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Congress of the United States House of Representatives

Washington, DC 20515-1009

April 22, 2016



COMMITTEE ON RULES CO-CHAIRMAN OF THE CREATIVE RIGHTS CAUCUS

COMMITTEE ON

JUDICIARY

VICE CHAIRMAN OF COURTS, INTELLECTUAL PROPERTY AND THE

REGULATORY REFORM, COMMERCIAL

The Honorable Tom Wheeler Chairman Federal Communications Commission 445 12th Street SW Washington DC 20554

Dear Chairman Wheeler,

As Members of Congress with an interest in copyright issues, we are carefully following the debate surrounding the Federal Communications Commission's (FCC) proposed rules to reform the cable set-top box marketplace. The market for video and television programming is one of the most competitive sectors in the creative economy, and we encourage continued innovation in that arena. However, we are concerned about the potential unintended impact that regulations inconsistent with our copyright licensing system could have on the existing ecosystem. Specifically, we urge the FCC to take into account the important contributions made by the creative community.

There are many creators and skilled workers that make up the television programming universe. On any given set you will see directors, writers, actors, costumers, cameramen, set designers, and grips working to produce a program. Further behind the scenes, the songwriters, composers, and recording artists ensure that music is a part of the storytelling process. These are some of the countless creators whose livelihoods depend on the elaborate copyright licensing and compensation regime underpinning the creation of television programming. They depend on direct payments (residuals or participations) generated by licensing of television programming, contributions to their health and pension plans, and the revenue earned through licensing the rights to "sync" their music with television shows.

In order to keep this ecosystem intact and ensure that creators are able to make a fair living from their trade, we urge you to prevent third party competitors in the set-top box market from making commercial use of or modifying copyrighted programming without acquiring a direct license from the owner of the content.

Instead, appropriate measures would maintain incentives for entities to directly license copyrighted programming with copyright owners and preserve the value of existing licensed programming. They would also ensure that programmers are compensated for the use of their content in the new markets envisioned by the FCC's proposal.

We urge you to give full and careful consideration to these potential impacts. The FCC must take great care to ensure that this rulemaking does not result in harm to millions of creators in our country.

Thank you for your consideration.

Sincerely,

Doug Collins

Member of Congress

Theodore E. Deutch Member of Congress

Tom Marino

Member of Congress

Hakeem S Jeffries

Member of Congress

Marsha Blackburn

Member of Congress

Lamar Smith

Member of Congress

Tony Cárdenas

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Member of Congress

Lois Frankel

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Mini Dallo

Mimi Walters Member of Congress

Adam B. Schiff Member of Congress

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Danny K. Davis Member of Congress

Joseph Crowley Member of Congress

Steve Israel Member of Congress

Mike Bishop Member of Congress

Brad Sherman Member of Congress Dowston

Kanban

Dave Trott Member of Congress Karen Bass Member of Congress

cc: FCC Commissioners Clyburn, Rosenworcel, O'Rielly, and Pai