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TECHNOLOGY AND PROCUREMENT POLICY

Office of the General Counsel
Library of Congress
Copyright Office
James Madison Memorial Building, LM-403
101 Independence Ave., S.E.
Washington DC 20559-6000

Dear General Counsel:

I write to express concern about the Copyright Arbitration Royalty Panel's (CARP) proposed change in rates and royalties imposed on "Webcasters" for the performance of copyrighted materials.

Webcasting is an exciting new form of broadcasting that simply uses the Internet as a transmitter rather than a tower as in radio, or cable or a satellite as in television. Aside from the delivery mechanism, Webcasting is identical in every way.

Webcasters are on the frontier of creating a new broadcasting medium that allows those who cannot afford to purchase a transmitter or compete with established radio stations. The beginnings of this industry is reminiscent of the early days of radio.

The proposed rules, fee structures, and logging requirements will stop this fledgling medium of broadcasting dead in its tracks.

The proposed fee structure lists \$0.0014 per song played, per listener to the station. Let us assume a Webcaster only has one listener who is tuned in 24 hours a day all year long, and 15 songs are played an hour, it will cost the Webcaster roughly \$184 per year for one listener. Do traditional radio stations pay similar rates for broadcasting to their audiences? Do radio stations also pay fees for Ephemeral Reproductions as Webcasters will be required to do?

Why will Webcasters will be required to keep more detailed logs than radio stations? Webcasters should not be punished for using this new medium to be required to log when the listener tunes in, tunes out, and the listener time zones. Radio stations do not require a unique user ID that forces listeners to sign-up and subscribe to listen, and Webcasters should not have to either.



Patsy T. Mink
Congress of the United States
2nd District, Hawaii

March 13, 2002

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DOCKET NO.
RM 2002.1
COMMENT NO. 35

Office of the General Council

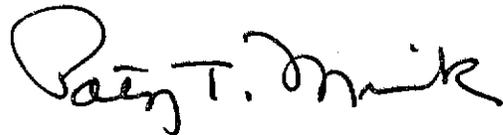
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The proposed rules and fee structures appear unduly arbitrary and biased against Webcasters and this new medium of broadcasting. These rules also require the broadcasters to keep detailed logs and are held accountable for royalty rates with no reciprocal methods of accountability from the Recording Industry Association of America (RIAA) or the large record companies to ensure that the artists get paid. If these new rules are designed to protect the artist, broadcasters have a direct interest in knowing exactly where their fees are going.

Your consideration of these concerns will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Patsy T. Mink". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

PATSY T. MINK
Member of Congress