



THE RECORDING ACADEMY®

GRAMMYS ON THE HILL®
REPRESENTING MUSIC'S CREATORS

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January 31, 2017

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
B336 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Conyers,

On behalf of The Recording Academy and its 24,000 members—songwriters, performers, studio professionals and other music creators—I want to thank you for your thorough and open review of our copyright laws and for the release of your first policy proposal on reform of the U.S. Copyright Office. I also want to take this opportunity to comment on the reforms outlined in the committee's December 2016 White Paper. You have taken a fair and reasoned approach to a complex issue, identifying some important policy proposals that should be adopted in order to effectively reform an office of great importance to our members and the entire music industry.

First, The Recording Academy is gratified that your White Paper embraces the three overarching principles we laid out in our letter to the Judiciary Committee on April 28, 2015. The letter asserted that the Copyright Office needs the independence, authority, and resources to meet the needs of creators in the digital age. Accordingly, the Academy applauds the Judiciary Committee's proposal to reform the structure of the Copyright Office, including subjecting the Register of Copyrights to a nomination and confirmation process. Giving the Copyright Office greater autonomy with respect to the Library of Congress will strengthen the ability of the Copyright Office to serve both Congress and the public. Such autonomy would not in any way diminish the Library of Congress nor would it compromise the important relationship between the Copyright Office and the Library of Congress with regard to the deposit of registered works.

In addition, the Copyright Office should remain in the Legislative Branch. Congress has historically benefitted tremendously from the independent, expert advice of the Copyright Office and the Register of Copyrights. This relationship must and should continue. Congressional oversight over the Copyright Office by the Judiciary Committee also remains important to ensure that it is accountable and effective in its mission to carry out policies on behalf of the creative community and the public interest.

The ability to establish and collect user fees that generate revenues for continued IT modernization may be appropriate, but such fees should remain under the careful oversight of Congress and the burden of any fees should be properly balanced between copyright owners and users. The services of the Copyright

Office – and the benefits of copyright ownership – should not become inaccessible to small and independent creators because of excessive fees.

The Academy also acknowledges the value of a searchable, digital database of historical and current copyright ownership. The Recording Academy's Producers and Engineers Wing has been an industry leader in promoting the standardization, recordation, collection, and preservation of reliable metadata for sound recordings. Reliable metadata is critical for transparency among copyright owners, licensees, artists, and songwriters. Congress and the Copyright Office may have an appropriate role to play in the creation of a permanent database. But a dialogue for establishing best practices for using data and promoting the adoption of those practices is ongoing among stakeholders. The private sector should be given the opportunity to succeed in providing a solution to this challenge before Congress decides to step in.

The Recording Academy also supports your proposal to establish a small claims system. Such a system has the potential to benefit many independent music creators who must deal with copyright infringement but do not have the resources of major record labels or publishers. Federal litigation is both expensive and complicated, putting meaningful remedies out of reach for many independent songwriters and artists. An effective and efficient small claims system would finally afford small copyright owners an opportunity to enforce their rights.

Finally, but most significantly, The Recording Academy strongly commends your statement that you “intend to release policy proposals on music licensing issues and other individual issue areas in time.” In 2013, at the very beginning of your review process, the Register of Copyrights testified before the Committee that music issues were “ripe for resolution.” Those words are even truer today than they were four years ago. Besides reform of the Copyright Office, no other issue has commanded as much time and attention from the Committee during this review process as music licensing. The record that the Committee has carefully built through hearings and roundtables is clear and unmistakable – the laws governing music licensing are out of step with the digital marketplace and must be brought into the 21st century.

The Recording Academy urges you to move forward purposefully to release your next White Paper on the subject of music licensing. Meaningful copyright reform cannot be achieved without addressing the critical issues that have long hampered the music community. The Academy and its diverse membership of individual creators stand ready to assist you in this process.

Thank you again for your longstanding support of creators and innovators and for your commitment to realizing real reform of our copyright law.

Sincerely,



Daryl Friedman
Chief Industry, Government & Member Relations Officer
The Recording Academy