



August 9, 2017

The Honorable Darrell Issa
Chairman, Subcommittee on Courts, Intellectual Property,
and the Internet
Committee on the Judiciary
U.S. House of Representatives

The Honorable Jerry Nadler
Ranking Member, Subcommittee on Courts, Intellectual
Property, and the Internet
Committee on the Judiciary
U.S. House of Representatives

Re: The CLASSICS Act, H.R. 3301

Dear Chairman Issa and Ranking Member Nadler:

The Library Copyright Alliance (“LCA”) consists of three major library associations in the United States: the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. These associations represent over 100,000 libraries in the United States employing more than 350,000 librarians and other personnel. An estimated 200 million Americans use these libraries over two billion times each year. These libraries spend over \$4 billion annually acquiring books and other copyrighted material.

We have carefully reviewed the CLASSICS Act, H.R. 3301, which provides remedies for the digital performance of sound recordings fixed before 1972. We appreciate the limitations on remedies included in the bill, particularly the application of the limitations described in section 107, and 108, and 512 to claims for unauthorized performances of pre-1972 sound recordings.

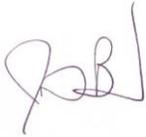
However, we believe that the bill should also apply the limitations described in sections 110(1) and (2) to claims for unauthorized performances of pre-1972 sound recordings. Educational institutions currently rely on these limitations, as well as fair use under section 107, when they stream post-1972 sound recordings to classrooms and remote locations. The bill should not provide pre-1972 sound recordings with more protection than post-1972 sound recordings, especially in the educational context.

Additionally, the bill should create a term-limit for the protection it creates. Under current law, a musical composition published in 1925 would remain in copyright for 95

years, until 2020. In contrast, the bill would provide a 1925 sound recording of that composition protection until 2067—a term of protection of 137 years. Indeed, libraries own in their collections sound recordings fixed as far back as the 1860s. Under the bill as drafted, these sound recordings would receive 200 years of protection. Such a long term of protection is unwarranted and would unnecessarily interfere with the dissemination of culture. At most, the bill should provide pre-1972 sound recordings with protection for 95 years from publication, thereby bringing the term into parity with other works published before 1978.

We look forward to working with the Subcommittee on this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Band'.

Jonathan Band
LCA Counsel
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