NMPA
National
Music Publishers'
Association

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January 27, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Proceeding No. 15-149

Dear Chairman Wheeler:

The National Music Publishers' Association (NMPA) urges the Commission to require as a condition of the merger of Charter, Time Warner and Bright House Networks a commitment from the combined entity to implement clear and consistent policies aimed at addressing copyright infringement.

Section 512(i) of the Digital Millennium Copyright Act requires internet service providers (ISPs) to adopt and reasonably implement a policy to terminate customers who repeatedly use their network to engage in copyright infringement. While the Act fails to specify what provisions such a policy should require, courts have determined that, at a minimum, an ISP must have a working notification system as well as a procedure for handling DMCA-compliant notifications. While some ISPs have worked collaboratively with copyright owners to develop policies and implement programs, such as the Copyright Alert System, in which Time Warner is currently a participant, to address infringement over their networks, recent litigation has raised serious doubts about other ISPs' commitment to complying with the law.

As the principal trade association representing music publishers and songwriters, we firmly believe an entity providing broadband services to an estimated 19.4 million subscribers must commit to developing copyright enforcement policies that are consistent with recent court decisions and voluntary agreements. As such, we encourage the Commission to require that the merged service commit to, at a minimum, participation in the Copyright Alert System and pledge to work with copyright owners to address infringement on its network.

Sincerely,

David M. Israelite
President & CEO