the best.*

Meet Anna Munichkina, the Licensing Division's New Accounting Technician

The Licensing Division is delighted to introduce you to Anna Munichkina. As our new accounting technician, Anna joined the Fiscal Section a few months ago and has already made a positive impact in our office. In addition to her duties at the Copyright Office, she is currently pursuing her master's degree in accounting and financial management at the University of Maryland University College (UMUC). She earned her BBA in finance (with a mathematics minor) from CUNY—Baruch College's Zicklin School of Business in New York City.

How long have you been at the Copyright Office (or Library of Congress)?

I've been at the Copyright Office since August 2018. I was previously working in the Office of the Chief Information Officer (OCIO), another component of the Library of Congress, since January 2017.

What brought you to the Copyright Office?

My temporary position at OCIO was ending in August 2018. Originally from NYC, I decided to settle in the Washington, DC metro area and applied to a permanent position at the Copyright Office. Having received a permanent position, I could not be happier to have job security so that I can plan my entire life here in DC.

What is your role in the Licensing Division? What does this entail?

As an accounting technician in the Licensing Division's Fiscal Section, I perform various accounting functions. My job entails processing cash collections from three major sources: cable systems, satellite carriers, and digital audio recording technology (DART) manufacturers and importers. Also, I do deposits, investments, month-end adjustments, reconciliations, and other projects as assigned.

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

Human capital. Aside from professional knowledge, employees here have really nice personalities.

What are your future goals?

I want to advance in my career and become a leader, maybe a comptroller/auditor.

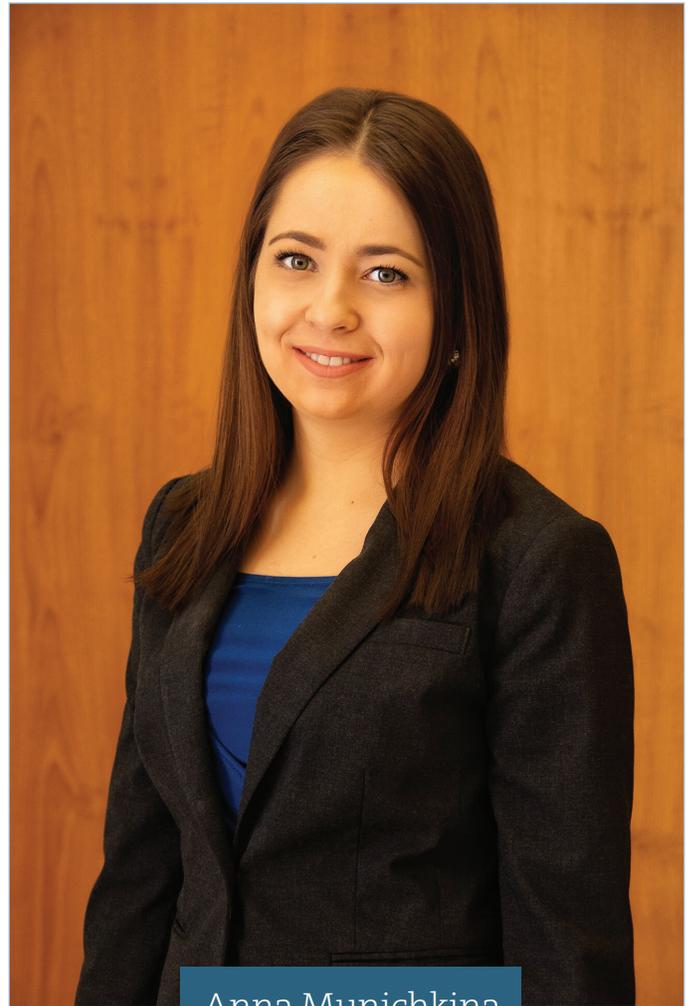


PHOTO BY DAVID RICE

Anna Munichkina

What's your favorite book?

Heaven Has No Favorites, a novel by the German writer Erich Maria Remarque.

What's your favorite movie?

The Bounty Hunter (2010 film)

Where's your favorite place to visit?

I like to go on a vacation to Dominican Republic and get lost reading and daydreaming on the beach.

What's a fun fact that most people don't know about you?

I do hot yoga and paint with acrylics.

Season's Greetings from the Licensing Division!

As the Licensing Division finishes out its fortieth year, we want to thank all of you who work beside us. This year our staff worked to advance and improve our online presence and submission processes, provide greater transparency and access to our stakeholders, and increase our outreach efforts to the public. In the coming year we will continue these efforts and look forward to working with all of you.

We wish you a happy holiday season and a wonderful new year!

Out & About

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

Upcoming events that Licensing staff may be attending:

- **NCTC's Winter Educational Conference**
February 25–26, 2019 | Atlanta, GA
- **ACA Summit26**
March 19–21, 2019 | Washington, DC
- **Satellite 2019**
May 6–9, 2019 | Washington, DC
- **The Independent Show**
July 28–31, 2019 | Chicago, IL

Important Reminders (for 2018/2)

SATELLITE: The **\$725 filing fee per statement** in addition to the appropriate royalty fee is to be filed between **January 1 and January 30**, inclusive.*

CABLE: The **filing fee (\$15 for SA-1, \$20 for SA-2, or \$725 for SA-3) per statement** in addition to the appropriate royalty fee is to be filed between **January 1 and March 1**, inclusive.*

* Please remit the royalty fee and filing fee in one EFT payment.

For more information visit our [website](#).

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