

One Hundred Tenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Thursday,
the third day of January, two thousand and eight*

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. AGREEMENTS ON BEHALF OF WEBCASTERS.

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

(1) in subparagraph (A)—

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

(B) by striking “during the period beginning on October 28, 1998, and ending on December 31, 2004” and inserting “for a period of not more than 11 years beginning on January 1, 2005”;

(C) by striking “a copyright arbitration royalty panel or decision by the Librarian of Congress” and inserting “the Copyright Royalty Judges”; and

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

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

(3) in subparagraph (C)—

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

(B) by striking “small webcasters” and inserting “webcasters”; and

(C) by adding at the end the following: “This subparagraph shall not apply to the extent that the receiving agent and a webcaster that is party to an agreement entered into pursuant to subparagraph (A) expressly authorize the submission of the agreement in a proceeding under this subsection.”;

(4) in subparagraph (D)—

(A) by striking “the Small Webcasters Settlement Act of 2002” and inserting “the Webcaster Settlement Act of 2008”; and

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

H. R. 7084—2

(5) in subparagraph (F), by striking “December 15, 2002” and all that follows through “2003” and inserting “February 15, 2009”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*