The Honorable Joseph R. Biden

President of the Senate

Washington, D.C. 20510

Dear Mr. President:

The Administration is pleased to forward for your consideration the enclosed draft legislation, entitled the “Beijing Treaty Implementation Act of 2016.” This draft bill proposes limited changes to the Copyright Act and an associated statute to implement the Beijing Treaty on Audiovisual Performances, done at Beijing on June 24, 2012 (Beijing Treaty). The Beijing Treaty was negotiated and concluded under the auspices of the World Intellectual Property Organization to update international standards for the protection of audiovisual performers. The United States signed the treaty on June 26, 2012.

The bill amends the Copyright Act to ensure protection for audiovisual performers’ rights in their live performances, akin to the protections already in place for musical performers. The bill subjects those rights to the Copyright Act’s fair use and library exceptions, as well as providing a term from the date of the fixation based on the term of copyright protection for anonymous works and works made for hire, and makes a few technical amendments. Adoption of this legislation and adherence to the Beijing Treaty would allow the United States to enjoy the benefits of a multinational system to protect audiovisual performers, while allowing maintenance of the U.S. “work made for hire” system.

The Office of Management and Budget advises that there is no objection to the transmittal of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President. If you have any further questions, please contact me or Steve Haro, Assistant Secretary for Legislative and Intergovernmental Affairs, at 202-482-3663.

Sincerely,

Michelle K. Lee

Under Secretary and Director

Enclosures