

103^D CONGRESS
2^D SESSION

H. R. 4936

To amend title 17, United States Code, to exempt business establishments from copyright fees for the public performance of nondramatic musical works by television and radio sets, to exempt certain choral groups from paying copyright fees, to provide for court-annexed arbitration in royalty disputes involving performing rights societies, and to ensure computer access to music repertoire.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1994

Mr. REED (for himself, Mr. SENSENBRENNER, Mr. SYNAR, Mr. ROSE, Mr. GEKAS, and Mr. ZELIFF) introduced the following bill, which was referred to the Committee on the Judiciary

A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness in Musical
3 Licensing Act of 1994”.

4 **SEC. 2. BUSINESS EXEMPTION FOR TELEVISION AND RADIO**
5 **SETS.**

6 Section 110(5) of title 17, United States Code, is
7 amended to read as follows:

8 “(5) communication of a transmission embody-
9 ing a performance or display of a work by the public
10 reception of the transmission by television or radio
11 sets located in a business establishment, unless a di-
12 rect or indirect charge is made to see or hear the
13 transmission;”.

14 **SEC. 3. CHORAL GROUP EXEMPTION FROM PUBLIC PER-**
15 **FORMANCE RIGHT.**

16 Section 110 of title 17, United States Code, is
17 amended—

18 (1) by striking the period at the end of para-
19 graph (10) and inserting “; or”; and

20 (2) by adding at the end the following:

21 “(11) performance of a nondramatic musical
22 work by a choral group of a nonprofit educational
23 institution choral group, unless a direct or indirect
24 charge is made to hear the performance.”.

1 **SEC. 4. ARBITRATION OF RATE DISPUTES INVOLVING PER-**
2 **FORMING RIGHTS SOCIETIES.**

3 Section 504 of title 17, United States Code, is
4 amended by adding the following:

5 “(d) ARBITRATION.—In any civil action for infringe-
6 ment of the right granted in section 106(4) involving a
7 nondramatic musical work that is licensed by a performing
8 rights society or other organization authorized to license
9 public performances of nondramatic musical works, where
10 the defendant admits liability but contests the amount of
11 the license fee charged by such society or organization,
12 the dispute may, if requested by either party, be submitted
13 to arbitration under section 652(e) of title 28.”

14 **SEC. 5. ACCESS TO REPERTOIRE.**

15 Section 504 of title 17, United States Code, is
16 amended by adding at the end the following:

17 “(e) COMPUTER ACCESS TO MUSICAL REP-
18 ERTOIRE.—Performing rights societies and other organi-
19 zations authorized to license nondramatic musical works
20 for public performances shall make available, free of
21 charge, to licensees or those negotiating licenses, on-line
22 computer access to its entire repertoire. Such access shall
23 include information regarding the title of the work, the
24 name, address, and telephone number of the author and
25 the copyright owner (if different), and the names of any
26 artists known to have performed the work.”

1 **SEC. 6. CONFORMING AMENDMENTS.**

2 (a) DEFINITION.—Section 101 of title 17, United
3 States Code, is amended by inserting after to “perform”
4 a work the following:

5 “A ‘performing rights society’ is an association
6 or corporation that licenses the public performance
7 of nondramatic musical works on behalf of copyright
8 owners of such works, such as the American Society
9 of Composers, Authors and Publishers, Broadcast
10 Music, Inc., and SESAC, Inc.”.

11 (b) AMENDMENT TO TITLE 28, UNITED STATES
12 CODE.—Section 652 of title 28, United States Code, is
13 amended by adding at the end the following:

14 “(e) CERTAIN COPYRIGHT ACTIONS.—In any civil ac-
15 tion for infringement of the right granted in section
16 106(4) of title 17 involving a nondramatic musical work
17 that is licensed by a performing rights society or other
18 organization authorized to license public performances of
19 nondramatic musical works, where the defendant admits
20 liability but contests the amount of the license fee charged
21 by such society or organization, the district court may, if
22 requested by either party, refer the dispute to arbitration
23 with respect to that defendant. Each district court shall
24 establish procedures by local rule authorizing the use of
25 arbitration under this subsection.”.