



POSITION PAPER

Satellite Compulsory License for Distant Signals

As the unified voice of the copyright community, representing the interests of individuals and organizations across the spectrum of copyright disciplines, the Copyright Alliance has a longstanding position generally disfavoring compulsory licenses, because they represent an exception to the exclusive rights of copyright holders to determine the means of distribution for their creative works. The compulsory license for satellite retransmission of broadcast television distant signals, found in 17 USC § 119, was created by Congress in 1988 to foster competition in the video marketplace, and it has been reauthorized five times since then. The section 119 license is set to expire at the end of this year, and the Copyright Alliance does not support any further reauthorization of the license.

Audiences have never had as many options for watching movies, television shows, sports, and other original audiovisual programs. Creating audiovisual works with high production values is an expensive proposition, whether you are an independent documentarian, a major motion picture studio, a television production company, or sports league. The technologies and business models underlying the video industry are evolving daily and at an ever-increasing pace, leading to more flexible options for creators and consumers. This experimentation is healthy and spurs the development of other delivery systems.

The ability to exercise copyright's exclusive rights through licensing is fundamental to unlocking copyright's full potential, and allows artists to create and distribute their works how they see fit, entrepreneurs to innovate, and markets to operate in this burgeoning environment. The Copyright Alliance believes that creators are most fairly compensated when there are no distortions in the marketplace. We recognize that the licensing marketplace for broadcast television programming is very complex, involving a number of regulatory and statutory provisions spanning the Communications Act and Copyright Act, but that alone is not a compelling reason to retain the compulsory license in section 119. In keeping with our dedication to advocating policies that promote and preserve the value of copyright, we do not support extending the § 119 license.