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Masur - ISP Licensing Article

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Introduction
The law and business of media distribution in the US developed in a world in which media was distributed using technologies controlled by a value chain of rights holders and distributors. Advances in digital distribution technologies and widespread use of the Internet have moved media distribution technology directly into the hands of consumers or creative members of the general public. This sea change calls for an examination of how US copyright law applies to new business models which take advantage of these technologies. One proposal that has garnered a significant amount of attention in the US is collective rights licensing at the Internet service provider (ISP) level. In short, it is proposed that a fee for use and sharing of media accessed on the Internet should be applied at the point of access, the ISP.

Since the early days of media distribution on the Internet, a wide variety of individuals and industry groups have suggested collective compensation schemes to compensate rights holders for content accessed on the Internet. The Electronic Frontier Foundation (EFF) has been a proponent since as early as 2003. Groups such as Chorus are currently attempting to get the idea off the ground by working with US universities to build a small music-royalty fee into tuition payments in order to legalize music swapping through file sharing. The idea is starting to gain traction in the recording industry, with Warner Music Group leading the way and EMI Music and Universal Music Group expressing interest.

While there have been many proposals for collective rights licensing schemes, most proposals fall into two camps: a new legislatively introduced public right; or a privately implemented opt-in arrangement. Under the former, the government-mandated public right is collected as a payment on a user’s ISP or mobile phone bill and distributed through a third party organization to rights holders. Under the latter, rights holders would sign a covenant not to sue any user who opts-in to pay licensing fees for content accessed by that user.

Current US Law and Practice
Article I, §8, Clause 8 of the US Constitution, known as the Intellectual Property Clause, is the basis for US copyright law. This provision gives Congress the power to grant creators of original works exclusive rights in relation to their works over a limited period of time.
In 1788, in The Federalist Papers, James Madison wrote of the Congress’s copyright authority that “the utility of this power will scarcely be questioned.” US copyright law seeks to incentivize artists, authors, musicians, artisans and other creators through this limited monopoly. The Copyright Act of 1976, Title 17 of the US Code, is the current federal statute governing US copyright law. The Code protects original works of authorship fixed in tangible mediums of expression and affords copyright owners a distinctive bundle of rights to control and financially benefit from the exploitation of their works. In particular, §106 of the Code imparts on all copyright proprietors the exclusive right to reproduce and adapt their works; in the case of literary, musical, dramatic and choreographic works, pantomimes and motion pictures and other audiovisual works, to perform and display their works; and in the case of sound recordings, to perform their works publicly by means of a digital audio transmission. When Internet users stream, download, upload and otherwise share copyrighted content over the Internet without permission from the rights holders, they are reproducing, displaying and/or publicly performing others’ works. Under § 501 of the Code, this constitutes copyright infringement.

Even so, millions of users have seized the opportunities that digital technology provides to obtain and share creative works without permission. On the Internet, sharing copyrighted material that has not been paid for has become a mainstream pursuit. The vast majority, 90% or more, of peer-to-peer (P2P) file transfers are in violation of copyright laws and threaten the viability of US businesses that depend on copyright protection. The collateral damage from digital piracy includes: a dramatic reduction in sales for record and motion picture companies that many believe is the direct result of file sharing, the suppression of overall economic growth, the thwarting of innovation and an onslaught of litigation. For example, the movie, Batman: The Dark Knight, was reportedly illegally downloaded more than 7 million times within a couple months of its release, despite Warner Brothers’ aggressive anti-piracy campaign. While it is debatable that they are the result of file sharing alone, there is no doubt that recent losses in the entertainment industry have caused significant harm to the overall US economy. US industries that rely heavily on copyright protection to generate revenue are among the most important growth drivers of the US economy, contributing nearly 40% of the growth achieved by all US private industry and nearly 60% of the growth of the total US exportable products. Thus, it has been reported that roughly 40% of US GDP is affected by the inadequate protection of intellectual property, and US losses widely attributed to piracy are staggering.

Documenting the mass and volume of infringement taking place on the Internet and seeking legal recourse against culpable individuals has proven overwhelmingly costly and time consuming. For example,
the Recording Industry Association of America (RIAA) has sued more than 30,000 individuals in the past five years. Most of these cases have resulted in settlements, and this strategy has done nothing to stem the tide of uncompensated use of copyrighted works on the Internet. Further, efforts towards pursuing infringers have led to a backlash and consumer criticism, while still not making a significant dent in the amount of piracy. In the digital era, the ubiquity and worldwide scope of electronic distribution networks, the ease and speed of technologically assisted reproduction, and the overall financial stakes involved have increased both the complexity of and the necessity for effective management of copyrights in sound recordings and other forms of intellectual property.

A Government-Mandated Public Right
As a possible solution to the problems associated with digital piracy, government-mandated collective rights licensing is being espoused by a wide range of proponents. They contend that recent experience has shown that the market cannot solve this problem on its own, and the government needs to step in. They argue further that Congress should amend the copyright laws to create a right to collect reasonable fees from all Internet users at their point of access, in exchange for the ability to consume music and other copyrighted intellectual property on the Internet. The most publicized model would require all US ISPs and university networks to add a fee (figures around US $5 are being proposed) to their usual charges and funnel the money collected to one or more existing or newly-formed collective rights organizations (CRO). In order to collect their portion of the fee, artists and other rights holders would be required to join a CRO, and each CRO would be responsible for distributing the proceeds received from the ISPs among its members based upon a formula reflecting the value of the works or the number of times the works are exploited by Internet users. The ISP’s role in collecting fees would warrant retention of a small percentage of the fees collected to be used for investment in network capacity and to pay for up-to-date content identification and monitoring technologies. According to some, the fees collected would create a pool as large as $20 billion annually to pay artists and copyright holders.

Previously Established Collective Rights Licensing Regimes
According to Warner Music Group executive, Jim Griffin, “[c]ollective licensing is what people do when they lose control, or when control is no longer practical or efficient.” Music composition copyright holders and songwriters faced a similar loss of control over exploitation of their works in the early 1900s, therefore there is US precedent for collective rights licensing. Implementation of a government-mandated public right would be similar to collective licensing of musical compositions and the administrative functions of the performance
rights organizations (PROs) that currently handle the collection and
distribution of performance royalties for musical compositions. The
1897 revision of the US Copyright Act established, for the first time, a
songwriter’s exclusive right of public performance. Songwriters and
composers needed a way to enforce their right of public performance
of their musical compositions, and most, if not all, did not have the
resources to police every theatre, bar, restaurant, hotel and other
enterprises to make sure the proprietors of those establishments were
paying for a license to play their music. It was not practical and likely
impossible for the owners of these establishments to obtain a license
from each rights holder of each musical composition being played on a
given night. PROs were needed for efficiency and practicality reasons.
The first PRO in the US, the American Society of Composers, Authors
and Publishers (ASCAP), proceeded to grant blanket licenses to any
establishment or service that was operated for a profit and played
music, under authorization of its member songwriters and publishers.

In 1923, a landmark decision for performance rights was handed
down when the District Court of New Jersey held that songs played
during radio broadcasts were played for profit and required a license
from the rights holder of the song.\(^{10}\) In 1926, the advent of coast-to-
coast radio networks created an incredible source of revenue for
songwriters and music publishers.\(^ {11}\) However, negotiations between
radio broadcasters and ASCAP regarding licensing rates became more
and more difficult as the years passed. Due to the difficulties in
negotiations with ASCAP, in 1940 a group of broadcasters—
consisting of major radio networks and almost 500 independent radio
stations—formed a second PRO, known as Broadcast Music, Inc.
(BMI). Paul Heineke, a European music publisher, established the
third PRO in the US, known as the Society of European Stage Authors
and Composers (SESAC), in 1931. Today, ASCAP and BMI represent
the majority of songwriters and music publishers, with SESAC
licensing about 1% of all performance rights in the US.

Music publishers, by agreement, grant to the PRO the right to license
all of the songs controlled by the music publisher. A PRO’s repertoire
is the PRO’s entire collection of songs from the thousands of
songwriters and music publishers who have entered into agreements
with the PRO. As a result, in the US, any user of publicly performed
music—be it a theatre, hotel, restaurant, club, bar or a radio
station—must pay to the PROs an annual fee for a blanket license to
publicly perform an unlimited number of times any or all of the songs
in each PRO’s repertoire. The PROs then collect the royalties from
these licenses and, according to complicated calculations, determine
the frequency with which each song was played and pay out to
publishers and songwriters their shares. The PRO pays the publisher’s
share (50%) directly to the publisher and the songwriter’s share (50%)
directly to the songwriter.
Proponents of a new digital right argue that just as radio networks created an incredible source of revenue for songwriters and PROs allowed songwriters and music publishers to reap the financial rewards of widespread exploitation of their works, government-mandated collective rights licensing of media files distributed using the Internet represents a way for copyright holders to reap the financial rewards of this new means of widespread exploitation. Proponents argue that a compulsory license fee should be charged because most files are shared on the Internet for free, and it would avoid the difficulty of sorting out contractual claims or renegotiating them. They propose that society at large would benefit from lower transaction costs and less litigation, because the sharing of content on the Internet would be legitimized and compensated. Finally, they advocate the concept that a marketplace of competing file sharing and streaming applications and ancillary services could develop in a legal, instead of illegal setting.

**Consumer Behaviour in an Age of Free Access**

Many supporters of collective licensing argue that free access to unlimited media on the Internet is a public good. Simultaneously and conversely, an increasing number of other countries are introducing three strikes you’re out legislation, in which a user repeatedly found downloading copyrighted material will lose access to the Internet at home. Questions remain as to whether these measures will really serve to keep prosecuted file sharers off the Internet, or whether that is, in fact, good. But given the possibility that the US could adopt similar legislation, it is worth understanding how free access to a nearly unlimited repertoire of music, film, pictures and text has affected US society.

The numbers show that the desire of consumers to experience music, motion pictures and other forms of multimedia products and to express themselves through music and video continues to increase. For example, in 2006, websites featuring user-generated media content attracted 69 million users in the US alone, and they are projected to attract 101 million US users by 2011. The number of US households with broadband access that watched full-length movies and TV shows online doubled in the past year, according to research firm, Parks Associates. According to BigChampagne, an online media measurement company, the average simultaneous P2P population grew from over 5 million users in December of 2002 to over 7 million by December of 2004, and we are continuing to see an increase in P2P populations year after year. The proliferation of music, video and photographic editing software coupled with the distribution power offered by P2P networks has fuelled a new generation of creative expression. Rather than being limited to a handful of authorized services like Apple’s iTunes or Rhapsody, access to unlimited media from any source has increased the number of
cultural reference points from which artists draw to create new works. As a result, it is easy to argue that free access to media on the Internet has contributed to a better educated public, and that both the volume and quality of artistic output have increased as a result of it. It is clear that sections of the population who could not previously afford access to certain artistic works, cultural reference points or research materials can now get them for free with a US $300 net book computer and an Internet connection. This may serve to decrease the “digital divide.” “Getting information online saves the cost of printing textbooks, and this is a case where what is cheaper is also better . . . The computer can serve as a library, a laboratory and an art studio, saving the cost of these or making those that exist far more effective.”

Furthermore, we have already seen with services like Flickr, Twitter and YouTube, that disintermediating news, picture and video collection to millions of consumers has increased the number of data points from which our news is collected, theoretically improving how much we learn about what is happening in the world. Similarly, millions of consumers with unlimited access to the world’s media collection will both preserve and foster its growth. Fans sharing media may be the best distributors, decision makers and preservers of media, previously costly roles for media companies to fulfil. For example, MediaBranz, a user-maintained community music metadatabase, has already compiled information covering 9,605,951 tracks and 813,659 album releases. As Gracenote, a wholly owned subsidiary of the Sony Corporation of America that provides technology for digital media, points out, media management is critical to a user’s experience and it begins with the user. If these activities were made legal, it could aid in the claiming of “orphan works,” and automated submission process services might evolve for copyright owners to register their works with the appropriate databases, for collection and payment of rights licences. For all of these reasons, we should not dismiss the possibility that free access to media on the Internet could be in fact, good, and that what is missing are evolved business models to pay for it.

Issues with Implementation

In order to implement a mandatory collective rights licensing system, the copyright provisions in Section 17 of the US Code would need to be revised. For this to occur, a bill setting forth the revisions would need to be introduced and lobbied through Congress. If our experience with the DMCA is any guide, this would involve months of negotiations in congressional committees, and it might be years before the resulting language is brought to a vote.

Specific revisions that would be required include a licensing scheme that authorizes ISP customers to copy, display and publicly perform
works downloaded from and uploaded to computers on the Internet. Such rights were previously reserved exclusively for owners of the copyrighted material in question, so we can presume they will want to have a say in deciding how the licensing scheme would work. The legislation also would need to describe in some detail the entity responsible for accounting to the rights holders, and possibly provide guidelines for measuring how much to pay particular rights holders. We must presume that rights holders would retain their rights to sue Internet users for direct infringement if they fail to pay the fees or otherwise circumvent the system. Similarly, we would guess that ISPs would remain secondarily liable for copyright infringement if they failed to properly account to the CROs for all of the fees collected from their customers.

Proponents of government-mandated collective rights licensing have yet to address whether or not rights holders would retain the exclusive right to create and authorize derivatives of their works or otherwise retain control over how users manipulate their works. Furthermore, ongoing heated debate continues as to what constitutes fair use. Fair use, codified in 17 U.S.C. §107, permits the reproduction of copyrighted works for purposes such as criticism, comment, news reporting, teaching, scholarship or research without the authorization of the copyright holder. Copyright holders must recognize and assess the merits of such an affirmative defense before bringing a claim of copyright infringement. Given the various interpretations found by courts in recent cases on the topic, this has become a complex judgment to make. As Cardozo law professor, Justin Hughes, states, “[t]he notion of fair use is expanding in the digital age.” Perhaps the legislative implementation process would provide an opportunity to clarify more precisely what constitutes fair use, since at least some of the material being downloaded could arguably fall into this definition. However this is finally decided, users who claim their exploitation of copyrighted works on the Internet constitutes fair use will likely rebel against any mandatory fees for such usage of copyrighted works. Finally, given the consent decree under which both ASCAP and BMI currently operate, Congress would need to remain alert to any anti-trust concerns presented by one or more new or existing CROs assigned the task of collecting fees.

Opponents of compulsory collective licensing claim that it amounts to a tax for consumption of intellectual property on the Internet where the cost is allocated to all users equally regardless of their individual consumption level. They point to the inequity in forcing some users to subsidize the activities of others. Furthermore, consumers with strong moral and ethical positions would be financially supporting content to which they are morally or ethically opposed. Finally, data collection and use practices would need to conform to the requirements of the Electronic Communications Privacy Act (ECPA), so that users’ private information, including personal media consumption data, would not
be sold without users’ consent to marketing firms and other unauthorized parties.

A variety of problems would need to be solved with respect to data collection, use and measurement. There is an entire market of Internet media tracking, security, usage measurement, cyber investigation and royalty collection firms. For example, by matching partial IP addresses to zip codes, a technology-driven, media measurement company, known as BigChampagne, uses its software to create a real-time map of music downloading. But who is to say which has the most reliable system and best data? Without empirical proof of whose technology is best for measuring media consumption, many argue that ISPs and CROs would merely be providing “good guesses” on how the collected fees should be distributed. Without doubt additional volume would be added to the already brisk business done by music and media royalty accounting firms, not to mention the negotiation and litigation involved in working out royalty payment disputes. Furthermore, ISPs might be subject to additional duties to account, and might thus be more vulnerable to secondary liability for participating as middle-men in fraudulent or otherwise unauthorized transactions, whether voluntarily or involuntarily. ISPs would certainly not want to sacrifice any of their existing immunity under §512 of the Code by participating in data collection or enforcement at the direction of third parties. Explicit statutory immunities would be necessary to reduce transaction costs and ensure participation by ISPs.

In short, questions remain concerning the determination of the basis and frequency of collecting fees. Current rates for “bits” uses vary considerably along with the procedures for their determination. Uniformity of units and methods for measuring usage as well as rates applied would be necessary to implement any collective rights licensing scheme, and whatever mechanism is chosen to determine an aggregate online use fee would need to take into account the rights of reproduction, distribution and public performance.

Lastly, there are market disruption concerns. Introduction of a new mandatory collective rights licensing system could unnecessarily accelerate the reduction in sales of physical media products, which represent a substantial percentage of the world’s media sales market. Industry experts argue for a more gradual transition away from physical distribution technology, in order to allow media companies to successfully cross the chasm and develop over time a more robust and variegated digital distribution market. Furthermore, new media services like Hulu, iTunes and Netflix are starting to post positive results and experience successful growth in new markets for high quality digital content which many believe will grow to represent many billions of dollars. A new mandatory collective rights system might cut this growth off at the knees, superseding completely or otherwise
disrupting the business of existing or future legal downloading services.

Viewed in its best light, a compulsory collective licensing scheme would be difficult to implement, and would require a departure from market-based economics in a society defined by its strict adherence to capitalism. Even if implemented, it would be difficult for such a system to address the concerns of rights holders and new businesses attempting to create innovative new products to benefit consumers.

**Opt-in in Exchange for Covenant not to Sue**

The alternative most often proposed to a government-mandated collective licensing scheme is a voluntary collective rights licensing scheme implemented through a private agreement between rights holders and users. Rights holders would sign a covenant not to sue any users who ‘opt-in’ to pay licensing fees for media they consume. Any user opting into the agreement would get an unlimited ability to stream and download copyrighted content with impunity from legal prosecution. As part of the agreement, the user would agree not to share copyrighted content with anyone who had not opted in, or face monetary penalties. Those opting-out of paying the fees would remain liable for copyright infringement. Creators and rights holders would also be able to opt-out of this licensing scheme. ISPs would receive an administrative fee in connection with the opt-in arrangement. Newly-created CROs would be responsible for tracking media consumption by those opting-in and distributing royalties to rights holders.

Supporters of voluntary collective rights licensing contend that any solution to digital piracy should minimize government intervention in favor of market forces; that market-driven solutions are likely to work faster and more efficiently than top-down government regimes; that the market drives innovation better than the government. For example, proponents argue that with the cloud of litigation eliminated, file sharing networks would rapidly improve. They argue in addition that an opt-in system would also be much more respectful of subscriber preferences. Payment would come only from those who are interested in downloading or otherwise sharing entertainment on the Internet, and only as long as they are interested in such sharing and downloading activities. As with the government-mandated system, opt-in users would have completely legal access to the virtually unlimited selection of media available on file sharing networks. However, unlike the mandatory public right option, users would not be forced to pay for media content if they do not choose to access it. Giving users the choice to pay the fee voluntarily could also help to repair the general bad perception many consumers now have regarding copyright owners. In addition, it might clarify to the general public the degree to which artists and the creative industries as a
whole rely on clearly defined rights and responsibilities for copyright owners, intermediaries and users.

The most striking benefit of a voluntary collective licensing system is that copyright law need not be amended to implement it. Also, instead of relying on a government or collective industry board to set rates as with mechanical licenses or ringtone rates, CROs would set their own prices, and the market would dictate the price. Rights holders could potentially make more money through volume with a lower price and a larger base of subscribers, than with the current system of high prices and expensive, and ultimately ineffective, enforcement efforts.26 In addition, commercial services could develop which would boil the user opt-in agreement into the terms and conditions of the service, and then provide free, basic and premium services at different price points, including free advertising supported services. Proponents of opt-in licensing schemes argue that so long as the fee is reasonable, effectively invisible to fans, and does not restrict their freedom, the vast majority of file sharers will opt to pay rather than engage in complex evasion efforts.27 Proponents contend that the vast majority of file sharers would be willing to pay a reasonable fee for the freedom and peace of mind to download whatever they like using whatever software suits them. They further contend that a compulsory license is not necessary as artists will be incentivized to join a CRO by the prospect of receiving some compensation for their works, and those choosing to remain outside the system will have no practical way of receiving compensation for the file sharing that will inevitably continue. Assuming a critical mass of major copyright owners joins a CRO, the vast majority of smaller copyright owners will have a strong incentive to join in order to collect their portion of the fees, just as virtually all professional songwriters and music publishers opt to join ASCAP, BMI, SESAC or Sound Exchange.28

Further arguments in favor of a voluntary licensing system stress that the distribution bottleneck which has limited the opportunities of independent artists will be eliminated. Artists will be able to choose any road to online popularity—including, but no longer limited to, a major label contract. In other words, legal, compensated digital distribution will be equally available to all artists. When it comes to promotion, artists will be able to use any mechanism they like, rather than having to rely on major labels to push radio play. With more options from which artists may choose, recording contracts will be more balanced than the one-sided deals about which artists have complained in the past. Furthermore, the complexity of individual music industry contracts and the propensity of successful artists to sign a great many different contracts over time make it difficult for record labels and music publishers or even the artists themselves to be sure what rights they control. So the proponents’ argument goes, by joining a CRO, copyright owners would not be asked to itemize rights, but would instead simply covenant not to sue those who pay
the blanket licence fee. In this way, music fans and innovators would not be held back by the internal contractual squabbles that plague the music industry, and artists would be paid their fair share.29

However, many of the same concerns that were identified above in reference to a government-mandated collective rights licensing scheme will also plague a voluntary one, including privacy issues, data collection difficulties, derivative rights, trouble maintaining ISP immunity, file quality issues and complexities making sure that artist and other rights holders are actually paid their fair share. Also, like a compulsory license, the opt-in license tends to flatten the market for sales of music and other media, which in turn could stifle innovation because there would not be an incentive to produce new media products. In addition, there is the problem of “free-riding,” whereby those who opt-out of paying the fee can still get free content from those who opt-in, either by somehow re-routing their Internet connections or simply by having someone who opts-in burning the content onto CD or DVD and then sharing the content with someone who opts-out. Uncertainty also exists as to how far these covenants not to sue will go. Will copyright holders retain the right to sue an ISP for secondary liability if it allows, even unwittingly, a user to re-route his connection? Consumers may also be at serious risk in a world where authorized and unauthorized works are at their fingertips with no clear ability to distinguish between the two. Would a green “OK” tag pop up on media you could use? Would you only be able to use “opt-in approved” services that bear the equivalent of a Good Housekeeping seal of approval, making the choices of opt-in users no different than the choices they have today with the legal services? Furthermore, what is to force ISPs to cooperate and take on the additional burdens of tracking and recording who is accessing what content for a reasonable fee? What is to keep them from demanding a larger and larger portion of the fees being collected from users? Already in the mobile content arena, retailers and promoters of mobile content must make a business from 50% or less of their product prices, with the mobile service providers collecting 50% for delivering such mobile data services. Given that a substantial segment of the population is currently accessing content free of charge, how can content holders be sure that enough people opt-in that it will make the system worthwhile?

Opponents of voluntary opt-in services cite a wide variety of reasons why they believe proponents to be, in the main, myopic about the incentives present in human nature and capitalist societies.30 “Proponents of the generic proposal and its offshoots seem to have given insufficient consideration to the many, many details involved in ISP licensing. The devil is, of course, in the details, and even considering a music-only licensing method creates a devilish predicament indeed.”31 Hence, the main problem that an opt-in collective rights licensing system faces is the same problem faced by
any new product introduced into a new market: getting users to try something new, regarding which the benefits are unclear and—further—enticing users to allow their names to be put on a list that may someday include people who are prosecuted for witting or unwitting copyright infringement.

**Conclusion**

The current copyright regime in the US, inherited from Europe and developed over hundreds of years of trial and error, works for our culture. It can adapt to new technologies and changing business models. Past collective licensing systems including schemes with compulsory licensing have been successfully applied to public performances, radio and mechanical licences for affixing copyrighted works to a tangible medium. In these instances, the market was seen as “broken” and in need of a fix. But the Internet is not a problem to be fixed, it is a set of opportunities. The Internet is a far more exciting technology than recordings or radio because it is worldwide and allows for interaction. This means it allows for commerce. A panoply of new businesses can develop, which take advantage of these attributes. In fact, they are rapidly developing, whether we choose to accept it or not. The key is to focus not on developing a panacea to “fix” a single problem in time. Our concentration should be to provide the basic ingredients upon which a new market, which fosters innovation, can be built. Then we should get out of the way, so that hundreds of more years of trial and error can take place in which to create innovations that benefit consumers as well as rights holders and business people. We believe in a system of copyright protections for the benefit of all people, “[t]o promote the Progress of Science and useful Arts”, as stated in our most important legal document, the United States Constitution.32

**Endnotes:**

1. Article. I, Section 8, Clause 8 of the Constitution empowers Congress “[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” (emphasis added).
2. THE FEDERALIST NO. 43 (James Madison).


9. Id.


19. In the past, for example with the performance right collection societies, and in regard to collection of mechanical rights by Harry Fox, an actual existing organization was not designated. Rather, the attributes required for such an organization, or the requirements for proper payment of compulsory licensing fees or collection of blanket licensing fees were described in the statute in question.


24. Desai, supra note 22.


26. Id. at 3.

27. Id. at 5.


29. LOHMANN, supra note 25.


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