

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

_____)	
In the Matter of)	
)	
Notice and Recordkeeping for Use of)	
Sound Recordings Under Statutory)	Docket No. 14-CRB-0005 (RM)
License)	
Notice of proposed rulemaking)	
_____)	

Comments of WGSU-FM

Pursuant to the above captioned Notice of Proposed Rulemaking (“Notice”), which appeared in the Federal Register on May 2, 2014, WGSU-FM submits its comments. WGSU-FM is considered a Noncommercial Educational Webcaster (“NEW”), as defined by 37 CFR §380.21. In accordance with its educational mission, WGSU-FM serves its community, students and the State University of New York College at Geneseo.

The ability to report as an NEW has been appropriate for WGSU-FM, as the reporting requirements under 37 CFR §380.23 afford WGSU-FM the ability to submit Reports of Use (“ROU”), which it would not be able to do under §370.4. The Notice proposes numerous changes to the reporting requirements that would present WGSU-FM with a substantial burden; specifically, if not for the ability of WGSU-FM to report under 37 CFR §380.23, WGSU-FM likely would cease webcasting (resulting in potential deleterious effects to its audience, students and artists). Therefore, WGSU-FM requests that it (and webcasters similar to it) be allowed to continue to report as an NEW after Dec. 31, 2015.

WGSU-FM also asserts that the requirement to submit a copy of the Notice of Use directly to SoundExchange is not necessary. The issue raised by SoundExchange can be addressed by presenting webcasters with the opportunity to complete an online form and electronically submit payments. Further, it is not feasible for WGSU-FM to report the ISRC; therefore, the “if feasible” clause in the proposed regulations is needed.

WGSU-FM strongly objects to the proposed requirement to add the letters “NLR” (for “no license required”), if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because transmission of the sound recording does not require a license; or the letters “DL” (for “direct license”), if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because the Service has a license directly from the copyright owner of such sound recording. Not only would the proposed requirements present an unnecessary burden (seeming to benefit no single party), but they also would create a task nearly impossible to complete.

Additionally, WGSU-FM does not support the proposed language concerning late fees for “non-compliant” reports of use, as the proposed regulations appear to allow SoundExchange, at its sole discretion, to determine what constitutes “non-compliant.”

Conclusion

For the above reasons, WGSU-FM believes that the §380.23 provisions for NEWs should be extended indefinitely and the proposed change for ROUs should not be adopted.

Dated: June 29, 2014	Respectfully submitted,
	Michael J. Saffran
	WGSU-FM Blake Hall B 104 1 College Circle SUNY Geneseo Geneseo, N.Y. 14454 wgsu@geneseo.edu