

110TH CONGRESS  
2D SESSION

# S. 3649

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 SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 17), 2008

Mr. WYDEN (for himself and Mr. BROWNBACK) introduced the following bill; which was read twice and 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 serting “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 “Decem-  
12           ber 15, 2002” and all that follows through “2003”  
13           and inserting “February 15, 2009”.

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