



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

PUBLICATION OF THE 2000-2001 CARP ARBITRATOR LIST.

COPYRIGHT ARBITRATION ROYALTY PANELS; LIST OF ARBITRATORS

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2000-1 CARP]

Copyright Arbitration Royalty Panels; List of Arbitrators

AGENCY: Copyright Office, Library of Congress

ACTION: Publication of the 2000-2001 CARP arbitrator list.

SUMMARY: The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel ("CARP") during 2000 and 2001. This list will be used to select the arbitrators who will serve on panels initiated in 2000 and 2001 for determining the distribution of royalty fees or the adjustment of royalty rates.

EFFECTIVE DATE: January 14, 2000.

FOR FURTHER INFORMATION

CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

SUPPLEMENTARY INFORMATION:

Background

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel ("CARP") consisting of three arbitrators from "lists provided by professional arbitration associations." See 17 U.S.C. 802(b). The Librarian of Congress selects

two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were

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amended to provide for the generation of a new list of nominees biennially. 61 FR 63715 (December 2, 1996). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in Sec. 251.5, to serve as arbitrators on a CARP. The regulations require 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 the facts and information which qualify the person to serve as an arbitrator under Sec. 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) of the regulations requires the Copyright Office to publish a list of qualified persons and mandates that this list must include between 30 and 75 names of persons who were nominated from at least three arbitration associations. The newly comprised list of arbitrators will be in effect until the end of the 2001 calendar year, and any arbitrator selected for a CARP during 2000 and 2001 will come from this list. The list includes the name of the nominee and the nominating association.

The publication of today's list satisfies the requirement of 37 CFR 251.3. The information submitted by the arbitration association with respect to each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. Thus, for example, if the Librarian is required to convene a CARP in 2000 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under Sec. 251.4. The Licensing Division of the Copyright Office is located in the Library of Congress, James Madison Building, LM-458, 101 Independence Avenue, SE, Washington, DC 20540.

Deadline for Filing Financial Disclosure Statement

Section 251.32(a) of the CARP rules provides that, within 45 days of their nomination, each nominee must "file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office sent financial disclosure statements to the nominating associations, with specific instructions for completing and filing the statement, and asked each organization to distribute the forms to its nominees for the CARP arbitrator list. The Librarian of

Congress will use the financial disclosure form to determine what financial conflicts of interest, if any, may preclude the nominee from serving as an arbitrator in a CARP proceeding. Unlike information submitted by the arbitration associations under Sec. 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. Each nominee has filed a completed financial disclosure form with the Librarian of Congress.

The 2000-2001 CARP Arbitrator List

The Honorable James M. Bailey--Judicial Dispute Resolution, Inc.
William F. Baron, Esq.--American Arbitration Association
The Honorable Tobias G. Barry--Judicial Dispute Resolution, Inc.
Marjory G. Basile, Esq.--American Arbitration Association
Bernard J. Bonn III, Esq.--American Arbitration Association
Dorothy K. Campbell, Esq.--American Arbitration Association
The Honorable Luis A. Cardenas--JAMS/Endispute
Virginia S. Carson, Esq.--American Arbitration Association
Terry L. Clark, Esq.--American Arbitration Association
Jerry Cohen, Esq.--JAMS/Endispute
John W. Cooley, Esq.--Judicial Dispute Resolution, Inc.
Mark J. Davis, Esq.--American Arbitration Association
The Honorable Gino L. DiVito--Judicial Dispute Resolution, Inc.
Edward Dreyfus, Esq.--American Arbitration Association
The Honorable Lenore G. Ehrig--American Arbitration Association
The Honorable Jesse Etelson--Attorney/Client Arbitration Board, The District of Columbia Bar
The Honorable John B. Farmakides--American Arbitration Association
The Honorable Thomas A. Fortkort--American Arbitration Association
The Honorable Charles W. Fowler--Arbitration and Mediation Services
William D. Friend, Esq.--American Arbitration Association
David Geronemus, Esq.--JAMS/Endispute
The Honorable Michael B. Getty--JAMS/Endispute
The Honorable Cornelia Bright Gordon--Arbitration and Mediation Services
The Honorable Elizabeth E. Granville--American Arbitration Association
The Honorable Jerry Grissom--JAMS/Endispute
The Honorable Jeffrey S. Gulin--Arbitration and Mediation Services
William E. Hartgering, Esq.--JAMS/Endispute

Katherine Hendricks, Esq.--American Arbitration Association
Harold Himmelman, Esq.--JAMS/Endispute
The Honorable Louis N. Hurwitz--Arbitration and Mediation Services
The Honorable Mel R. Jiganti--JAMS/Endispute
Sheldon Kapustin, Esq.--American Arbitration Association
Sheldon Karon, Esq.--American Arbitration Association
B. Craig Killough, Esq.--American Arbitration Association
Lewis Kurlantzick, Esq.--American Arbitration Association
Christine Lepera, Esq.--American Arbitration Association
The Honorable Lewis A. London--Arbitration and Mediation Services
The Honorable Harlan A. Martin--JAMS/Endispute
Gloria Messinger, Esq.--American Arbitration Association
The Honorable James R. Miller, Jr.--JAMS/Endispute
Cecilia H. Morgan, Esq.--JAMS/Endispute
James D. Myers, Esq.--American Arbitration Association
Cheryl I. Niro, Esq.--Judicial Dispute Resolution, Inc.
David M. Ostfeld, Esq.--American Arbitration Association
Timothy T. Patula, Esq.--American Arbitration Association
Gerald F. Phillips, Esq.--American Arbitration Association
Alex S. Polsky, Esq.--JAMS/Endispute
Sol Rosenthal, Esq.--American Arbitration Association
Richard H. Sayler, Esq.--American Arbitration Association
Peter C. Schaumber, Esq.--Center for Litigation Alternatives
The Honorable Philip E. Schwab--JAMS/Endispute
The Honorable Seymour Schwartz--JAMS/Endispute
Vivien B. Shelanski, Esq.--JAMS/Endispute
William Stuart Taylor, Esq.--American Arbitration Association

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Eric E. Van Loon, Esq.--JAMS/Endispute
The Honorable Curtis E. von Kann--JAMS/Endispute
Frank M. Wentworth, Jr., Esq.--American Arbitration Association
The Honorable Ronald P. Wertheim--JAMS/Endispute
Michael D. Young, Esq.--JAMS/Endispute
Gregg R. Zegarelli, Esq.--American Arbitration Association

Dated: January 11, 2000.

David O. Carson,
General Counsel.

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