April 10, 2003

Memorandum

To: Joint Committee of the Higher Education and Entertainment Communities

From: Cary Sherman and Graham Spanier

Subject: Update on task force activities

As you will recall, we agreed at our December meeting to form three task forces to address key issues under the purview of the joint committee: an education task force, chaired by John Hennessy; a technology task force, chaired by Charles Phelps; and a legislation task force, co-chaired by Molly Broad and Jack Valenti (task force membership lists are attached). In this memo we will update you on the work of the task forces and suggest an estimated timeline for the further work of the joint committee.

The two of us have held three conference calls with the staffs of the three task forces (the third held just this morning). The following is a brief summary of the work underway.

Education task force

The task force is developing a white paper on campus education policies and practices concerning use of copyrighted material and P2P file sharing technologies. The paper is expected to have two basic sections: a section on legal aspects of campus management of copyrighted material, and a section that provides examples of useful campus education efforts and recommended good practices for educating students, faculty, and staff about appropriate and inappropriate uses of copyrighted works and P2P technologies. Task force staff Shelley Steinbach has retained Mike Remington of Drinker, Biddle and Reath to prepare the initial part of the paper on the legal issues involved in campus management of copyrighted material, with a focus on the use of peer-to-peer (P2P) technologies. RIAA has retained a person to review existing campus policies and practices governing copyright and P2P, with the goal of identifying campus efforts that seem particularly useful. The task force will review these and other campus practices to develop a range of approaches that can be summarized or cited in the paper.
Technology task force

The technology task force has held two meetings, the first among the education members of the group, the second including the entertainment industry liaison representatives. The task force is issuing a request for information from technology vendors to evaluate technologies for network management. The group also intends to solicit for evaluation proposals for online music subscription services that institutions might adopt through various licensing arrangements as alternatives to problematic P2P technologies currently in widespread use. The task force expects to complete its evaluation processes near the end of May, with a final report in June or July.

Legislative task force

The legislative task force agreed to hold initial meetings without co-chairs Broad and Valenti to explore current and expected legislation of interest to higher education and the entertainment industry, identify areas of agreement and disagreement, and seek ways of narrowing disagreements. The group has met once for an initial exploratory discussion. As a follow-up to this meeting, the higher education task force members are drafting a document that proposes a set of principles or goals that should underlie legislation, and then applies those principles to relevant legislative proposals. The next meeting of the task force will use this document and the reactions to it by the entertainment representatives as a basis for further discussion of legislation. Following this second meeting, the task force expects to prepare a report of the results of the group’s discussions that will form the basis for a task force meeting with the co-chairs.

Joint committee schedule

The full joint committee will meet April 23 in the RIAA offices in Washington, D.C.; it is our understanding that most committee members are able to attend this meeting. Although none of the three task forces will have completed its work by this meeting, we verified in this morning’s conference call that enough progress will have been made in all groups to warrant convening the full committee on April 23 to review and discuss the work of the task forces and related issues.

We are encouraged by the progress being made on the difficult issues surrounding campus use of P2P file sharing technologies and federal legislative proposals. Although we may not be able to resolve all of our differences, we believe that the work underway will promote a deeper understanding of the issues involved from the perspectives of both communities, will identify appropriate and effective steps that can be taken to reduce inappropriate P2P activities, and will point to areas of possible compromise on legislative differences.

Please don’t hesitate to contact either of us with any questions or comments you may have.