

February 10, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office  
Mail Stop External Affairs, P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Shira Perlmutter

***RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

Thank you for this opportunity to submit a response to the Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy (the "Green Paper").<sup>1</sup> We are submitting this paper to express our opposition to the creation of a compulsory license for derivative works including remixes, mash-ups, and sampling.

**I. Introduction**

My name is Dina LaPolt and I am a music attorney in West Hollywood, California at the law firm of LaPolt Law, P.C. We represent creators. For more than 15 years I have represented artists, songwriters, producers, and other owners and controllers of intellectual property. I started in the music industry as a musician and songwriter. Thus, I have built my practice from the creator's perspective. I have also taught a course titled "Legal and Practical Aspects of the Music Business" for the UCLA Extension Program since 2001, and I teach and lecture all over the United States, Canada and Europe on issues that affect artists' rights. Protecting artists and songwriters and representing their interests has always been my main focus and my passion. I am submitting these comments on behalf of recording artists and songwriters, as I felt compelled to represent their interests in this ongoing debate.

Joining me in this comment paper is my client and close friend, the legendary recording artist and songwriter, Steven Tyler. Steven is one of Rolling Stone's "100 Greatest Singers" and a Rock and Roll Hall of Fame inductee with his band, Aerosmith, the sixth most certified group in music history with 21 top 40 singles on the Billboard Hot 100 charts, 150 million records sold worldwide, and 31 awards—including multiple Grammys, American Music Awards, Billboard Music Awards, and MTV Video Music Awards—from 78 nominations. Steven has written and co-written hundreds of songs, an achievement for which he received the ASCAP Founders Award and was inducted into the Songwriters Hall of Fame in 2013.

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<sup>1</sup> 78 Fed. Reg. 61337.

The artists and songwriters' perspective should carry a lot of weight in this discussion since, ultimately, this is an issue that affects artists and songwriters first and foremost. As the Register of Copyrights, Maria A. Pallante, stated in her article, "The Next Great Copyright Act":

*"Congress has a duty to keep authors in its mind's eye, including songwriters, book authors, filmmakers, photographers, and visual artists. Indeed, '[a] rich culture demands contributions from authors and artists who devote thousands of hours to a work and a lifetime to their craft.' A law that does not provide for authors would be illogical — hardly a copyright law at all. And it would not deserve the respect of the public."*<sup>2</sup>

And in fact, in addition to Steven's support, other artists have signed letters in support of this comment paper, attached to this document as Exhibit A.

## **II. Our Perspective on the Legal Framework for Remixes**

In this comment paper, we would like to address the Department of Commerce Task Force's questions regarding the legal framework for remixes. Specifically, we are opposed to a compulsory license for remixes, mash-ups, and sampling.

As a preface, we would like to echo the comments of The National Music Publishers' Association ("NMPA"), the Nashville Songwriters Association International ("NSAI"), SESAC, Inc. ("SESAC"), and the Church Music Publishers Association ("CMPA") regarding the Green Paper's definition of "remix".<sup>3</sup> The Green Paper uses "remix" interchangeably to refer to what are known in the industry as remixes, mash-ups, and sampling. A more precise term would be "derivative works", as remixes are only one of the types of works that the Green Paper addresses. It is important to clarify exactly what we are talking about by using the proper industry terminology. Artists and songwriters do not usually equate "remixing" with mash-ups or sampling.

### **A. Recording Artists and Songwriters Want and Deserve Approval Over Uses of Their Work**

Approval is by far the most important right that an artist possesses. In my experience, approvals are paramount to anything else on an artist's agenda during negotiations—the money is always

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<sup>2</sup> Maria A. Pallante, *The Next Great Copyright Act*, 36 COLUMBIA J.L. & ARTS 315, 340 (2013), quoting Scott Turow, Paul Aiken, and James Shapiro, *Would the Bard Have Survived the Web?*, N.Y. TIMES at A29 (Feb. 14, 2012).

<sup>3</sup> National Music Publishers Association et. al. Comments, [http://www.ntia.doc.gov/files/ntia/national\\_music\\_publishers\\_association\\_et\\_al\\_comments.pdf](http://www.ntia.doc.gov/files/ntia/national_music_publishers_association_et_al_comments.pdf).

secondary. If an artist or songwriter does not want his or her music used in a certain way, no amount of money will change his or her mind.

Artists can, and should continue to be able to, deny a use that they do not agree with. For one, an artist should be able to turn down uses in connection with messages that the artist finds objectionable. A prime example is a song mashed-up, remixed, or sampled in a way that implies endorsement of a particular cause or ideology. For instance, there have been several past instances of performing artists and songwriters expressing frustration with political uses of their music. In 2010, former Congressman Joe Walsh remixed “Walk Away”, a song written by another Joe Walsh, the well-known songwriter and guitarist for The Eagles. Congressman Walsh changed the song’s lyrics to create “Lead the Way”, a song promoting his political campaign. Walsh the songwriter took issue with Walsh the politician’s derivative work because the usage implied the songwriter’s endorsement of Congressman Walsh—a potential trademark infringement in addition to a copyright claim for an unauthorized derivative work.<sup>4</sup>

A compulsory license for derivative works amplifies these concerns tenfold. For example, Melissa Etheridge is a known lesbian and animal rights activist. A compulsory license would allow someone to remix or sample her music into a new work filled with homophobic epithets, and she could not say “no”. In the same way, a compulsory license would allow someone to remix or sample music by Ted Nugent, noted gun ownership advocate, for a song promoting stricter gun control without Nugent’s permission. One could imagine countless instances of compulsory licensing working to an artist’s detriment—think of a white supremacist using black artists’ music in a way that promotes the supremacist’s hateful views. These examples illustrate the potentially perverse results of a compulsory license. It is not hard to see that a compulsory license for derivative works could easily be abused in a way that negatively impacts creators.

Further, sometimes an artist simply does not want his or her music altered in any capacity. Music is very personal to the creator, so many creators staunchly oppose any derivative creations whatsoever. We saw an example of this in the first prominent litigation regarding sampling. Rapper Biz Markie was sued over his unauthorized sampling of Gilbert O’Sullivan’s “Alone Again (Naturally)”.<sup>5</sup> The source material is an introspective ballad about the singer’s plans to commit suicide after being left at the altar and the death of his parents. While the song was not autobiographical, O’Sullivan objected to the use of his song which was still very personal to him.

More recently, hip hop group the Beastie Boys objected to toy company GoldieBlox’s remix of the group’s 1987 song, “Girls”, in an advertisement. The group did not disagree with the message of the GoldieBlox remix. Rather, they wanted to honor the wishes of late Beastie Boys

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<sup>4</sup> Daniel Kreps, *Joe Walsh Vs. Joe Walsh: Rocker Battles Politician Over "Walk Away"*, ROLLING STONE, Jan. 28, 2010, <http://www.rollingstone.com/music/news/joe-walsh-vs-joe-walsh-rocker-battles-politician-over-walk-away-20100128>.

<sup>5</sup> *Grand Upright Music, Ltd v. Warner Bros. Records Inc.*, 780 F. Supp. 182 (S.D.N.Y. 1991).

member Adam Yauch, who specified in his will that his music may not be used in advertisements after his death, preserving the group’s long established ideals. Remaining Beastie Boy members Mike Diamond and Adam Horowitz issued a statement explaining that, while they were “very impressed by the creativity and the message behind [the] ad”, the video “is an advertisement that is designed to sell a product, and long ago, [they] made a conscious decision not to permit [their] music and/or name to be used in product ads”.<sup>6</sup>

These examples relating to derivative works that artists find objectionable have a common thread: recording artists and songwriters are at great risk of losing their right to approve uses of their works, a right that they find extremely important. In this regard, we would also like to echo the comments made by NMPA, NSAI, SESAC, CMPA, the American Society of Composers, Authors and Publishers (“ASCAP”), Broadcast Music, Inc. (“BMI”), and the Recording Industry Association of America (“RIAA”)<sup>7</sup> in opposition to the expansion of fair use. Expanding the doctrine to encompass political uses or derivative works—by example, for finding such uses to be “transformative”—would devastate creators by taking away their approval. If recording artists or songwriters do not want their music associated with a cause, message, or ideology, forcing them to allow these uses would be extremely unfair and potentially harmful to their brands and reputations.

## **B. Requiring a Compulsory License Would Have a Chilling Effect on the Release of Music**

Without a doubt, requiring a compulsory license for derivatives would discourage many artists from releasing their work in the first place. Steven and the other artists who have expressed support for our comments have stated that they probably would have withheld some of their work if they knew that one day they would be required to give up their right to approve derivative uses.

Copyright law is supposed to encourage creation. This is not for the benefit of the artist, but for the benefit of society. It is Congress’s constitutional mandate from the Copyright Clause, “[t]o promote the Progress of Science and useful Arts”.<sup>8</sup> The Copyright Clause acknowledges that society benefits from the dissemination of art. As stated by Ms. Pallante:

*“The issues of authors are intertwined with the interests of the public. As the first beneficiaries of the copyright law, authors are not a counterweight to the public interest*

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<sup>6</sup> Sara Gates, *Beastie Boys vs. GoldieBlox: Viral Video Sparks Legal Battle Over Copyright Infringement*, THE HUFFINGTON POST, Nov. 25, 2013, [http://www.huffingtonpost.com/2013/11/24/beastie-boys-goldieblox-girls-copyright-infringement-\\_n\\_4330583.html](http://www.huffingtonpost.com/2013/11/24/beastie-boys-goldieblox-girls-copyright-infringement-_n_4330583.html).

<sup>7</sup> ASCAP BMI CMPA NSAI NMPA RIAA SESAC post-meeting comments, [http://www.uspto.gov/ip/global/copyrights/comments/ascap\\_bmi\\_cmpa\\_nsai\\_nmpa\\_riaa\\_sesac\\_post-meeting\\_comments.pdf](http://www.uspto.gov/ip/global/copyrights/comments/ascap_bmi_cmpa_nsai_nmpa_riaa_sesac_post-meeting_comments.pdf).

<sup>8</sup> U.S. CONST. art. I, § 8, cl. 8.

*but are instead at the very center of the equation. In the words of the Supreme Court, “[t]he immediate effect of our copyright law is to secure a fair return for an “author’s” creative labor. But the ultimate aim is, by this incentive, to stimulate artistic creativity for the general public good.”*<sup>9</sup>

We need to encourage artists to release their music—and the essential element is approval over how artists’ music is used. Discouraging the creation and dissemination of music would be an undeniably terrible consequence of requiring a compulsory license. And as discussed above, it would be completely adverse to Congress’s constitutional mandate.

### **C. The Current System Does Not Need Fixing**

There is absolutely no need to impose a compulsory license to allow derivative works. The current marketplace is working—and if it ain’t broke, don’t fix it! This is a position supported by several commentators who have already submitted responses to the Green Paper, including the NMPA, NSAI, SESAC, CMPA, ASCAP, BMI, and the RIAA.<sup>10</sup> By allowing rights holders to say “no”, both sides of a negotiation come away satisfied—as opposed to a compulsory license, which would often leave the rights holder frustrated, as discussed above.

Currently, many artists do freely allow derivative works of their music. But this is, and should remain, the artist’s prerogative to make this decision. For example, Radiohead has encouraged its fans to remix two of its recordings, releasing song “stems” (i.e. files containing each instrument in isolation) and providing a web space for users to upload their new creations.<sup>11</sup> Similarly, Trent Reznor of Nine Inch Nails released stems to the public for five of his songs from the soundtrack to the film *The Girl with the Dragon Tattoo*.<sup>12</sup> Further, Creative Commons allows artists to release their music under a license granting users permission to freely use works in whatever capacity the artist determines.<sup>13</sup> While these are excellent methods of encouraging derivative works for artists who choose to utilize them, again, the essential element is an artist’s ability to approve how others use their work.

My firm’s clients have certainly participated in a robust, well-functioning marketplace for derivative works under the current, permission-based licensing system. When a third party wants to remix, mash-up, or sample a client’s work, and the client approves creatively of the use, there are many factors that go into the negotiation. The client will usually receive a share of the copyright ownership in the new work, a royalty for use of the master recording, and sometimes

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<sup>9</sup> Pallante, *supra* note 2, at 340.

<sup>10</sup> See *supra* note 7.

<sup>11</sup> *Reckoner Re /Mix*, RADIOHEADREMIX.COM, <http://www.radioheadremix.com/information/>.

<sup>12</sup> Carrie Battan, *Trent Reznor Shares Stems of Songs From Dragon Tattoo*, PITCHFORK, Jan. 27, 2012, <http://pitchfork.com/news/45255-trent-reznor-shares-stems-of-songs-from-dragon-tattoo/>

<sup>13</sup> *About the Licenses*, CREATIVE COMMONS, <https://creativecommons.org/licenses/>.

an advance against future royalties. These deal points are considered on a case-by-case basis, depending on the prominence of the artist whose work is being used as the basis for a derivative. A compulsory license would upset this existing balance that considers a multitude of factors and the individual needs of each artist.

In 1986, legendary hip hop group Run-D.M.C. recorded a version of Aerosmith's hit song "Walk This Way" for a genre-bending smash hit. While it may have been appropriate for Run-D.M.C. to request a compulsory "mechanical" license to create their version, instead, by involving Steven and guitarist Joe Perry directly in the recording process, they created one of the most famous derivative works of our modern times. By getting both Run-D.M.C. and Steven and Joe on the same recording, and in the same music video—in which Steven literally breaks down a wall separating the two groups—Run-D.M.C.'s "Walk This Way" figuratively broke down the wall separating hip hop from mainstream genres such as rock. The song reached number four on the Billboard Hot 100 chart<sup>14</sup> and is often credited for helping to bring hip hop into the mainstream and establishing the "rap rock" crossover genre. Since then, as several other comment papers have discussed, the genre of hip hop has become heavily reliant on sampling and has thrived in the current, permission-based marketplace.

Steven has licensed his work for sampling purposes as well. For example, rapper Eminem sampled Aerosmith's "Dream On" for his 2003 song "Sing for the Moment", featured on the ten times platinum album "The Eminem Show".<sup>15</sup> On the other hand, Steven has denied countless other requests for permission to create derivative works based on his songs. This is a great illustration of how the current licensing system for derivatives is already thriving—it allows someone like Steven to license his work where he thinks it is appropriate while allowing him to turn down uses he does not agree with and avoid diluting his brand.

In the realm of sampling, there are countless examples of a well-functioning marketplace working to create derivative works with the permission of rights holders. Britney Spears, who has signed a letter supporting this comment paper, sampled the Eurythmics' "Sweet Dreams (Are Made of This)" for her song "Everybody", featured as a bonus track on the Japanese release of her album "Blackout". In another example, Joel Zimmerman, professionally known as deadmau5, licensed his work "Brazil (2nd Edit)" to recording artist Alexis Jordan for her 2010 song "Happiness". Although deadmau5 does not usually agree to allow others to sample or remix his work, he approved this use. In exchange, deadmau5 was able to negotiate for a percentage of the copyright in "Happiness" in addition to a record royalty for the sampled use of his recording. The song was an international hit: it topped the Hot Dance Club Songs in the

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<sup>14</sup> *Run-D.M.C. Chart History*, BILLBOARD.COM, <http://www.billboard.com/artist/369290/run-dmc/chart>.

<sup>15</sup> *The Eminem Show*, RIAA GOLD & PLATINUM SEARCHABLE DATABASE, <http://www.riaa.com/goldandplatinumdata.php?artist=%22The+Eminem+Show%22>.

United States,<sup>16</sup> reached number three on the Australian Recording Industry Association Singles Chart,<sup>17</sup> peaked at number four in the United Kingdom,<sup>18</sup> and spent seventeen weeks in the Irish Top 50.<sup>19</sup>

Further, creating a compulsory license for derivative works would create a “slippery slope” whereby recording artists and songwriters will be at risk of losing even more approval rights. A compulsory license for derivatives could lead to an effort to implement a compulsory synchronization license, the type of license required to pair music with visual media such as scenes in movies, television and games. When Steven heard about the idea of a compulsory license for derivatives, he asked, what’s next—will they force him to allow a filmmaker to, for example, exploit his first hit “Dream On”, a song which has great personal meaning to him, over a scene that denigrates women? The possibilities are endless, and it is easy to see how a compulsory license would lead to offensive situations that could greatly impact the integrity and reputation of an artist and his or her work.

Compulsory mechanical licenses already exist for musical compositions<sup>20</sup>, by which anyone can create a cover song for a nominal fee, regardless of whether or not an artist approves. This is a fair compromise which addresses free speech concerns while not impinging upon an artist’s right to approve uses of his or her actual recordings. Admittedly, this is a limited right for a cover artist, as the cover version must conform to certain requirements including that it maintain the same fundamental character as the original work. But allowing a compulsory license for remixes, mash-ups, and sampling is a step too far which surpasses the appropriate compromise reached by the compulsory mechanical license.

There is no compelling need to make the process for licensing derivative works any easier. As stated by many response papers, the system is already easy enough. Further, there is no real harm to free speech or other constitutional concerns to grant an artist the right to deny a use of their work. If an artist wants to utilize another artist’s original work for a remix, mash-up, or sampling, and is denied permission, that artist can always look for another original work and negotiate with that rights holder. There is already a robust marketplace for remixing, mash-ups, and sampling that gives these artists huge creative freedom.

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<sup>16</sup> *Dance Club Songs*, BILLBOARD.COM, Jul. 17, 2010, <http://www.billboard.com/charts/2010-07-17/dance-club-play-songs>.

<sup>17</sup> *Alexis Jordan – Happiness (Song)*, AUSTRALIAN-CHARTS.COM, <http://australian-charts.com/showitem.asp?interpret=Alexis+Jordan&titel=Happiness&cat=s>.

<sup>18</sup> *Top 40 Scottish Singles Archive*, OFFICIAL CHARTS COMPANY, Nov. 13, 2010, [http://www.officialcharts.com/archive-chart/\\_/22/2010-11-13](http://www.officialcharts.com/archive-chart/_/22/2010-11-13).

<sup>19</sup> *Top 50 Singles*, IRISH MUSIC CHARTS ARCHIVE, Mar. 10, 2011, [http://www.chart-track.co.uk/index.jsp?c=p%2Fmusicvideo%2Fmusic%2Farchive%2Findex\\_test.jsp&ct=240001&arch=t&lyr=2011&year=2011&week=10](http://www.chart-track.co.uk/index.jsp?c=p%2Fmusicvideo%2Fmusic%2Farchive%2Findex_test.jsp&ct=240001&arch=t&lyr=2011&year=2011&week=10).

<sup>20</sup> 17 U.S.C. § 115.

It is also worth noting that the idea of a compulsory license for derivative works is completely absent from many countries' intellectual property laws. Moral rights laws in foreign countries give creators absolute control over derivative works and allow creators to object to others' uses of their work. For example, France<sup>21</sup>, the United Kingdom<sup>22</sup>, the People's Republic of China<sup>23</sup>, Australia<sup>24</sup>, and Belgium<sup>25</sup>, among others, all have moral rights provisions in their intellectual property statutes.

#### **D. Any Effort to Streamline the Licensing Process Must Maintain the Artist's Right to Approval**

Some comment papers have set forth the idea that there should be a centralized intermediary to streamline the licensing process for derivative works. If such a system were created, it cannot mandate compulsory licensing—it should only be for the purpose of facilitating transactions where the artist gives permission to do so. An artist must have the right to say “no”. Further, the artist must have the right to determine the conditions under which any intermediary grants permission to use his or her work. The approval concerns set forth in this paper are amplified where an intermediary, who may not intimately know the concerns of a specific artist, is negotiating on that artist's behalf. Some deals that seem good in a vacuum are not actually in the best interest of an artist due to a multitude of factors that are individually considered by each artist during a negotiation.

Further, deals negotiated solely by intermediaries could unintentionally create bad precedent for an artist. An attorney's role in negotiations is essential because an artist's biggest bargaining chip is precedent—deal terms are affected by what an artist has previously agreed to in prior negotiations. Thus, a concession in one deal opens the door for future deals to demand this concession as well. Quite simply, we just cannot have intermediaries inadvertently creating bad precedent for artists that adversely affects their future dealings.

### **III. Our Perspective on the Public Performance Right for Sound Recordings**

Although the Commerce Department did not solicit input on this issue, we would like to take a moment to praise the Task Force for its support of the creation of sound recording royalties for radio broadcast.

Radio stations in the United States pay royalties to songwriters but not performers. This means that a performer who does not write his or her own song does not see a penny of revenue from

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<sup>21</sup> Intellectual Property Code, Art. L121-1.

<sup>22</sup> Copyright, Designs and Patents Act 1988 (C. 48), Chapter IV, Art. 80.

<sup>23</sup> Copyright Law of the People's Republic of China, Art. 10.

<sup>24</sup> Copyright Act 1968, s. 195AM.

<sup>25</sup> Law on Copyright and Neighboring Rights, Art. 1 (of June 30, 1994, as amended by the Law of April 3, 1995).

radio broadcasts of that song. The vast majority of countries—excluding a short list that includes Iran, North Korea, and China—do require radio stations to pay performance royalties. The end result is that American performers are doubly disadvantaged. Not only do they not receive royalties from radio stations in the US, but foreign countries do not pay out royalties to American performers either because of the lack of reciprocity. We do not pay their artists so they do not pay ours.

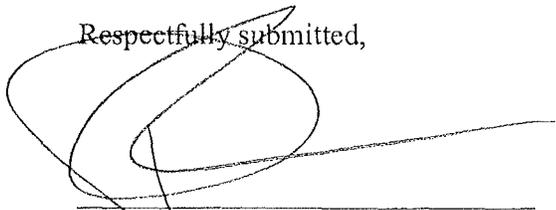
We applaud the Task Force for its support of performance royalties as set forth in the Green Paper. We hope that Congress will address this issue during the 113th United States Congress. Implementing performance royalties would put the United States on par with most of the world's nations, bringing substantial revenue to our artists and the United States economy.

#### **IV. Conclusion**

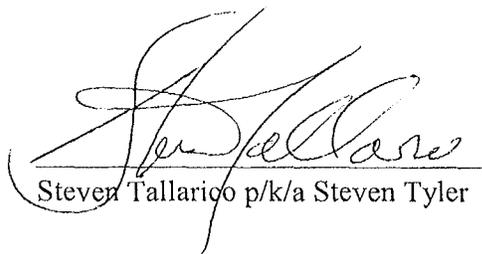
In conclusion, we urge Congress not to implement a compulsory license for remixing, mash-ups, and sampling. Approval is the most important right that a recording artist or songwriter has and they need to retain the ability to approve how their works are used. An artist should be able to deny a use where they disagree with the message of that derivative work or simply do not want their work altered. Music is very personal to the creator and the law cannot treat it as a simple commodity. Requiring a compulsory right for derivatives would discourage many artists and songwriters from releasing their music in the first place, an undeniably terrible consequence that would be at odds with Congress's constitutional mandate. Further, the current system does not need reform—the marketplace is already thriving while allowing artists to approve uses.

Thank you for your time and consideration.

Respectfully submitted,



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(310) 858-0922



Steven Tallarico p/k/a Steven Tyler

cc: Chairman Bob Goodlatte, House Judiciary Committee  
Ranking Member John Conyers, Jr., House Judiciary Committee

February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

**RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy**

To Whom It May Concern:

My name is *Don Henley*. I am a songwriter and recording artist. I am writing in support of the comments submitted by copyright stakeholders such as the Copyright Alliance, ASCAP, BMI, CMPA, NSAI, NMPA, RIAA and SESAC, the MPAA, the Association of American Publishers, the Directors Guild, the Writers Guild of America West, Dina LaPolit and Steven Tyler, among others. I am writing to give voice to just one of the subjects before the Task Force.

As a creator and copyright owner, I strongly disagree that any legislative changes to the Copyright Act governing remixes, sampling and mash-ups are necessary, and I oppose the introduction of compulsory licensing for such uses in the United States. As you are aware, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix, sample and/or make a derivative work of my music without my permission. It denies my rights under the Copyright Act to engage in fair market negotiation with respect to the exploitation of my work, to enter into private license agreements on terms acceptable to me in each instance, and to be assured of just and proper compensation for the use of my work. It would compel me by law to license my work in a manner that fundamentally alters my songs and recordings in a "one-size fits all" manner in a market that is anything but standardized.

Most importantly, it strips me of the right to say "no," and I fear it is a harbinger to the dissolution of copyright protection in the United States, rendering copyright more an economic utility rather than a true property right.

As a songwriter and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A sample or a remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the current compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. As an artist who has been recording for more than forty years, had I anticipated that, in the future, the songs and recordings I crafted so deliberately and carefully could be altered by anyone, without my express permission, in any way that diluted the integrity of my work, I question whether the creative path is one I would have chosen for myself. I also have to question, then, what impact the erosion of copyright will have on our culture.

There are many other artists who feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep our music in its original form, or who would rather that certain individuals not remix or sample our tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Don Henley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

DON HENLEY

February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

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Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. As an artist that has been recording for more than forty years, had I anticipated that, in the future, the songs and recordings I crafted so deliberately and carefully could be altered by anyone, without my express permission, in any way that diluted the integrity of my work, I question whether the creative path is one I would have chosen for myself. I also have to question, then, what impact the erosion of copyright will have on our culture. There are others that feel

the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Walsh', written in a cursive style.

JOE WALSH

February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

**RE: *Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

To Whom It May Concern:

My name is **Andre Young**. I am a songwriter and recording artist. I am writing in support of the comments submitted by Dina LaPolt and Steven Tyler opposing compulsory licensing for remixes in the United States. As you know, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix or sample my music without my permission.

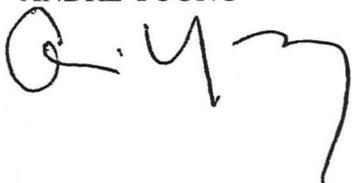
As a songwriter and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far. Further, if I approve of a remix of my music, I should be able to negotiate my own deal points, not have pre-set licensing rates govern what I am paid.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. I know that I wouldn't have released some of my own songs had I known that, in the future, anyone could remix or alter them without my permission. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

I have the right to say "no" if someone wants to remix my music. The current law in the United States for remixes, mash-ups, and sampling does not need to be changed. Right now, I have the right to deny the use if I want to. Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

ANDRE YOUNG

A handwritten signature in black ink, appearing to read "A. Young", written over the typed name "ANDRE YOUNG".

February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

**RE: *Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

To Whom It May Concern:

My name is *Sting*. I am a songwriter and recording artist. I am writing in support of the comments submitted by copyright stakeholders such as the Copyright Alliance, ASCAP, BMI, CMPA, NSAI, NMPA, RIAA and SESAC, the MPAA, the Association of American Publishers, the Directors Guild, the Writers Guild of America West, Dina LaPolt and Steven Tyler, among others. I am writing to give voice to just one of the subjects before the Task Force.

As a creator and copyright owner, I strongly disagree that any legislative changes to the Copyright Act governing remixes, sampling and mash-ups are necessary, and I oppose the introduction of compulsory licensing for such uses in the United States. As you are aware, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix, sample and/or make a derivative work of my music without my permission. It denies my rights under the Copyright Act to engage in fair market negotiation with respect to the exploitation of my work, to enter into private license agreements on terms acceptable to me in each instance, and to be assured of just and proper compensation for the use of my work. It would compel me by law to license my work in a manner that fundamentally alters my songs and recordings in a "one-size fits all" manner in a market that is anything but standardized.

Most importantly, it strips me of the right to say "no," and I fear it is a harbinger to the dissolution of copyright protection in the United States, rendering copyright more an economic utility rather than a true property right.

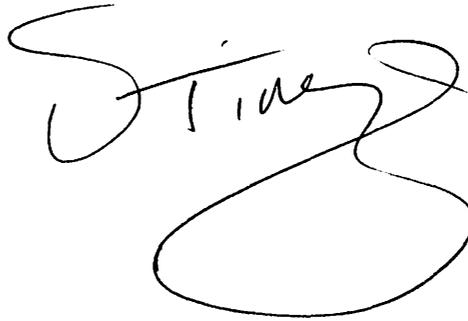
As a songwriter and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A sample or a remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the current compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. As an artist that has been recording for more than forty years, had I anticipated that, in the future, the songs and recordings I crafted so deliberately and carefully could be altered by anyone, without my express permission, in any way that diluted the integrity of my work, I question whether the creative path is one I would have chosen for myself. I also have to question, then, what impact the erosion of copyright will have on our culture. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it?

Copyright exists to encourage artists to create – not dissuade them from doing so.

Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Sumner". The letters are cursive and somewhat stylized.A handwritten signature in black ink, appearing to read "Sting". The signature is highly stylized and cursive, with a large loop at the bottom.

GORDON SUMNER  
p/k/a STING

February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

***RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

To Whom It May Concern:

My name is Joel Zimmerman, professionally known as *deadmau5*. I am a world renowned music producer, songwriter and recording artist. I am writing in support of the comments submitted by Dina LaPolt and Steven Tyler opposing compulsory licensing for remixes in the United States. As you know, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix or sample my music without my permission.

As a songwriter, producer, and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far. Further, if I approve of a remix of my music, I should be able to negotiate my own deal points, not have pre-set licensing rates govern what I am paid.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. I know that I wouldn't have released some of my own songs had I known that, in the future, anyone could remix or alter them without my permission. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

I have the right to say "no" if someone wants to remix my music. The current law in the United States for remixes, mash-ups, and sampling does not need to be changed. Right now, I have the right to deny the use if I want to. Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,



deadmau5

# OZZY OSBOURNE

February 7, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

***RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

To Whom It May Concern:

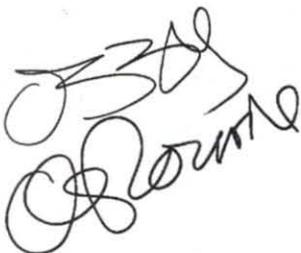
My name is ***Ozzy Osbourne***. I am a songwriter and recording artist. I am writing in support of the comments submitted by Dina LaPolit and Steven Tyler opposing compulsory licensing for remixes in the United States. As you know, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix or sample my music without my permission.

As a songwriter and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far. Further, if I approve of a remix of my music, I should be able to negotiate my own deal points and not have pre-set licensing rates govern what I am paid.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. I know that I wouldn't have released some of my own songs had I known that, in the future, anyone could remix or alter them without my permission. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

I have the right to say "no" if someone wants to remix my music. The current law in the United States for remixes, mash-ups, and sampling does not need to be changed. Right now, I have the right to deny the use if I want to. Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,



Ozzy Osbourne



February 3, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

**RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy,  
Creativity, and Innovation in the Digital Economy**

To Whom It May Concern:

My name is *Mick Fleetwood*. I am a recording artist and a member of the world renowned musical group, *Fleetwood Mac*. I am writing in support of the comments submitted by Dina LaPolit and Steven Tyler opposing compulsory licensing for remixes in the United States. As you know, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix or sample my music without my permission.

As a recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I perform on is personal and has meaning to me. A remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. Allowing people just remix, sample, or remix my recordings into a new song without my permission is taking it a step too far. Further, if I approve of a remix of my music, I should be able to negotiate my own deal points, not have pre-set licensing rates govern what I am paid.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. I know that I wouldn't have released some of my own recordings had I known that, in the future, anyone could remix or alter them without my permission. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

I have the right to say "no" if someone wants to remix my music. The current law in the United States for remixes, mash-ups, and sampling does not need to be changed. Right now, I have the right to deny the use if I want to. Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee if they wish. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

Mick Fleetwood



February 4, 2014

Commerce Committee, Task Force  
Office of Policy and External Affairs  
United States Patent and Trademark Office

***RE: Request for Comments on Department of Commerce's Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy***

To Whom It May Concern:

My name is ***Britney Spears***. I am a songwriter and recording artist. I am writing in support of the comments submitted by Dina LaPolit and Steven Tyler opposing compulsory licensing for remixes in the United States. As you know, this proposed addition to the U.S. Copyright Act would force me to allow anyone to remix or sample my music without my permission.

As a songwriter and recording artist, I can tell you that approval over how my music is used is very important to me and the other artists I know. Every song I write is personal and has meaning to me. A remix takes a piece of art, cuts it up, and then either re-assembles it into something different, or combines some of those pieces with another person's work. I already have to allow other artists to record my songs without permission through the compulsory mechanical license. Allowing them to materially change my songs or recordings without my permission is taking it a step too far. Further, if I approve of a remix of my music, I should be able to negotiate my own deal points, not have pre-set licensing rates govern what I am paid.

Along with losing approval over the use of remixing, sampling and mash-ups, enacting a remix right would have a chilling effect on the creation of new music. I know that I wouldn't have released some of my own songs had I known that, in the future, anyone could remix or alter them without my permission. There are others that feel the same way. Why create something when, ultimately, it could be legal for somebody else to destroy it? Copyright exists to encourage artists to create – not dissuade them from doing so.

I have the right to say “no” if someone wants to remix my music. The current law in the United States for remixes, mash-ups, and sampling does not need to be changed. Right now, I have the right to deny the use if I want to. Artists and songwriters who do not mind others remixing their work are happy to give permission and work out a licensing fee or new copyright splits. But for those of us who would prefer to keep their music in its original form, or who would rather that certain individuals not remix or sample their tracks, no dollar amount can change our minds. For these reasons, I am opposed to a compulsory license for creating remixes, samples and mash ups. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Britney Spears', with a long horizontal line extending to the right.

Britney Spears