House marks up Music Modernization Act (HR 5447)

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On Wednesday, April 11 the House Judiciary Committee held a “mark-up” for HR 5447, the Music Modernization Act. There were no amendments (substantive or otherwise) of the bill, and as a result, the bill was voted out of committee unanimously (32-0). The key provisions of the bill are summarized below.

As part of the speeches during the committee discussion, Rep. Jeffries (D-NY) also brought up the CASE Act and advocated for quick movement on that Bill as well. Chairman Goodlatte (R-Va) noted his support for the CASE Act as well, noting that he felt it struck the right balance, and stated that he hoped to bring that bill for mark-up soon. Mr. Nadler (D-NY) also expressed his support for the CASE Act, and for a mark-up of that legislation in the near term.

Key Provisions of the Music Modernization Act include:

Title I – Music Modernization Act
- Reflects how modern digital music services operate by creating a blanket licensing system to quickly license and pay for musical work copyrights
- Discourages music litigation that generates legal settlements in favor of simply ensuring that artists and copyright owners are paid in the first place without such litigation
- Ends the flawed U.S. Copyright Office bulk notice of intent system that allows royalties to not be paid
- Implements uniform rate setting standards to be used by the Copyright Royalty Board for all music services
- Shifts the costs of the new licensing collective created by the bill to those who benefit from the collective – the licensees
- Updates how certain rate court cases are assigned in the Southern District of New York

Title II — Compensating Legacy Artists for their Songs, Service, and Important Contributions to Society (CLASSICS) Act
- Provides a public performance right for pre-1972 recordings

Title III — Allocation for Music Producers (AMP) Act
- Ensures that record producers, sound engineers, and other creative professionals receive compensation for their work