

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

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(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.*