

**BEFORE THE  
UNITED STATES COPYRIGHT OFFICE  
LIBRARY OF CONGRESS  
WASHINGTON D.C.**

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In The Matter Of: )  
 )  
 ) Docket Number: 2011- 10  
Remedies for Small Copyright Claims )  
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**COMMENT OF  
AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS (ASCAP);  
AMERICAN ASSOCIATION OF INDEPENDENT MUSIC (A2IM);  
BROADCAST MUSIC, INC. (BMI);  
NATIONAL MUSIC PUBLISHERS ASSOCIATION (NMPA);  
RECORDING INDUSTRY ASSOCIATION OF AMERICA (RIAA);  
SESAC, INC. (SESAC)**

ASCAP, A2IM, BMI, NMPA, RIAA and SESAC (hereinafter the “Music Industry Parties”) submit this response to the Notice of Inquiry issued by the Copyright Office issued on August 23, 2012 concerning Remedies for Small Copyright Claims. The Music Industry Parties individually submitted comments in response to the Notice of Inquiry issued in this matter on October 17, 2011. These comments are intended to supplement those we previously submitted in the record.

The Music Industry Parties represent both large and small businesses, individuals and corporations, record companies, music publishers and performing rights organizations. While the Music Industry Parties do not speak for every individual working in the United States music industry today, we certainly represent the vast majority of the business. The Music Industry Parties appreciate the effort of the Copyright Office in this inquiry. The difficulty of copyright owners prosecuting both large and small claims in federal court is well known to us.

We wish to respond specifically to Question 8 of the August 2012 Notice of Inquiry: “Should the small claims process be limited to certain classes of works . . . .” The Music Industry Parties do not believe that our industry is in need of a small claims tribunal at this time. While we appreciate that there may be occasions when an alternative to federal court would be useful, we believe on the whole that the existing federal court system suffices for the prosecution and defense of music industry copyrights.

The comments submitted in this proceeding earlier this year in large part reflect the difficulties photographers in particular have in seeking remedies for unauthorized uses of their photographs. No other industry expressed a similar need for a small claims system. Given the difficult issues presented by the creation of a court of limited jurisdiction for small claims that were previously

identified by the Music Industry Parties and others in their earlier submissions, it may make sense to limit the initial jurisdiction of this new body to photographic works to see how it operates in practice. After a suitable trial period, the Music Industry Parties may conclude that their copyrights would benefit from inclusion in the system and, if so, will discuss with Copyright Office whether any changes to the system are appropriate and necessary.

However, at this time the Music Industry Parties urge the Copyright Office to define the jurisdiction of any small copyright claims tribunal to exclude, initially, federally protected sound recordings and musical works.

Finally, the Music Industry Parties note that should the Copyright Office decline our request to exclude sound recordings and musical works from the proposed jurisdiction of the new tribunal, we reserve the right to address our concerns regarding the logistics and establishment of such a court with the Copyright Office at a later time.

Dated: October 19, 2012

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