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PUBLIC COMMENT ON DIGITAL MUSIC (17 U.S.C. 115)

I am an independent music artist and would like to comment on the copyright office phonorecord compulsory license 17 U.S.C. 115 and how it pertains to a digital phonorecord delivery and an incidental digital phonorecord delivery.

GENERAL COUNSEL
OF COPYRIGHT

Suggested definitions: Digital phonorecord delivery or DPD as defined by the current copyright of 1995 is acceptable and should be continued as such.

Incidental DPD's should be defined as real time digital transmissions that are not permanently or temporarily stored on a data device by the end user and no capability for recording such transmission is provided by the transmission source as in software or hardware support.

In general as a music artist I agree and support the petition given by RIAA on November 22, 2000.

Suggestions:

(1) Agency Action: The copyright office should have the authority to define digital transmission as relates to copyright issues. The congress shall evaluate the royalty basis and compensation required for transmission of these works.

(2) Issues Presented: The definition incidental DVD should be one of general application. They suggested definition for incidental DP D's would be a real time digital transmission that is not permanently or temporarily stored on a data device by the end user and no capability for recording such transmission is provided by the transmission source as an software. Any work that is copied or stored in multiple places should each be considered a digital phone record delivery the if this storage is temporary. Transient works shall not have the capability to be stored or copied being a real time generation. Incidental DPD's shall be considered as transient works.

Suggested Definition of On Demand Streaming:

On demand Streaming audio of music shall be considered incidental DPD's when it is transient and not downloaded or stored on a medium by the end user or is supplied by the provider exclusively for that particular end-user.


Any storage space for streaming music or services requiring subscription for access to music should be considered general DPD's.

Compensation Rates:

Concerning rates for general DPDs, they shall remain consistent with existing rules. Incidental DPDs shall be adjusted for rates according to the definition given herein.

These are comments of an independent musician for the library of Congress on 17 U.S.C. 115.

Sincerely,

 4/15/01

Eric Scott
2594 Pamela Drive
Snellville, GA 30078