



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

PUBLICATION OF THE 1998-1999 CARP ARBITRATOR LIST

COPYRIGHT ARBITRATION ROYALTY PANELS; LIST OF ARBITRATORS

The following excerpt is taken from Volume 63, Number 37 of the
Federal Register for Wednesday, February 25, 1998 (pp.9419-9420)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 251

[Docket No. 98-1 CARP]

Copyright Arbitration Royalty Panels; List of Arbitrators

AGENCY: Copyright Office, Library of Congress.

ACTION: Publication of the 1998-1999 CARP arbitrator list.

SUMMARY: The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel (CARP) during 1998 and 1999. The CARP arbitrator list will be used to select the arbitrators who will serve on panels initiated in 1998 and 1999 for determining the distribution of royalty fees or the adjustment of royalty rates.

EFFECTIVE DATE: February 25, 1998.

FOR FURTHER INFORMATION

CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel (CARP)

consisting of three arbitrators from lists provided by professional arbitration associations." See 17 U.S.C. 802(b). The Librarian of Congress selects two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were amended to provide for the generation of a new list of nominees biannually. 61 FR 63717 (December 2, 1996). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in Sec. 251.5, to serve as arbitrators on a CARP. The regulations require that the submitting arbitration association supply the following information for each person:

(1) The full name, address, and telephone number of the person.

(2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.

(3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.

(4) A statement of facts and information which qualify the person to serve as an arbitrator under Sec. 251.5.

(5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.

(6) Any other information which the

professional arbitration association or organization may consider relevant. 37 CFR 251.3(a).

Section 251.3(b) of the regulations requires the Copyright Office to publish a list of qualified persons and mandates that this list must include between 30 and 75 names of persons who were nominated from at least three arbitration associations. The newly comprised list of arbitrators is in effect until the end of the 1999 calendar year and any and all arbitrators selected for a CARP during 1998 and 1999 would come from this list. The list includes the name of the nominee and the nominating association.

The publication of today's list satisfies the requirement of 37 CFR 251.3. The information submitted by the arbitration association with respect to each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. Thus, for example, if the Librarian is required to convene a CARP in 1998 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under Sec. 251.4. The Licensing Division of the Copyright Office is located in the Library of Congress, James Madison Building, Room 458, 101 Independence Avenue, S.E., Washington, DC 20540.

Deadline for Filing Financial Disclosure Statement

Section 251.32(a) of the CARP rules provides that, within 45 days of their nomination, each nominee must file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office sent financial disclosure statements to the nominating associations, with specific instructions for completing and filing the statement, and asked each organization to

distribute the forms to its nominees for the CARP arbitrator list. The Librarian of Congress will use the financial disclosure form to determine what financial conflicts of interest, if any, may preclude the nominee from serving as an arbitrator in a CARP proceeding. Unlike information submitted by the arbitration associations under Sec. 251.3(a), the information contained in the financial disclosure statements is confidential and is not available to the public or to the parties to the proceeding. Each nominee has filed a completed financial disclosure form with the Library of Congress.

The 1998-1999 CARP Arbitration List

Miles J. Alexander, Esq.--CPR Institute for Dispute Resolution
Richard Bennett, Esq.--American Arbitration Association
Dorothy K. Campbell, Esq.--American Arbitration Association
Virginia S. Carson, Esq.--American Arbitration Association
Gray Castle, Esq.--JAMS/Endispute
Terry L. Clark, Esq.--American Arbitration Association
The Honorable John W. Cooley--Judicial Dispute Resolution, Inc.
M. Scott Donahey, Esq.--American Arbitration Association
Edward Dreyfus--American Arbitration Association
The Honorable Lenore G. Ehrig--American Arbitration Association
The Honorable John B. Farmakides--American Arbitration Association
The Honorable Thomas A. Forkort--American Arbitration Association
The Honorable Charles W. Fowler--Arbitration and Mediation Services
Elizabeth E. Granville, Esq.--American Arbitration Association
The Honorable Lewis Hall Griffith--American Arbitration Association
The Honorable Jeffrey S. Gulin--Arbitration and Mediation Services
The Honorable Louis N. Hurwitz--Arbitration and Mediation Services
The Honorable Mel R. Jiganti--JAMS/Endispute
Sheldon Karon, Esq.--American Arbitration Association
The Honorable William B. Lawless--Judge-Net
Christine Lepera, Esq.--American Arbitration Association
Michael K. Lewis, Esq.--CPR Institute for Dispute Resolution
The Honorable Lewis A. London--Arbitration and Mediation Services
Denis R. Madigan, Esq.--JAMS/Endispute
The Honorable H. Curtis Meanor--CPR Institute for Dispute Resolution
Gloria Messinger, Esq.--American Arbitration Association
Kenneth E. Milam, Esq.--CPR Institute for Dispute Resolution

The Honorable James R. Miller, Jr.--JAMS/Endispute
The Honorable Sharon T. Nelson--American Arbitration Association
Timothy T. Patula, Esq.--American Arbitration Association
Gerald F. Phillips, Esq.--American Arbitration Association
The Honorable Kathleen A. Roberts--JAMS/Endispute
Sol Rosenthal, Esq.--American Arbitration Association
Peter C. Schaumber, Esq.--Center for Litigation Alternatives
Linda R. Singer, Esq.--CPR Institute for Dispute Resolution
Jeffrey L. Squires, Esq.--American Arbitration Association
William Stuart Taylor, Esq.--American Arbitration Association
The Honorable Curtis E. von Kann--JAMS/Endispute
The Honorable Ronald P. Wertheim--JAMS/Endispute
R. Quincy White, Esq.--American Arbitration Association
Darryl Wilson, Esq.--American Arbitration Association
Maurice L. Zilber, Esq.--American Arbitration Association

Dated: February 19, 1998.

David O. Carson,
General Counsel.

[FR Doc. 98-4749 Filed 2-24-98; 8:45 am]

BILLING CODE 1410-33-P