

2001

## Digital Broadcasting: The Cost of Copyright

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# Digital Broadcasting: The Cost of Copyright

Music copyright issues pervade the Internet these days, but few have roots as far back as 1915. Since that time, radio broadcasters and copyright owners have found themselves embroiled in a conflict over the extent to which copyright law should and can dictate the terms and cost of broadcasting music. Advances in digital transmission technology, followed closely by the introduction of two important legislative enactments, have kept the debate fresh in recent years. Now, an interpretative ruling by the Copyright Office as to the applicability of the latter to the former threatens to extend the dispute well into another century.

In the pages that follow, JELP is pleased to present two differing accounts of these key developments in the ongoing battle between broadcasters and copyright owners. In the first piece, co-authors Bruce Phillips and Carl Moore trace the history of the debate from its origins near the turn of the 20th century to its present-day state, paying special attention to the ways in which digital transmissions test the traditional copyright models of protection and compensation. Ultimately, they conclude not only that such models should continue to be applied in even the most novel technological situations, but also that the Copyright Office's ruling strikes the correct balance in applying them. Samuel Fifer and Gregory Naron, co-authors of the second piece, pick up precisely at this point and, after demonstrating several potential contradictions that might result from such applications, end with precisely the opposite conclusion.

We here at JELP harbor no illusions that the debate will end in this volume. Nevertheless, we invite the reader to consider both positions, to savor both arguments, and to measure with astute eyes the merits of each.