

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Cc: [REDACTED]
Subject: Independent Copyright Protection
Date: Thursday, March 18, 2010 7:02:37 PM

Ms. Espinel,

The Copyright Alliance and A2IM (the U.S. independent music label trade organization) have informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights. I run a company called DashGo that represents the digital audio and video rights for approximately 1,000 musicians and 25,000 songs. My job is to expose their music to as many people as possible and identify unique services that compensate artists for their music, be it via download sales, subscription services or advertising revenue share. We are very open to licensing to unique music discovery models, and our catalog is available everywhere from iTunes to AmieStreet, from YouTube to Spotify.

For the past decade I've sought to embrace new business models that have developed online and that consumers love by aggressively seeking out new partners and licensing our catalog under generous terms. Each new service requires significant investment to deliver our media assets and prepare to receive reporting statements so we can account to our artists accurately and completely.

There is a lot more our legislature can do to improve copyright for the 21st century - both for rights-holders and consumers.

The DMCA granted SoundExchange sole license to collect and administer non-interactive streaming royalties, but there is no stick to enforce accurate reporting by online services. Their data is so bad that distributors, labels and artists routinely complain about inaccurate reports, missing royalties and the like. SoundExchange needs a serious audit and Congressional help enforcing reporting standards by webcasters and other services.

I urge the Obama Administration and Congress to consider the following steps to protect our country's #1 export - culture.

- 1) Create a simple, modern interface and method for rights holders to register claims of digital media with the Library of Congress.
- 2) Determine and levy a statutory rate for unlicensed media file-trading at ISP level. Private services like Big Champagne and others already track and determine which copyrights are being transferred and the overall volume. An independent agency could assess this data, compare it to label claims and issue claims to ISP. Protections would need to include the rights of consumers to make backup copies, transfer formats, etc, but at certain volumes it is easy to determine the difference between a personal transfer and a massive give-away. By implementing even a small cost over a certain number of transfers - say \$0.75 per transfer over 10 / month per file; the ISPs will be incentivized to crack down on abusive file-traders. This could be compared to a claims list submitted by rights holders who may opt to allow unlimited free sharing.
- 3) Enforce reporting standards by digital music services for non-interactive plays.

4) Sanction countries that host and perpetuate digital piracy as you would if they were manufacturing counterfeit shoes or computers.

5) Set more reasonable rules governing copyright term, the distinction between fair-use by a consumer and how that is effected in practice...i.e. What may be a non-commercial use by a consumer in a web slideshow becomes infringement when the website uses that to sell advertising and doesn't compensate artist. Sampling has long been a grey area as well, and clear and consistent rules should be set to encourage experimentation.

6) Most importantly - treat artists, musicians, authors and other content creators with the same public respect accorded teachers, doctors, construction workers and manufacturing employees. They pay equivalent tax rates, they create the product that most defines America, and they should not be flippantly ignored by Congress and the President when speeches about jobs, health care security and retirement are made.

Sincerely,

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