



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

PUBLICATION OF THE 1996 CARP ARBITRATOR LIST

COPYRIGHT ARBITRATION ROYALTY PANELS

LIST OF ARBITRATORS

The following excerpt is taken from Volume 61, Number 29 of the *Federal Register* for Monday, February 12, 1996 (pp. 5410-5411)

LIBRARY OF CONGRESS

Copyright Office

37 CFR 253

[Docket No. 96-1 CARP]

Copyright Arbitration Royalty Panels; List of Arbitrators

AGENCY: Copyright Office, Library of Congress.

ACTION: Publication of the 1996 CARP arbitrator list.

SUMMARY: The Copyright Office is publishing the list of arbitrators eligible for selection to a Copyright Arbitration Royalty Panel (CARP) during 1996. This CARP arbitrator list will be used to select the arbitrators who will serve on panels initiated in 1996 for determining the distribution of royalty fees or the adjustment of royalty rates.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Acting General Counsel, or Tanya M. Sandros, Copyright Arbitration Royalty Panel Specialist, 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). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in §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 §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 calendar year and any and all arbitrators selected for a CARP during the year 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 1996 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under §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, D.C. 20540.

Deadline for Filing Financial Disclosure Statement

Publication of today's list also triggers a requirement imposed by the regulations on the individuals named in the list. Section 251.32(a) of the CARP rules provides that, within one month of

date of publication of this list in the **Federal Register**, each listed person 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 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 §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. Failure to file the statement in a timely manner may preclude consideration of the person for service on an arbitration panel.

The 1996 CARP Arbitration List

Howard B. Abrams, Esq. - American Arbitration Association
Miles J. Alexander, Esq. - Center for Public Resources Inc.
Richard Bennett, Esq. - American Arbitration Association
The Honorable John W. Cooley - JAMS/Endispute

Robert A. Creo, Esq. - JAMS/Endispute
Joel Davidow, Esq. - American Arbitration Association
Edward Dreyfus, Esq. - American Arbitration Association
Corydon B. Dunham, Esq. - American Arbitration Association
The Honorable Lenore G. Ehrig - American Arbitration Association & Judicate, Inc.
The Honorable Jesse Etelson - Judicate, Inc.
John B. Farmakides, Esq. - American Arbitration Association
The Honorable Thomas A. Fortkort - Center for Litigation Alternatives
Richard G. Green, Esq. - American Arbitration Association
Joseph A. Greenwald, Esq. - American Arbitration Association
The Honorable Lewis Hall Griffith - Center for Litigation Alternatives
The Honorable Jeffrey S. Gulin, Esq. - Judicate, Inc.
Professor Hugh C. Hansen - Center for Litigation Alternatives
David C. Hilliard, Esq. - Center for Public Resources, Inc.
The Honorable Mel R. Jiganti - JAMS/Endispute
The Honorable William B. Lawless - "Judge-Net"
Michael K. Lewis, Esq. - Center for Public Resources, Inc.
The Honorable Reuben Lozner - Judicate
Steve A. Mains, Esq. - JAMS/Endispute

The Honorable H. Curtis Meanor - Center for Public Resources, Inc.
The Honorable James R. Miller - JAMS/Endispute
Charles B. Molineaux, Esq. - American Arbitration Association
The Honorable Timothy Murphy - Center for Litigation Alternatives
The Honorable Sharon T. Nelson - American Arbitration Association & Judicate
David W. Plant, Esq. - American Arbitration Association
The Honorable Kathleen A. Roberts - JAMS/Endispute
Peter Carey Schaumber, Esq. - American Arbitration Association
The Honorable Herbert Silberman - Judicate
Linda R. Singer, Esq. - Center for Public Resources, Inc.
John M. Townsend, Esq. - American Arbitration Association
The Honorable Ronald P. Wertheim - JAMS/Endispute & Judicate, Inc.
Bruce Zagaris, Esq. - American Arbitration Association

Date: February 7, 1996

Marilyn J. Kretsinger,
Acting General Counsel.
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