

HOUSE CONCURRENT RESOLUTION

PETITIONING ARKANSAS' CONGRESSIONAL DELEGATION TO EXERT THEIR INFLUENCE THROUGH LEGISLATIVE ACTION AND OTHERWISE TO PROVIDE A MECHANISM TO REGULATE THE FEES CHARGED BY ORGANIZATIONS SUCH AS THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, BROADCAST MUSIC, INCORPORATED, AND SESAC.

WHEREAS, the American Society of Composers, Authors and Publishers, Broadcast Music, Incorporated, SESAC and like organizations charge fees to authorize persons to utilize the material of their members; and

WHEREAS, paying such fees is the only reasonable means of the users of the copyrighted material to receive any degree of protection from liability under the federal copyright laws; and

WHEREAS, ASCAP in particular is charging astronomical fees in many instances; and

WHEREAS, the fee structure appears to be discriminatory, arbitrary and unreasonable; and

WHEREAS, even county fairs and other nonprofit organizations are being intimidated into paying the fees; and

WHEREAS, since the federal government has preempted the state in the area of copyright law, it is the duty of the federal government to assure the reasonableness of the fees charged by these organizations which rely upon the federal copyright umbrella to shield them from state regulation,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

That Arkansas' Congressional Delegation is hereby petitioned to exert all their power and influence, legislatively and otherwise, to amend the federal copyright law or take such other action as will stop organizations such as the American Society of Composers, Authors and Publishers, Broadcast Music, Incorporated, and SESAC from extorting unreasonable fees from persons who desire to make fair royalty payments to the owners of copyrights.

Furthermore, the Arkansas Congressional Delegation is requested to amend the federal copyright if necessary to exempt state, county and local fairs and other nonprofit organizations.