

110TH CONGRESS
2D SESSION

S. 3649

To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 17), 2008

Mr. WYDEN (for himself and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Webcaster Settlement
5 Act of 2008”.

6 **SEC. 2. AGREEMENTS ON BEHALF OF WEBCASTERS.**

7 Section 114(f)(5) of title 17, United States Code, is
8 amended—

9 (1) in subparagraph (A)—

1 (A) by striking “small commercial” each
2 place it appears and inserting “commercial”;

3 (B) by striking “during the period begin-
4 ning on October 28, 1998, and ending on De-
5 cember 31, 2004” and inserting “for a period
6 of not more than 11 years beginning on Janu-
7 ary 1, 2005”;

8 (C) by striking “a copyright arbitration
9 royalty panel or decision by the Librarian of
10 Congress” and inserting “the Copyright Roy-
11 alty Judges”; and

12 (D) in the second sentence, by striking
13 “webcasters shall include” and inserting
14 “webcasters may include”;

15 (2) in subparagraph (B), by striking “small
16 commercial” and inserting “commercial”;

17 (3) in subparagraph (C)—

18 (A) by striking “Librarian of Congress”
19 and inserting “Copyright Royalty Judges”;

20 (B) by striking “small webcasters” and in-
21 serting “webcasters”; and

22 (C) by adding at the end the following:
23 “This subparagraph shall not apply to the ex-
24 tent that the receiving agent and a webcaster
25 that is party to an agreement entered into pur-

1 suant to subparagraph (A) expressly authorize
2 the submission of the agreement in a pro-
3 ceeding under this subsection.”;

4 (4) in subparagraph (D)—

5 (A) by striking “the Small Webcasters Set-
6 tlement Act of 2002” and inserting “the
7 Webcaster Settlement Act of 2008” ; and

8 (B) by striking “Librarian of Congress of
9 July 8, 2002” and inserting “Copyright Royalty
10 Judges of May 1, 2007”; and

11 (5) in subparagraph (F), by striking “Decem-
12 ber 15, 2002” and all that follows through “2003”
13 and inserting “February 15, 2009”.

○