

September 21, 2006

Chairman F. James Sensenbrenner  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Ranking Member John Conyers  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Sensenbrenner and Ranking Member Conyers,

We, the undersigned, representing over half a million artists, songwriters and copyright owners, who have made America's music the most popular in the world, respectfully request that the Judiciary Committee consider and pass the Copyright Modernization Act of 2006 (H.R. 6052) before Congress adjourns. We feel that it is important to continue the forward momentum on this complex legislation. We look forward to addressing any concerns we have – including, most importantly, letters of direction and orphan works – as the legislative process proceeds.

Developed after many hearings and months of effort, the Section 115 Reform Act, included in the Copyright Modernization Act, represents an unprecedented opportunity to improve the licensing environment for digital music innovators and creators.

This legislation would establish a simplified process for the issuance of blanket statutory licenses for musical works, enabling legitimate digital music providers to launch new, innovative services quickly, efficiently and without risk of infringement litigation. By helping services thrive, the Section 115 Reform Act provides consumers with more access to exciting, competitive services that can successfully combat piracy in the marketplace.

Additionally, we strongly oppose any amendments that would undo the delicate compromise that has been struck in this legislation.

Specifically, we oppose any effort to expand the server copy exemption to include the satellite companies' activities. This bill does not attempt to resolve the problems the music industry has with the satellite companies' activities. As you know, the bill includes a savings clause that specifically states that the server copy exemption cannot be used against entities (such as the satellite radio companies) that are using server copies outside of the exemption.

By contrast, the satellite companies are attempting to use the bill to legalize their copying practices for which they have been sued by the record labels. It would be very unfortunate to allow digital licensing reform to falter over a provision that is in fact

neutral to the satellite companies. We hope to leave this very important issue to be decided another day.

Similarly, we strongly oppose amendments that attempt to deprive creators of the payment we deserve for our property, by deleting the language that clarifies that interactive streams are licensable under Section 115 of the Copyright Act. For these same reasons, we also strongly oppose any amendment that would adversely influence the Copyright Royalty Judges in establishing royalty rates. It is our hope that the Committee will pass the Copyright Modernization Act as a complete package and without these amendments.

Further, we are outraged that the Consumer Electronics Association and Public Knowledge would claim to speak on behalf of creators while consistently working to erode the current legal protections of our intellectual property.

On behalf of our collective memberships, we thank you in advance for your help and support of this vital effort.

Sincerely,

American Federation of Musicians (AFM)  
American Federation of TV and Radio Artists (AFTRA)  
American Society of Composers, Authors and Publishers (ASCAP)  
Broadcast Music, Inc. (BMI)  
Church Music Publishers Association (CMPA)  
Nashville Songwriters Association International (NSAI)  
National Academy of Recording Arts & Sciences, Inc. (The GRAMMYs)  
National Music Publishers' Association (NMPA)  
Recording Artists' Coalition (RAC)  
SESAC, Inc.  
Songwriters Guild of America (SGA)

cc: Members of the House Judiciary Committee