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Webcasting Rates and Terms to Improve for Educational Student Stations Under Settlement

(September 28, 2015) —The Copyright Royalty Board (“CRB”) has published CBI negotiated settlement with SoundExchange (“SX”) as the rules pertaining to certain educational stations which are substantially staffed by students. The CRB publication of agreement signals acceptance of agreement with minor technical changes.

CBI sees this as a big win for many student stations webcasting sound recordings. “The adoption of this settlement not only rolls forward the current rates for these stations for another five years, but also enlarges the number of stations which can report the use of sound recordings via a proxy fee, while allowing these services to the public to provide reports of use of sound recordings. This is a big win for student stations, the labels and artists” said Gregory Weston, President of CBI. The latter two were represented by SX in the negotiation process.

“In short, this will allow us to continue operations as a student media outlet at SCAD Atlanta radio as we know have certainty with respect to the fees we will pay and what we will be required to do concerning recordkeeping requirements” said Jessica Clary, assistant director of student media and adviser to SCAD Atlanta Radio at SCAD Atlanta.

The publication of the settlement (filed in the 3rd quarter of 2014) rejected all of the comments against the proposal. One objection to the settlement was that it was premature due to the ongoing proceedings, but the judges on the CRB said that it was unreasonable to withhold a determination on the settlement as it would require participants “to continue to participate in the proceeding until all interests were resolved. No such requirement is in the Act and the Judges see no reason to impose one.”

“I am very happy to see that statement despite the fact that it took a year for the CRB to act on the CBI and SX joint motion to adopt the settlement” said Will Robedee, CBI Executive Director, who took the lead on the negotiations.

The Judges left open the possibility, however unlikely, that the CRB may issue rules and rates which offer better terms for some student stations and perhaps others.

“While I would love to see that happen, our evaluation of the process suggests that CBI would be extremely surprised if it occurs” said Weston. “If it does it would be a something that CBI would evaluate and make appropriate recommendations.”

CBI is a national organization with hundreds of members across the nation which will host the National Student Media Electronic Convention October 22-24 in Minneapolis. More information can be found at <http://www.askcbi.org>.

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