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Technical Amendments to Section 115 Compulsory License Regulations

Pursuant to the Musical Works Modernization Act, title I of the Orrin G. Hatch–Bob Goodlatte Music Modernization Act (“MMA”), the U.S. Copyright Office has issued a [final rule](#) amending the Office’s existing regulations pertaining to the compulsory “mechanical” license for making and distributing phonorecords of nondramatic musical works available under 17 U.S.C. § 115 so as to conform the existing regulations to the new law, including with respect to the operation of notices of intention and statements of account, and making other minor technical updates.

The rule is generally directed at the transition period before a blanket license is offered by a mechanical licensing collective and does not include regulatory updates that may be required in connection with the future offering of that blanket license; such updates will be the subject of future rulemakings.

Primarily, the rule clarifies under what situations notices and statements may now be served or filed after enactment of the MMA. For example, notices pertaining to digital phonorecord deliveries (e.g., permanent downloads, limited downloads, interactive streams) may no longer be filed with the Copyright Office, but notices that only pertain to physical phonorecords (e.g., CDs, vinyl, tapes) can continue to be filed with the Office if the Office’s public records do not identify the copyright owner and include an address at which notice can be served. The rule also details the requirements for digital music providers to report and pay royalties regarding previously unmatched works for purposes of eligibility for the limitation on liability for making unauthorized digital phonorecord deliveries during the transition period before the blanket license becomes available.

Final Rule

March 22, 2019 – [Final Rule](#)

Interim Rule

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