

In section 114, part 13 of the copyright act, which reads:

(13) The “sound recording performance complement” is the transmission during any 3-hour period, on a particular channel used by a transmitting entity, of no more than—

(A) 3 different selections of sound recordings from any one phonorecord lawfully distributed for public performance or sale in the United States, if no more than 2 such selections are transmitted consecutively; or

(B) 4 different selections of sound recordings—

(i) by the same featured recording artist; or

(ii) from any set or compilation of phonorecords lawfully distributed

together as a unit for public performance or sale in the United States, if no more than three such selections are transmitted consecutively:

Provided, That the transmission of selections in excess of the numerical limits provided for in clauses (A) and (B) from multiple phonorecords shall nonetheless qualify as a sound recording performance complement if the programming of the multiple phonorecords was not willfully intended to avoid the numerical limitations prescribed in such clauses.

The effect of this language precludes any Internet only station from broadcasting any “tributes” or “retrospectives” from any recording artist or performer. Suppose a station wanted to broadcast a tribute show to commemorate the birthdate of Paul McCartney, or anniversary of Elvis Presley, Frank Sinatra, or John Lennon’s death. It would be unlawful under the copyright act, if it solely contained songs from those individuals.

I urge Congress to consider amending this in some way to allow, even if on a limited basis, the ability to create such “tribute” shows of a specified length, say up to two or three hours in duration, that could contain more than four recordings of the same artist or performance group.

This could even apply on a “limited” basis, say either up to four times in a 12 month period, or no more than two or three times, to occur within seven calendar days of the recording artist/performer’s birth date, death date, or induction into the hall of fame.

Respectfully submitted,

Steven Leventhal, Owner, SRN Broadcasting
Lake Bluff, IL