

With the stated goal of being as concise and direct as possible, I turn to bullet-point format. To jog your memories, my topic is the disparate treatment of holders of musical work and sound recording copyrights. The former has a federally-mandated right to control public performances of their copyrighted material, while the latter does not.<sup>1</sup>

- **ROLE OCCUPANT** – Institutions that make public performances of copyrighted works. Clear examples would be broadcasters – TV, radio, satellite and Internet-based – as well as venues such as sporting arenas.
- **IMPLEMENTING AGENCY** – The problematic behavior I am addressing concerns a civil matter, and so the implementing agency will be the relevant copyright-holders (or their designees) by way of the U.S. court system.
- **CONFORMITY-INDUCING MEASURES** – The U.S. Court System has broad means of inducing conformity ranging from injunctions to damages awards to contempt of court.
- **DISPUTE SETTLEMENT** – The U.S. Civil Court System is, at its core, a dispute settlement institution. It routinely interprets and applies varied legal rights, thereby settling disputes between the parties. Because my proposed solution would create a civil recourse for sound recording copyright-holders, the courts will be put in the position of settling disputes.
- **FUNDING** – The funding concerns with my bill are relatively minimal, because rather than creating a new organization the effect of my proposed solution would be to grant rights to one group that another already has. That way the new rights could be administered through existing clearing-houses and adjudicated by the courts in the same way the existing rights are handled.
- **RULE-MAKING**—Rule-making is not a very important aspect of my topic. While the copyright landscape is fairly complicated, it is arbitrated by the courts, which (largely) endeavor to implement the intent of Congress.
- **EVALUATION** – The interested parties – record companies on the one hand and broadcasting companies on the other – carry a lot of sway in DC, and if the law fails to achieve its intended goals (or, for that matter, if any of them plain don't like it) they will certainly put their full lobbying weight behind a new change to the legal framework.
- **TRANSITIONAL PROVISIONS** – This would take effect some time in the future so that the various interested parties are able to finalize the licensing agreements surrounding the new right.
- **TECHNICAL** – The proposed solution is still in progress, but is likely (assuming it is implemented) to repeal some existing law(s), at least in part.

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<sup>1</sup> See 17 U.S.C. §§102, 106.