

STELAR (STELA Reauthorization) Enacted re: Copyright License for Satellite Carriage of Signals

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Inside Privacy Blog at Covington and Burling

The **STELA Reauthorization Act** (“STELAR”) has been signed into law by the President. STELAR extends the **statutory copyright license for satellite carriage of distant signals for another five years** (through December 31, 2019). It also extends through January 1, 2020 the statutory good faith negotiation requirement imposed on broadcasters and MVPDs for retransmission consent negotiations. As discussed below, it makes several other changes to the Communications Act and to the Copyright Act.

STELAR directs the FCC to adopt a number of new rules concerning retransmission consent negotiations. It requires the FCC to adopt regulations that will prohibit a TV station from coordinating retransmission consent negotiations or negotiating retransmission consent on a joint basis with another TV station in the same market, unless such stations are under common control. (A more limited rule is already on the books at the FCC.) The FCC also must adopt a rule prohibiting TV stations from limiting an MVPD’s ability to import the signal of a “significantly viewed” TV station located in another market (unless such stations are commonly owned). Further, the FCC must undertake a rulemaking to reexamine its good faith negotiation rule. Finally, STELAR deletes a statutory provision that had prohibited cable operators from deleting or repositioning the signal of a local commercial TV station during sweeps, and directs the FCC to eliminate a related provision in the FCC’s rules.

STELAR makes several other important changes. It adds another six months to the period in which broadcasters in television joint sales agreements (JSAs) may unwind or reform their JSAs, if such JSAs put them out of compliance with the FCC’s multiple ownership rules. The new deadline is now December 19, 2016. STELAR also creates a mechanism for modifying a station’s market for purposes of the satellite carriage rules (a process previously available only for cable carriage markets), and expands the cable statutory copyright license for low power television stations so that it covers at least the station’s market (as is already the case for satellite carriage); in some cases, certain areas outside of the station’s market will also be covered by the cable statutory copyright license. Finally, STELA requires the FCC and the GAO to report to Congress on certain issues, including possible changes to the designated market area (DMA) system, and possible phase-out of the statutory copyright licenses.

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