

operated phonorecord players during the 1-year period ending March 1, 1989, the Copyright Royalty Judges shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, commence a proceeding to promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of nondramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the Copyright Royalty Judges, in accordance with section 803, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).

(6) SECTION 118 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the determination of reasonable terms and rates of royalty payments as provided in section 118 may be filed in the year 2006 and in each subsequent fifth calendar year.

(7) SECTION 1004 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the adjustment of reasonable royalty rates under section 1004 may be filed as provided in section 1004(a)(3).

(8) PROCEEDINGS CONCERNING DISTRIBUTION OF ROYALTY FEES.—With respect to proceedings under section 801(b)(3) concerning the distribution of royalty fees in certain circumstances under section 111, 119, or 1007, the Copyright Royalty Judges shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the Federal Register notice of commencement of proceedings under this chapter.

(Added Pub. L. 108-419, §3(a), Nov. 30, 2004, 118 Stat. 2357; amended Pub. L. 109-303, §3(12), (13), Oct. 6, 2006, 120 Stat. 1481; Pub. L. 111-175, title I, §104(f), May 27, 2010, 124 Stat. 1238; Pub. L. 115-264, title I, §103(g)(4), (i), Oct. 11, 2018, 132 Stat. 3725.)

REFERENCES IN TEXT

The enactment of and the date of enactment of the Copyright Royalty and Distribution Reform Act of 2004, referred to in subsecs. (a) and (b)(1)(B), (3)(A), mean the date of enactment of Pub. L. 108-419, which was approved Nov. 30, 2004.

Section 115(c), referred to in subsec. (b)(4), was amended generally by Pub. L. 115-264, title I, §102(a)(3), Oct. 11, 2018, 132 Stat. 3679, and, as so amended, no longer contains a par. (3).

PRIOR PROVISIONS

A prior section 804 was renumbered section 803 of this title prior to the general amendment of this chapter by Pub. L. 108-419.

AMENDMENTS

2018—Subsec. (b)(3)(B). Pub. L. 115-264, §103(i), inserted “, except that—” and cls. (i) and (ii) after “fifth calendar year”.

Subsec. (b)(3)(C)(i). Pub. L. 115-264, §103(g)(4)(A), struck out “and 114(f)(2)(C)” after “section 114(f)(1)(C)”.

Subsec. (b)(3)(C)(iii)(II). Pub. L. 115-264, §103(g)(4)(B), substituted “114(f)(3)(B)(ii)” for “114(f)(4)(B)(ii)”.

Subsec. (b)(3)(C)(iv). Pub. L. 115-264, §103(g)(4)(C), struck out “or 114(f)(2)(C), as the case may be” after “section 114(f)(1)(C)”.

2010—Subsec. (b)(1)(A), (B). Pub. L. 111-175 substituted “2015” for “2005”.

2006—Subsec. (b)(1)(B). Pub. L. 109-303, §3(12), substituted “801(b)(2)(B) or (C)” for “801(b)(3)(B) or (C)” and “change in” for “change is”.

Subsec. (b)(3)(A). Pub. L. 109-303, §3(13)(A), substituted “date of enactment” for “effective date”.

Subsec. (b)(3)(C)(ii). Pub. L. 109-303, §3(13)(B)(i), substituted “is filed” for “that is filed”.

Subsec. (b)(3)(C)(iii). Pub. L. 109-303, §3(13)(B)(ii), substituted “subsections (b)” for “such subsections (b)”.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-175 effective Feb. 27, 2010, see section 307(a) of Pub. L. 111-175, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-303 effective as if included in the Copyright Royalty and Distribution Reform Act of 2004, Pub. L. 108-419, see section 6 of Pub. L. 109-303, set out as a note under section 111 of this title.

§ 805. General rule for voluntarily negotiated agreements

Any rates or terms under this title that—

- (1) are agreed to by participants to a proceeding under section 803(b)(3),
- (2) are adopted by the Copyright Royalty Judges as part of a determination under this chapter, and
- (3) are in effect for a period shorter than would otherwise apply under a determination pursuant to this chapter,

shall remain in effect for such period of time as would otherwise apply under such determination, except that the Copyright Royalty Judges shall adjust the rates pursuant to the voluntary negotiations to reflect national monetary inflation during the additional period the rates remain in effect.

(Added Pub. L. 108-419, §3(a), Nov. 30, 2004, 118 Stat. 2360.)

PRIOR PROVISIONS

Prior sections 805 to 810 were repealed by Pub. L. 103-198, §2(e), Dec. 17, 1993, 107 Stat. 2308.

Section 805, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to staff of Copyright Royalty Tribunal.

Section 806, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to administrative support of Tribunal.

Section 807, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to deduction of costs of proceedings involving distribution of royalty fees.

Section 808, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to reporting requirements of the Tribunal.

Section 809, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to effective date of final determinations of Tribunal.

Section 810, Pub. L. 94-553, title I, §101, Oct. 19, 1976, 90 Stat. 2598, related to judicial review of final decisions of Tribunal.

CHAPTER 9—PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS

- Sec. 901. Definitions.
- 902. Subject matter of protection.