

110TH CONGRESS  
2D SESSION

# H. R. 7084

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2008

Mr. INSLEE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 sserting “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 “2002”  
12 and all that follows through “2003” and inserting  
13 “2008”.

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