

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Songwriter Equity Act  
5       of 2015”.

6       **SEC. 2. EFFECT ON ROYALTIES FOR UNDERLYING WORKS.**

7       Section 114(i) of title 17, United States Code, is  
8       amended to read as follows:



1 **SEC. 4. FUNCTIONS OF COPYRIGHT ROYALTY JUDGES.**

2 (a) IN GENERAL.—Section 801(b)(1) of title 17,  
3 United States Code, is amended by striking “The rates  
4 applicable under sections 114(f)(1)(B), 115, and 116 shall  
5 be calculated to achieve the following objectives” and in-  
6 serting “The rates applicable under sections 114(f)(1)(B)  
7 and 116 shall be calculated to achieve the following objec-  
8 tives”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall apply to any proceeding that is pend-  
11 ing on, or commenced on or after, the date of the enact-  
12 ment of this Act.

13 **SEC. 5. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.**

14 (a) IN GENERAL.—Section 115(c)(3)(D) of title 17,  
15 United States Code, is amended by striking “In addition  
16 to the objectives set forth in section 801(b)(1), in estab-  
17 lishing such rates and terms, the Copyright Royalty  
18 Judges may consider rates and terms under voluntary li-  
19 cense agreements described in subparagraphs (B) and  
20 (C).” and inserting the following: “The Copyright Royalty  
21 Judges shall establish rates and terms that most clearly  
22 represent the rates and terms that would have been nego-  
23 tiated in the marketplace between a willing buyer and a  
24 willing seller. In establishing such rates and terms, the  
25 Copyright Royalty Judges shall base their decision on  
26 marketplace, economic, and use information presented by

1 the participants. In establishing such rates and terms, the  
2 Copyright Royalty Judges may consider the rates and  
3 terms for comparable uses and comparable circumstances  
4 under voluntary license agreements.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall apply to any proceeding that is pend-  
7 ing on, or commenced on or after, the date of the enact-  
8 ment of this Act.