



# ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559-6000

## DETERMINATION OF CARP ARBITRATOR LIST

### COPYRIGHT ARBITRATION ROYALTY PANELS; LIST OF ARBITRATOR NAMES

The following excerpt is taken from Volume 59, Number 90 of the Federal Register for Wednesday, May 11, 1994 (pp. 24486-24487)

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#### LIBRARY OF CONGRESS

#### Copyright Office

[Docket No. 94-1B]

#### Copyright Arbitration Royalty Panels; List of Arbitrator Names

**AGENCY:** Copyright Office, Library of Congress

**ACTION:** Determination of CARP arbitrator list

**SUMMARY:** The Copyright Office of the Library of Congress is publishing the list of arbitrators eligible for selection to a Copyright Arbitration Royalty Panel (CARP) during 1994. This CARP arbitrator list will be used to select all arbitrators required for any royalty fee distribution proceeding initiated under 17 U.S.C. 802 and beginning during calendar year 1994.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Kretsinger, Acting General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20540, (202) 707-8380.

**EFFECTIVE DATE:** May 11, 1994.

**SUPPLEMENTARY INFORMATION:** The Copyright Royalty Tribunal Reform Act of 1993, Pub.L. No. 103-198, 107 Stat. 2304 (1993), creates a system of Copyright Arbitration Royalty Panels (CARPs), administered by the Librarian of Congress and the Copyright Office, for the distribution of copyright royalty fees collected by the Copyright Office under the various compulsory licenses of the Copyright Code, 17 U.S.C., and for adjustment of compulsory license royalty rates. For royalty rate adjustments and distributions that are in controversy, section 802(b) of the Copyright Code requires the selection of a CARP

consisting of three arbitrators from "lists provided by professional arbitration associations." The Librarian selects two arbitrators, who in turn select the third to serve as their chairperson. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

#### List of Nominated Arbitrators

To implement the CARP selection process of section 802(b), the Copyright Office recently issued a set of interim regulations. 59 FR 23964 (1994). Subpart A of part 251 of these regulations describes the selection and organization of the CARPs. 37 CFR 251. For 1994, arbitration associations were asked to submit a list of persons qualified to serve on a CARP, as described in §251.5, by May 6. The regulation required that the submitting arbitration association supply the following information for each person:

- (1) The full name, address, and telephone number of the person.
- (2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.
- (3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.
- (4) A statement of facts and information which qualify the person to serve as an arbitrator under §251.5.
- (5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.
- (6) Any other information which the

professional arbitration association or organization may consider relevant.

37 CFR 251.3(a).

Section 251.3(b) directs:

After May 6, 1994 \* \* \* the Librarian of Congress shall publish in the Federal Register a list of at least 30, but not more than 75 persons, submitted to the Librarian from at least three professional arbitration associations or organizations. The persons so listed must satisfy the qualifications and requirements of this subchapter and can reasonably be expected to be available to serve as arbitrators on a Copyright Arbitration Royalty Panel during that calendar year. This list will constitute the "arbitrator list" referred to in this subchapter.

The publication of today's list satisfies the requirements of §251.3. Although §251.3(b) sets an upper limit of 75 names, the Copyright Office is publishing an arbitrator list containing 105 names. The short period of time between receipt of the names from the arbitrator associations and the need to publish the arbitrator list precluded the possibility of prescreening the list to stay within the 75 person maximum. The Office is therefore waiving the maximum limitation for this year and is publishing all the names submitted by the arbitration associations that met the eligibility criteria of §251.5. Arbitration associations submitted names of people that they found to satisfy the CARP eligibility requirements described in §251.5 including ability to serve on a CARP at any time during 1994.<sup>1</sup>

As noted above in the quotation from

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<sup>1</sup> This also includes any "spill over" into 1995 that may occur as a result of a CARP proceeding beginning late this year.



§251.3(b), today's list constitutes the CARP "arbitrator list" for purposes of Subchapter B. The information submitted by an arbitration association with respect to each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. See §251.3(b) of the new regulations. Thus, for example, if the Librarian is required to convene a CARP this year for a royalty fee distribution, parties to that proceeding may contact the Licensing Division of the Copyright Office, LM-458, to review that information as a means of formulating objections to listed arbitrators under §251.4.

### Deadline for Filing Financial Disclosure Statement

Publication of today's list also triggers a requirement imposed by the new regulation on the individuals named in the list. Section 251.32(a) of the CARP rules provides that, within one month of date of publication in **Federal Register**, each listed person must "file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office is sending a financial disclosure statement, with specific instructions for completing and filing the statement, to every arbitrator on the CARP arbitrator list. The disclosure statement will be used by the Librarian for purposes of determining what conflicts of interest, if any, may preclude the person from serving as an arbitrator in a CARP proceeding. Unlike the information submitted by arbitration associations under §251.3(a), the information contained in the financial disclosure statements is confidential and is not available to the public or to the parties to the proceeding.

The arbitrators identified on the arbitrator list published today have until June 13, 1994, to file their financial disclosure statement with the Librarian. Failure to file the statement on time may preclude consideration of the person to serve on a CARP.

### The CARP arbitrator list for 1994 includes:

#### Name and Affiliation

Mark Aarons, Esq. — American Arbitration Association  
 Eugene N. Aleinikoff, Esq. — American Arbitration Association  
 Allen H. Arrow, Esq. — American Arbitration Association  
 John S. Barr, Esq. — American Arbitration Association  
 Professor Hadley Batchelder — "Judge-Net"  
 Gerald E. Battist, Esq. — American Intellectual Property Law Association  
 William W. Becker, Esq. — American

Arbitration Association  
 Rosalyn B. Bell, Esq. — American Arbitration Association  
 Richard Bennett, Esq. — American Arbitration Association  
 Richard M. Berman, Esq. — American Arbitration Association  
 Terrell C. Birch, Esq. — American Arbitration Association  
 Bruce Brickman, Esq. — American Arbitration Association  
 Stuart N. Brotman, Esq. — American Arbitration Association  
 The Honorable J. Robert Brown — *Judicate, Inc.*  
 E. Fulton Brylawski, Esq. — American Film Marketing Association  
 The Honorable Charles Clark — *Center for Public Resources, Inc.*  
 Herbert B. Cohn, Esq. — American Arbitration Association  
 Edward T. Colbert, Esq. — American Arbitration Association  
 Joel Davidow, Esq. — American Arbitration Association  
 James F. Davis, Esq. — *Center for Public Resources, Inc.*  
 Robert E. Donnelly, Esq. — American Arbitration Association  
 The Honorable Michael Dontzin — *Endispute, Inc.*  
 Edward Dreyfus, Esq. — American Arbitration Association  
 Corydon B. Dunham, Esq. — American Arbitration Association  
 Kathryn M. Dutenhaver, Esq. — *Endispute, Inc.*  
 Stuart D. Dwork, Esq. — American Arbitration Association  
 The Honorable Lenore G. Ehrig — *Judicate, Inc. and American Arbitration Association*  
 The Honorable Jesse Etelson — *Judicate, Inc.*  
 John B. Farmakides, Esq. — American Arbitration Association  
 Paul W. Fish, Esq. — American Intellectual Property Law Association  
 The Honorable Marvin E. Frankel — *Endispute, Inc.*  
 The Honorable Donald W. Frenzen — American Arbitration Association  
 The Honorable George R. Gallagher — *Judicate, Inc.*  
 David A. Gauntlett, Esq. — "Judge-Net"  
 Charles L. Gholz, Esq. — American Intellectual Property Law Association  
 Eric D. Green, Esq. — *Endispute, Inc.*  
 Joseph A. Greenwald, Esq. — American Arbitration Association  
 The Honorable Philip A. Gruccio — *Endispute, Inc.*  
 The Honorable Jeffery S. Gulin — *Judicate, Inc.*  
 Michael R. Hafitz, Esq. — American Arbitration Association  
 Lawrence K. Harris, Esq. — American Arbitration Association  
 William E. Hartgering, Esq. — *Endispute, Inc.*  
 Joseph S. Hellman, Esq. — *Endispute, Inc.*  
 David C. Hilliard, Esq. — *Center for Public Resources, Inc.*  
 James R. Hobson, Esq. — American Arbitration Association  
 David H. Horowitz, Esq. — American Arbitration Association  
 George A. Hovanec, Esq. — American

Intellectual Property Law Association  
 Scott Hunter, Esq. — "Judge-Net"  
 The Honorable Laurance M. Hyde, Jr., (Retired) — "Judge-Net"  
 The Honorable Bernard H. Jackson — *Endispute, Inc.*  
 The Honorable Mel R. Jiganti — *Endispute, Inc.*  
 James H. Johnston, Esq. — American Arbitration Association  
 John J. Jordan, Esq. — American Arbitration Association  
 Judy A. Julian, Esq. — *Endispute, Inc.*  
 The Honorable Catherine B. Kelly — *Judicate, Inc.*  
 Robin Rae Kravitz, Esq. — American Arbitration Association  
 Robert M. Landis, Esq. — *Center for Public Resources, Inc.*  
 The Honorable William B. Lawless, (Retired) — "Judge-Net"  
 Allen Lenchek, Esq. — *Judicate, Inc.*  
 Arthur J. Levine, Esq. — *Center for Public Resources, Inc.*  
 Michael K. Lewis, Esq. — *Center for Public Resources, Inc.*  
 Burton L. Litwin, Esq. — American Arbitration Association  
 Lee Loevinger, Esq. — American Arbitration Association  
 The Honorable Reuben Lozner — *Judicate, Inc.*  
 The Honorable James P. Lynch, Jr. — *Endispute, Inc.*  
 Thomas J. Macpeak, Esq. — American Intellectual Property Law Association  
 Jonathan A. Marks, Esq. — *Endispute, Inc.*  
 The Honorable Frank J. McGarr — *Center for Public Resources, Inc. and Endispute, Inc.*  
 The Honorable H. Curtis Meanor — *Center for Public Resources, Inc.*  
 Bernard A. Meany, Esq. — American Intellectual Property Law Association and American Arbitration Association  
 Barry William Messinger, Esq. — American Arbitration Association  
 The Honorable Andrew Gill Meyer — *Endispute, Inc.*  
 Frederick G. Michaud, Esq. — American Intellectual Property Law Association  
 Kenneth E. Milan, Esq. — *Center for Public Resources, Inc.*  
 Charles B. Molineaux, Esq. — American Arbitration Association  
 Albert I. Moon, Jr., Esq. — "Judge-Net"  
 The Honorable Sharon T. Nelson — *Judicate, Inc. and American Arbitration Association*  
 Larry S. Nixon, Esq. — American Intellectual Property Law Association  
 Harry R. Olsson, Jr., Esq. — American Arbitration Association  
 The Honorable Paul N. Pfeiffer — *Judicate, Inc.*  
 Robert R. Priddy, Esq. — American Intellectual Property Law Association  
 G. Franklin Rothwell, Esq. — American Intellectual Property Law Association  
 E. Leonard Rubin, Esq. — *Center for Public Resources, Inc.*  
 Joseph B. Russell, Esq. — American Arbitration Association  
 The Honorable James V. Ryan — *Endispute, Inc.*  
 Perry J. Saidman, Esq. — American Intellectual Property Law Association  
 Jeffrey M. Samuels, Esq. — American



*Intellectual Property Law Association*  
The Honorable Alex H. Sands, Jr. —  
*Judicate, Inc.*  
The Honorable Herbert Silberman —  
*Judicate, Inc.*  
Linda R. Singer, Esq. — *Center for Public*  
*Resources, Inc.*  
Michael R. Slobasky, Esq. — *American*  
*Intellectual Property Law Association*  
The Honorable Harvey Smith — *Endispute,*  
*Inc.*  
The Honorable Louis Spector — *Judicate,*  
*Inc.*  
Jeffrey L. Squires, Esq. — *American*  
*Arbitration Association*  
The Honorable Alfred T. Sulmonetti,  
(Retired) — *"Judge-Net"*  
Patricia A. Szervo, Esq. — *American*  
*Arbitration Association*  
The Honorable Robert E. Tarleton —  
*Endispute, Inc.*  
The Honorable J. Owen Todd — *Endispute,*  
*Inc.*  
John M. Townsend, Esq. — *American*  
*Arbitration Association*  
Paul C. Van Slyke, Esq. — *Center for Public*  
*Resources, Inc.*  
James C. Wray, Esq. — *American Intellectual*  
*Property Law Association*  
The Honorable Ronald P. Wertheim —  
*Judicate, Inc.*  
Mary L. Wilson, Esq. — *American*  
*Arbitration Association*  
James C. Wray, Esq. — *American Intellectual*  
*Property Law Association*  
Michael D. Young, Esq. — *Endispute, Inc.*  
Bruce Zagaris, Esq. — *American Arbitration*  
*Association*

Dated: May 6, 1996.

**Barbara Ringer,**  
*Acting Register of Copyrights.*

Approved:

**James H. Billington,**  
*The Librarian of Congress.*

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