

Finding Aereo's activities "substantially similar to those of the [cable television] companies" that Congress intended to reach when it updated the public performance right in 1976, the Court held that "Aereo, and not just its subscribers, 'perform[ed]' (or 'transmit[ed]') within the meaning of the statute."<sup>8</sup> The Court further concluded that Aereo performed copyrighted works "publicly," notwithstanding that each transmission was made to a single subscriber from a personal copy, holding that "when an entity communicates the same contemporaneously perceptible images and sounds to multiple people, it transmits a performance to them regardless of the number of discrete communications it makes."<sup>9</sup>

Justice Scalia, joined by Justices Thomas and Alito, dissented, concluding that Aereo did not "perform" within the meaning of Section 106(4). The dissenting Justices reasoned that, because Aereo's subscribers, not the company itself, selected the programs to be streamed, the resulting performances were not "the product of Aereo's volitional conduct," and therefore Aereo could not be held directly liable for infringement.<sup>10</sup>

## II. Request for Comment

The Office invites further written comments on the issues raised in the Notice, including from parties who did not previously address those subjects, or those who wish to amplify or clarify their earlier comments or respond to issues raised during the public roundtable. In addition, the Office is interested in commenters' views regarding the Supreme Court's opinion in *Aereo* and how that opinion may affect the scope of the rights of making available and communication to the public in the United States. Specifically, commenters may wish to address the following questions:

1. To what extent does the Supreme Court's construction of the right of public performance in *Aereo* affect the scope of the United States' implementation of the rights of making available and communication to the public?

2. How should courts consider the requirement of volitional conduct when assessing direct liability in the context

of interactive transmissions of content over the Internet, especially in the wake of *Aereo*?

3. To what extent do, or should, secondary theories of copyright liability affect the scope of the United States' implementation of the rights of making available and communication to the public?

4. How does, or should, the language on "material objects" in the Section 101 definitions of "copy" and "phonorecord" interact with the exclusive right of distribution, and/or making available and communication to the public, in the online environment?

5. What evidentiary showing should be required to prove a copyright infringement claim against an individual user or third-party service engaged in unauthorized filesharing? Should evidence that the defendant has placed a copyrighted work in a publicly accessible shared folder be sufficient to prove liability, or should courts require evidence that another party has downloaded a copy of the work? Can the latter showing be made through circumstantial evidence, or evidence that an investigator acting on the plaintiff's behalf has downloaded a copy of the work?

6. Please provide any additional comments or suggestions regarding recommendations or proposals the Copyright Office might wish to consider as it concludes its study.

A party choosing to respond to this request need not address all of these topics, but the Office requests that responding parties clearly identify and separately address those subjects for which a response is submitted. Commenters also may address any other issues pertinent to the Office's review.

Dated: July 10, 2014.

**Karyn A. Temple Claggett,**

*Associate Register of Copyrights.*

[FR Doc. 2014-16537 Filed 7-14-14; 8:45 am]

**BILLING CODE 1410-30-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 14-071]

### NASA Advisory Council; Institutional Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA

Advisory Council (NAC) Institutional Committee. This committee reports to the NAC.

**DATES:** Tuesday, July 29, 2014, 8:00 a.m.–3:00 p.m., Local Time

**ADDRESSES:** NASA Langley Research Center, 5 Langley Boulevard, Building 2101, Room 205B, Hampton, VA 23681

**FOR FURTHER INFORMATION CONTACT:** Mr. Todd Mullins, NAC Institutional Committee Executive Secretary, NASA Headquarters, Washington, DC 20546, 202-358-3831.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 844-467-6272 or toll access number 720-259-6462, and then the numeric participant passcode: 415447 followed by the # sign. To join via WebEx, the link is <https://nasa.webex.com/>, the meeting number is 397 119 933, and the password is IC-072914; (Password is case sensitive.) **Note:** If dialing in, please "mute" your telephone. The agenda for the meeting will include the following:

—Mission Support Overview

—NASA IT Overview

—Acquisition, Contracts, and Grants Processing Overview

Attendees will be requested to sign a register and to comply with NASA Langley Research Center (LaRC) security requirements, including the presentation of a valid picture ID before receiving access to NASA Langley Research Center. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, telephone); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship and Permanent Residents (green card holders) can provide identifying information 3 working days in advance by contacting Ms. Cheryl Cleghorn, via email at [cheryl.w.cleghorn@nasa.gov](mailto:cheryl.w.cleghorn@nasa.gov) or by telephone at 757-864-2497. It is imperative that the meeting be held on this date to accommodate the

<sup>8</sup> *Aereo*, 2014 U.S. LEXIS 4496, at \*19 (alterations added). See 17 U.S.C. 101 ("To 'transmit' a performance or display is to communicate it by any device or process whereby images or sounds are received beyond the place from which they are sent.").

<sup>9</sup> *Aereo*, 2014 U.S. LEXIS 4496, at \*28.

<sup>10</sup> *Id.* at \*42 (Scalia, J., dissenting).

scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2014-16439 Filed 7-14-14; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14-073]

### NASA Advisory Council; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council (NAC).

**DATES:** Wednesday, July 30, 2014, 1:00 p.m.–5:00 p.m., Local Time and Thursday, July 31, 2014, 9:00 a.m.–5:00 p.m., Local Time.

**ADDRESSES:** NASA Langley Research Center, 5 Langley Boulevard, Building 2101, Room 305, Hampton, VA 23681.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marla King, NAC Administrative Officer, NASA Headquarters, Washington, DC 20546, 202-358-1148.

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include the following:

- Aeronautics Committee Report
- Human Exploration and Operations Committee Report
- Institutional Committee Report
- Science Committee Report
- Technology, Innovation and Engineering Committee Report

The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the access number 1-844-467-6272, and then the numeric participant passcode: 635429 followed by the # sign. To join via WebEx, the link is <https://nasa.webex.com/>. The meeting number on July 30th, is 995 123 474, and the password is 073014NAC!a. The meeting number on July 31st, is 992 856 785, and the password is 073114NAC!a. (Passwords are case-sensitive.) NOTE: If dialing in, please “mute” your telephone.

Attendees will be requested to sign a register and to comply with NASA

Langley Research Center security requirements, including the presentation of a valid picture ID before receiving access to NASA Langley Research Center. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, telephone); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship and Permanent Residents (green card holders) can provide identifying information 3 working days in advance by contacting Ms. Cheryl Cleghorn at [cheryl.w.cleghorn@nasa.gov](mailto:cheryl.w.cleghorn@nasa.gov) or 757-864-2497. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2014-16548 Filed 7-14-14; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings; Correction

**AGENCY:** National Council on Disability.

**ACTION:** Sunshine Act Meetings; Correction.

**SUMMARY:** The National Council on Disability published a notice in the **Federal Register** of July 8, 2014, concerning a meeting of the Council. This document contains a correction to the start time of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202-272-2004 (V), 202-272-2074 (TTY).

In the **Federal Register** of July 8, 2014, in FR Doc. 14-15946, on page 38572, in the second column, correct the “Times and Dates” caption to read:

**TIME AND DATES:** The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Thursday, July 24, 2014, 9:30 a.m. to 4:30 p.m. (Eastern Daylight Time). On July 25, 2014, from 9:30 a.m. to 12 p.m., the Council will host a congressional forum on the topic of the rights of

parents with disabilities and their children that is also open to the public.

Dated: July 10, 2014.

**Rebecca Cokley,**

*Executive Director.*

[FR Doc. 2014-16587 Filed 7-11-14; 11:15 am]

**BILLING CODE 8421-02-P**

## NATIONAL SCIENCE FOUNDATION

### President's Committee on the National Medal of Science; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92-463, as amended), the National Science Foundation announces the following meeting:

**Name:** President's Committee on the National Medal of Science (1182).

**Date and Time:** Friday, August 22, 2014, 8:30 a.m.–2:00 p.m.

**Place:** National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, 22230.

**Type of Meeting:** Closed.

**Contact Person:** Ms. Mayra Montrose, Program Manager, Room 1282, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703-292-4757.

**Purpose of Meeting:** To provide advice and recommendations to the President in the selection of the 2014 National Medal of Science recipients.

**Agenda:** To review and evaluate nominations as part of the selection process for awards.

**Reason for Closing:** The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: July 10, 2014.

**Suzanne Plimpton,**

*Acting, Committee Management Officer.*

[FR Doc. 2014-16568 Filed 7-14-14; 8:45 am]

**BILLING CODE 7555-01-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND DATE:** 9:30 a.m., Tuesday, July 29, 2014.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

**STATUS:** The one item is open to the public.

**MATTERS TO BE CONSIDERED:** 8475A—Railroad Accident Report—Conrail Freight Train Derailment with Vinyl Chloride Release, Paulsboro, New Jersey, November 30, 2012.