UNITED STATES COPYRIGHT OFFICE

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UNCLAIMED ROYALTIES STUDY

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KICKOFF SYMPOSIUM

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FRIDAY
DECEMBER 6, 2019

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        The Symposium was held in the Library
of Congress, Madison Building, Montpelier Room,

101 Independence Avenue, SE, Washington, D.C., at

9:15 a.m., Regan Smith, General Counsel, U.S.

Copyright Office, presiding.

PRESENT

REGAN SMITH, U.S. Copyright Office

ANNA CHAUVET, U.S. Copyright Office

JOHN RILEY, U.S. Copyright Office

JASON SLOAN, U.S. Copyright Office

ALSO PRESENT

ALISA COLEMAN, Mechanical Licensing Collective
RICHARD THOMPSON, Mechanical Licensing
      Collective
GARRETT LEVIN, Digital Licensee Coordinator
LISA SELDEN, Digital Licensee Coordinator
MICHEL ALLAIN, WIPO
NICOLE d'AVIS, Open Music Initiative
DAVID HUGHES, RIAA
MARK ISHERWOOD, DDEX
JOHN SIMSON
IVAN BARIAS
ALEX DELICATA
ROSANNE CASH
ERIN McANALLY
ED ARROW, Universal Music Publishing Group
TERRY BOISSONNEAULT, SOCAN/Dataclef
BILL COLITRE, MRI
JAY GRESS, Sony Music Entertainment
ALI LIEBERMAN, SoundExchange
VICKIE NAUMAN, CrossBorderWorks
JOHN RASO, Harry Fox Agency
SARAH ROSENBAUM, Google
LINDA BLOSS-BAUM, SoundExchange
DAE BOGAN, TuneRegistry
TODD DUPLER, Recording Academy
MARK EISENBERG, SoundCloud
KEVIN ERICKSON, Future of Music Coalition
KIMBERLY TIGNOR, IIPSJ
JENNIFER TURNBOW, NSAI

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1   P-R-O-C-E-E-D-I-N-G-S

2   (9:18 a.m.)

3   MS. SMITH: So, welcome, everybody, to

4   the United States Copyright Office's Unclaimed

5   Royalties Symposium. My name is Regan Smith and

6   I'm the General Counsel and Associate Register of

7   Copyrights. Thank you all for coming.

8   The Register of Copyrights and

9   Director of the Office, Karyn Temple, was

10   unfortunately called away this morning, but she

11   cares deeply about this historic music copyright

12   legislation and has asked me to say a few words

13   on her behalf.

14   The Music Modernization Act was passed

15   a little over a year ago and since then, many in

16   this room have been hard at work bringing

17   Congress' vision to life.

18   Thank you, to those who have submitted

19   comments to the Copyright Office's rulemaking,

20   those working to stand up the MLC and the DLC,

21   and those who are here participating in this

22   educational symposium.

1   I know that Copyright Office staff has

2   been tireless in the Office's many MMA

3   implementation activities, including putting

4   together today's event.

5   The MMA is the most significant piece

6   of copyright legislation passed in decades. In

7   enacting the MMA, Congress clearly recognized

8   that music's cultural and economic value was too

9   important to keep the status quo, which

10   frustrated both digital music providers and

11   copyright owners stuck with the inefficient

12   song-by-song licensing system.

13   The MMA offers updated efficiency in

14   the form of a new blanket mechanical license and

15   a new Mechanical Licensing Collective, or MLC, to

16   collect and distribute mechanical royalties for

17   uses of musical works on digital music services.

18   In this new system, after unclaimed

19   accrued royalties are held for a prescribed

20   holding period, those royalties will be

21   distributed to copyright owners identified in the

22   MLC's records, based on relative market share.

1   The MLC will maintain a publically

2   available music ownership database, so that it

3   knows who owns musical works and, ultimately, who

4   to pay under the statutory license.

5   But works that are not identified in

6   the MLC's database or are unclaimed by their

7   copyright owner will not receive their royalties

8   nor will those copyright owners share in the

9   distribution of unclaimed accrued royalties.

10   The MMA thus creates an economic

11   incentive to build an accurate music ownership

12   database. As we can see, from everyone here

13   today, there's a lot of attention across the

14   music ecosphere and in Congress, in supporting

15   the MMA and making sure the MLC succeeds in its

16   efforts.

17   Just last month, Senator Graham noted

18   in a letter to the Register of Copyrights,

19   "Congress has long believed that artists and

20   copyright owners deserve to be fully compensated

21   for the use of their works.

22   It has been an unfortunate industry

1 reality that some revenue goes unmatched and

2 reducing unmatched funds is the measure by which

3 the success of this important legislation should

4 be measured."

5 As part of the law, Congress tasked

6 the Copyright Office, in consultation with GAO,

7 to author a study that recommends best practices

8 that the Collective may implement to identify and

9 locate musical work copyright owners with

10 unclaimed accrued royalties held by the

11 Collective, to encourage those copyright owners

12 to claim the royalties and to reduce the

13 incidence of unclaimed royalties.

14 Today's symposium marks the beginning

15 of an important discussion on these issues that

16 will be followed next year by a formal public

17 comment process, ultimately leading to the

18 Office's Unclaimed Royalties Report.

19 Today we will hear from a wide-range

20 of perspectives, including representatives of

21 music publishers, labels, digital services,

22 advocates for the public interest, those working

1 in data management and collective management

2 organizations, artist relations, as well as

3 artists themselves, all with the goal in mind of

4 reducing the incidence of unclaimed royalties.

5 In fact, Congress has recognized that

6 educating creators would have a key role in the

7 success of the MMA when it assigned the Copyright

8 Office, the MLC, and the DLC roles in educating

9 creators about the MLC and the claiming process.

10 We hope that today's panels aid in the

11 effort to understand some challenges and

12 opportunities that the MLC and others will face

13 in building an accurate and authoritative music

14 ownership database.

15 To start with today's discussion, we

16 will hear an update from the Mechanical Licensing

17 Collective and the Digital Licensee Coordinator

18 and what's in store for both over the next two

19 years.

20 We appreciate that they are joining us

21 today and I thank you all for coming. Okay, now

22 I'm going to switch here and be myself.

1   (Laughter.)

2   MS. SMITH: So I'm very pleased to

3   introduce today's first panelist representatives

4   of the MLC and the DLC. To my immediate left, is

5   Alisa Coleman, who is the unanimously elected

6   first Chair of the Board of Directors of the

7   Mechanical Licensee Collective.

8   Alisa is also the Chief Operating

9   Officer of ABKCO Music and Records, as well as

10   the President of the New York Chapter of the

11   Association of Independent Music Publishers, on

12   the Board of RIAA, among many other positions.

13   With her is Richard Thompson, who is

14   at the, the far, I guess it's all to the left of

15   me, the CIO for the MLC. He previously served as

16   the CTO of Kobalt Music Group for 17 years, and

17   is a former Chair of the Music Metadata Standards

18   Group DDEX, with a particular focus in the area

19   of mechanical rights.

20   Garrett Levin is the President and

21   Chief Executive Officer of the Digital Media

22   Association, the leading organization advocating

1   for digital music innovation and was previously,

2   at the National Association of Broadcasters as

3   well as Senior Counsel to Senate Judiciary

4   Committee Ranking Member Patrick Leahy.

5   And we are also joined by Lisa Selden,

6   who is the Global Head of Publisher Operations

7   for Spotify and a Board Member of the DLC. Prior

8   to joining Spotify in July 2018, Ms. Selden was

9   Senior Vice President in Digital Operations at

10   ASCAP, following other positions at Viacom and

11   Napster. So thank you all for joining us here

12   today, we really appreciate it.

13   Let's start with Alisa. You are the

14   Chair of the MLC. And it's a very exciting time.

15   It's an exciting law for many reasons. As

16   Senator Hatch noted, for the first time in

17   history, songwriters and their representatives

18   will be in charge of making sure they get paid

19   when their songs get played.

20   Can you describe, at a high level,

21   what is the MLC, how is it structured, what is

22   its core task, and what does it need to

1 accomplish over the next few years?

2 MS. COLEMAN: Yes, sure. Hi, welcome,

3 and thank you, all, for coming. So the MLC is an

4 organization made up of a board represented by

5 songwriters, publishers, independent publishers,

6 large and small, and non-voting members,

7 including the DLC, who has a representative

8 that's non-voting, the publishers, who are

9 represented by the NMPA that's non-voting, and

10 the songwriters currently represented by NSAI,

11 who's a non-voting member.

12 The Board and the organization put

13 together several committees that were required

14 under the law, which is the Operations Committee,

15 made up of publishers and members of the DLC.

16 There's also a songwriter

17 representative, who's a non-voting member of that

18 board. That committee works in earnest to view

19 all the technology and make sure that we're on

20 track in understanding how the matching and how

21 the back-end of the systems will work.

22 There is a Dispute Resolution

1 Committee, who will draft policy, and that

2 Committee is made up of publishers and

3 songwriters, independent publishers mostly, and

4 they are going to draft policy to be vetted by

5 legal and to be approved by the Board, on how

6 disputes should be addressed, not resolved, just

7 addressed. Okay?

8 There is also the Unclaimed Funds

9 Committee. The Unclaimed Funds Committee is made

10 up of independent music publishers and

11 songwriters, equal amounts.

12 And they will also create policy on

13 distribution of unclaimed funds in coordination

14 with the rulemaking procedure, which will be

15 legally vetted and then approved by the Board

16 before implementation.

17 We have a lot of those people in the

18 room. I would love it if you'd just raise your

19 hands, because each one of them who are members

20 of these committees, we really appreciate that

21 you spend and volunteer so many hours. You know,

22 to be noted is that everybody that's on the

1   Board, everybody that's on these committees, who

2   spends tons of time, does it voluntarily.

3   MS. SMITH: And you guys are busy, so

4   --

5   (Laughter.)

6   MS. SMITH: Can you talk, a little bit

7   about what the MLC is focused on over the next

8   year? So you're gearing up to the License

9   Availability Date. What is that and what needs

10   to happen before you get there?

11   MS. COLEMAN: Well, yeah. I mean,

12   look, it's quite a unique opportunity to really

13   represent songwriters and publishers, and make

14   sure that we put into place systems and controls

15   and operations that address the concerns that the

16   community has.

17   But in addition to handling all of

18   that, we have to actually grow a huge corporation

19   from zero to 60, like overnight. It's not a lot

20   of time.

21   We have to find a location for the

22   operations to be based at. We have to hire a CEO

1   and COO and CFO and CIO, which we've already

2   done.   Okay?

3   We have to, you know, find underlying

4   staff. We also have to build social outreach and

5   community outreach, build websites that reach the

6   masses that -- we have to work and educate the

7   community.

8   It's a huge undertaking. And then we

9   have to build the back-end systems that are going

10   to process and pay everyone, which is some of the

11   reason why it's so important to look at what has

12   been done in the community already and not just

13   throw out the baby with the bathwater and see how

14   we can improve what's currently being done at

15   publisher and songwriter direction, which is

16   something that hasn't happened in the past.

17   In the past, it was more about taking

18   direction from record labels or DSPs and the

19   publishers were just the ones trying to fight --

20   and songwriters -- to collect their money. And

21   we all worked together to make that a great

22   system, but we need to address how we can make it

1   better, and we're working together great to make

2   that happen.

3   MS. SMITH: I think I wanted to follow

4   up for a second just about that, that issue of

5   reducing accrued unmatched royalties, because

6   that's ultimately the topic of the policy study.

7   Do you want to say anything about the

8   key things the MLC is thinking about, or to the

9   greater audience about how the MLC is approaching

10   that responsibility?

11   MS. COLEMAN: Sure. I mean, it's

12   generally unique. It's not just unique for the

13   United States, which it absolutely is, but it's

14   generally unique for the major economic centers

15   of the world that, one place will process all of

16   these royalties and go through all the statements

17   and do all the matching.

18   In other areas of the world, like

19   Europe, it's so fragmented between organizations

20   that represent the digital collection rights.

21   You can't get a holistic view of the community.

22   This will be a place, where you'll

1 have a complete holistic view of what is matched,

2 what is unmatched. One place, for the first

3 time, that publishers and songwriters can go to

4 say, "I only have to go here to figure out

5 whether I'm getting what I should be getting or

6 not."

7 MS. SMITH: Thank you. Now I want to

8 turn to either Garrett or Lisa, and can you

9 explain, what is the Digital Licensee

10 Coordinator?

11 Because, I think, you hear MLC, DLC,

12 it sounds like, kind of, the same thing, but it's

13 not, really. What exactly is the DLC, what are

14 its responsibilities and how does it interact

15 with the MLC?

16 MR. LEVIN: Sure. Thank you to the

17 Copyright Office for having us here. It's a

18 great opportunity to talk a little bit about the

19 DLC, which, much like the MLC, was created in the

20 statute, by the MMA, designated by the Copyright

21 Office, to perform a pretty important function

22 under the statute.

1   Alisa kind of alluded to some of that,

2   which is working within the MLC through board

3   representation, through committee representation,

4   working -- you know, Alisa works on the

5   Operations Advisory Committee for the MLC.

6   Working both on, kind of, thinking

7   about the unclaimed issue, but also, and I

8   realize it's not the topic of today, but just the

9   transition from the existing system that we're in

10   now to ensure that, kind of, commerce still flows

11   properly on License Availability Date, where

12   there are a lot of already existing business

13   relationships in place.

14   And making sure that the MLC is

15   prepared and ready to operate, not just on a

16   going forward basis to reduce unclaimed, but to

17   actually get the claimed money where it belongs

18   as well.

19   And so the DLC, by statute -- our job

20   is, primarily, forward-looking. Once the -- and

21   to help the MLC engage in outreach to the

22   licensee community, to help the MLC engage in

1   outreach to the artistic community, the

2   songwriter community.

3   Sometimes the services have

4   connections to the artist community that even the

5   MLC doesn't have. And so, you know, on a going-

6   forward basis, the DLC is going to work closely

7   with the MLC, on ensuring that folks are in the

8   system and get into the system.

9   And kind of most notably, over the

10   last few months, the DLC represents the interests

11   of licensees in the administrative assessment

12   questions, in the negotiations over the budget of

13   the MLC and the operations of costs for the MLC

14   and that --

15   MS. SMITH: And do you just want to

16   explain what the administrative assessment is?

17   MR. LEVIN: Sure. So a unique feature

18   of the MMA is that, the -- while the MLC is

19   operated through a board comprising publishers

20   and songwriter representatives as voting members,

21   the services of the MLC are actually paid for by

22   the licensees themselves.

1   And to figure out how much that is,

2   what that cost is to the services, the statute

3   requires what is called an administrative

4   assessment of the total collective costs.

5   That, if the MLC and DLC can't agree

6   on what that is, then the Copyright Royalty Board

7   sets that through an adversarial litigation

8   proceeding. Over the last, I don't know how many

9   months, it feels like a lot of them, we have been

10   talking extensively between the MLC and DLC and

11   working out what --

12   MS. COLEMAN: Only months?

13   (Laughter.)

14   MR. LEVIN: It is only months. In an

15   effort to try to come to a negotiated agreement,

16   we did, last month, which we filed with the CRB.

17   We're waiting for the CRB to adopt that

18   settlement.

19   But it provides the funds that the MLC

20   needs to operate and it also builds in some

21   additional, you know, efforts at collaboration,

22   cooperation, going forward between the MLC to,

1　　kind of, ensure this continues to work over time.

2　　　　　　　MS. COLEMAN: I want to add to that

3　　it was the great work of our teams that really

4　　saw the benefit of not extending the, you know,

5　　what could've been an adversarial position on the

6　　assessment and that, everybody worked together

7　　for the greater good of the entirety of the

8　　community to make that happen.

9　　　　　　　And I know, Garrett, that you had a

10　　huge hand in that, as well as, our legal team and

11　　your legal team and, you know, I thank you on

12　　behalf of the community for recognizing that, you

13　　know, that we all have to make this work,

14　　together. So thank you.

15　　　　　　　MR. LEVIN: Thanks.

16　　　　　　　MS. SELDEN: And just to jump in a

17　　little bit. So I focus a lot on the Operations

18　　Advisory Committee with Richard and other members

19　　of the MLC.

20　　　　　　　The DLC's role is more of just

21　　providing recommendations based on our experience

22　　of processing all of these mechanicals, but at

1   the end of the day, the MLC is the one who makes

2   the decisions.

3   But so far, it's been very

4   collaborative and open and there is a lot of work

5   that has to be done, so all the members of the

6   DLC are working really hard with the members of

7   the MLC to try to get this up and ready for

8   License Availability Date.

9   MS. SMITH: Thank you, Lisa. I think

10   it's important, something I feel, at the

11   Copyright Office, is explaining to people,

12   sometimes, is that, the MLC is not yet issuing

13   the blanket license; it's all working to get

14   towards this License Availability Date.

15   And in the meantime, we're in this

16   transition period where digital music providers,

17   they have a limitation on liability if they

18   engage in good faith efforts to match unmatched

19   works and unidentified owners.

20   I don't know, if one of you could talk

21   a little bit more about what the individual DSPs

22   are doing in this transition period?

1   MR. LEVIN: Yes, so I'm happy to

2   handle that and not really talk about what

3   specific companies are doing, but the statute is

4   pretty clear.

5   I mean, you kind of identified it.

6   There is this period between, kind of, the

7   passage of the MMA and the availability of the

8   blanket license, where the MLC needs time to,

9   kind of, get things up and running, get the

10   blanket license available, and the services need

11   time to, kind of, transition to that blanket

12   license, as well.

13   And so, you know, in order to avail

14   themselves of that limitation on liability, they

15   have to engage in these good faith efforts to

16   continue to match works and continue to process

17   royalties in a way that will -- before the MLC

18   can, kind of, start working its job, as Alisa

19   said, through the centralized system, you know,

20   do good faith work to reduce the amount of those

21   unclaimed royalties going into the MLC in the

22   first place.

1   MS. SMITH: Thank you. And then,

2   Alisa explained, sort of, the committee structure

3   of the MLC and how that is set up, by statute,

4   but do you want to say anything, about how the

5   DLC is structured, whether or not its membership

6   can grow to include other digital licensees, or

7   new market entrants?

8   MS. SELDEN: Yeah, we are open for any

9   other licensee to join us. In the first quarter

10 of next year, we hope to have just an

11 informational website up, to give people

12 information about the 115 license, as well as

13 more information about the DLC and how to get

14 involved.

15   And we don't have the website up yet,

16 but in the interim, if anyone has any questions

17 about learning more about the DLC or wanting to

18 join the DLC, we welcome all the licensees, but

19 you can reach out to our outside counsel, who is

20 here, Allison Stillman, astillman@mayerbrown.com,

21 or you can grab me, but we will have a website up

22 hopefully, first quarter of next year.

1   MR. LEVIN: Yes and I think it's just

2   as important to emphasize, it's -- or, the DLC is

3   open to any licensee who applies. We've got a

4   basic membership application and it really is an

5   opportunity to engage in, kind of, information

6   sharing and learning and helping to, kind of, for

7   the services, to operate in the new 115 space.

8   It's not a, it's not a lobbying

9   organization, it can't be a lobbying

10   organization, it's not an advocacy organization;

11   it is a, kind of, representative of the licensee

12   community in the new, kind of, 115 world.

13   And so please reach out. Please get

14   involved. We're interested and eager to hear

15   from other perspectives and to grow the DLC

16   through new market entrants, through existing

17   market players, like, come one, come all, please.

18   MS. SMITH: So next, I have a question

19   for, sort of, anyone, who wants to talk about

20   timing. Because, I would say, from being at the

21   Copyright Office, in our experience, I know there

22   were people, sort of, less involved in the

1　　day-to-day on music issues were a little

2　　surprised to learn the amount of work that, you

3　　know, our group was doing, in terms of,

4　　establishing regulatory activity, creating new

5　　forms for pre-72 sound recordings, which is a

6　　different part of the MMA, drafting information

7　　about the law, the policy study, all of that.

8　　There was a lot to do.

9　　　　　　　　And the MLC and DLC have their own set

10　　of activities. Could you speak, a little bit,

11　　about what you've been most focused on, since

12　　July, and any sense of timing over the next year,

13　　you mentioned a website for the DLC, what should

14　　we expect to see out of the MLC and other

15　　activities?

16　　　　　　　　MS. COLEMAN: Sure. Well, with the --

17　　first of all, we've already started our social

18　　media campaign. We have Facebook, Twitter and a

19　　bare bones website.

20　　　　　　　　We're in the process of creating a

21　　full entry website for people to sign up and be

22　　informed. And, by first quarter next year, we'll

1 be working on completing and collecting more

2 information from publishers and songwriters in

3 order to do beta testing and matching.

4   Richard will talk a little bit more

5 about that. But, we're already out in the

6 community. We're at events. We're talking to

7 songwriters. We're talking to publishers.

8   We're telling everybody to get ready,

9 put your information together, what information

10 you should put together, your catalog, your

11 splits, your matching ISRCs, just get as much

12 together as possible.

13   Because, when we come, we're going to

14 come hard, because we have a very short window of

15 time under this law to make sure that we get

16 everything that we need. But, it's really -- you

17 know, Richard can really speak more about that.

18   MR. THOMPSON: Sure. So, I mean, in

19 terms of things we've been working on, since

20 July, as Alisa has said, I mean, when we were

21 designated in July, we are starting from scratch,

22 we didn't even really know what our name was.

1   You know, we had no domain, no email,

2   no logo, no visual identity, no staff, perhaps,

3   other than myself, no anything. So really, since

4   July, we've been working on bootstrapping all of

5   those things that any organization needs to

6   function, you know, including all of those things

7   that I've just listed.

8   The other, I would say, you know,

9   there have been a number of major activities in

10   various places. There's, obviously, been legal

11   activities around the administrative assessment,

12   around the rulemaking that's ongoing at the

13   minute.

14   More personally, the major thing

15   that's been going on is identifying vendors to

16   work with, you know, given the time scales that

17   have been mentioned repeatedly already and I

18   daresay, will be continued to be, to be

19   mentioned, because they are such a key factor.

20   You know, given the time scales

21   involved, there is no way we could've begun to

22   try to build any of this ourselves. That simply

1 would not have made any sense.

2 So as many people in the room will

3 know, about this time last year, there was an RFI

4 process that started. About 15 or so

5 organizations responded to that RFI.

6 That led into an RFP process, again,

7 as many people know, and that RFP process

8 concluded, and was targeted to, sort of, conclude

9 around the designation date.

10 So, you know, a lot of work,

11 obviously, as many people will know, in the last

12 few days we've sort of announced that HFA and

13 ConsenSys were the organizations that were

14 successful through this RFP process.

15 So a lot of the times since July has

16 been spent working very closely with the staff at

17 HFA and ConsenSys, really starting to nail down

18 how all of this is going to work at the, you

19 know, lowest operational level, all of the things

20 that we need to work out.

21 As part of that, we have a bunch of

22 expert groups that we've been working in,

1 including representatives from the DSP community,

2 representatives of the songwriting community, of

3 the publishing community, again, trying to use

4 those as, sort of, resources to capture all of

5 their knowledge and information to make sure that

6 we make the, sort of, most informed decisions

7 that we can in terms of how the operation, you

8 know, how the MLC needs to, sort of, function

9 operationally.

10   Other, you know, vendor items that

11 we've been working with, so -- as well as, what

12 we, sort of, called the end-to-end usage process

13 and contracts that HFA and ConsenSys --

14   MS. SMITH: Did you want to -- before

15 you move on, just, sort of, explain --

16   MR. THOMPSON: Sure.

17   MS. SMITH: -- what are HFA and

18 ConsenSys going to be doing versus what is --

19   MR. THOMPSON: Sure.

20   MS. SMITH: -- MLC going to be doing

21 and --

22   MR. THOMPSON: Sure. So the RFP

1   process was for what I, sort of, call end-to-end

2   usage processing services. So what I mean by

3   that, when I say end-to-end that means ingesting

4   the usage reporting that the MLC will receive

5   from the DSPs.

6   So ingesting it, matching it to the

7   musical works database, doing sort of, royalty

8   calculations and so on and then distributing

9   royalties on to rightsholders.

10   So HFA are really, sort of, looking

11   after this, sort of, like, let's call it the

12   business process functions, if that, and then

13   ConsenSys are partnering with HFA and they are

14   building the portal that rightsholders will use

15   to interact with the MLC.

16   That's the sort of -- of course, if

17   you get under the bonnet, it gets a little more

18   complicated than that, but in broad strokes that

19   is what HFA and ConsenSys are doing.

20   I'm assuming most people in the room,

21   are familiar with HFA, so I don't need to give

22   any further background on HFA, hopefully, there's

1   not.

2   MS. SMITH: Well, I think that's true,

3   but everything today, it's an educational

4   symposium, so it will go on the website and we're

5   hoping to message to, you know, anyone who's

6   interested, so it might -- if you want to give

7   some background, I think that could be helpful.

8   MR. THOMPSON: Sure. I mean, I think

9   John Raso from HFA is on a later panel, so yes, I

10 will look at John as I say this, and he can glare

11 at me if I get anything wrong.

12   But HFA are a long-established

13 mechanical licensing administrator in the United

14 States that have looked after, sort of, physical

15 licensing and digital licensing for many years,

16 now, so I'll -- hopefully that's sufficient now.

17 And John can -- it's probably better to let John

18 speak to that further.

19   MS. SMITH: He seems to be smiling so

20 -- thank you. Okay.

21   (Simultaneous speaking.)

22   MR. THOMPSON: I didn't see any

1   glaring, so hopefully that was all good.

2   MS. SMITH: So sorry. So you were

3   going to move on, after that, okay.

4   MR. THOMPSON: Sure. So -- I mean, if

5   we carry on with vendors, since we are -- so HFA

6   and ConsenSys are, sort of, the end-to-end usage

7   processing contract, we have also engaged

8   ConsenSys to build the website, by the time --

9   they are spending a lot of time and effort

10   building the portal, the website is a relatively

11   small increment to that, so it was, you know, it

12   made sense to ask ConsenSys to do that.

13   There is an organization called

14   Prophet that we are also working with. Prophet

15   have expertise in a number of areas, more sort of

16   around branding and marketing, but the particular

17   skill set that we are using them for is UX and

18   UI: User Experience and User Interface.

19   And the reason we felt this was

20   particularly important is, the very, sort of,

21   diverse community of rightsholders that will be

22   interacting with the MLC.

1   You can imagine, there is a spectrum

2   of rightsholders. On the one hand, you might

3   have portal users that have been with a major

4   publisher for 20 years and have forgotten more

5   about music copyright than most people will ever

6   know.

7   So these are sorts of people that do

8   not and, you know, they don't need explanation of

9   what an ISWC number is, or what an ISRC is, or

10   what an IPI name number is, so, you know, for

11   them, we need an interface that is more, a little

12   bit more, sort of, a power-user focused.

13   On the opposite end of the spectrum,

14   one can imagine that, you know, we are

15   anticipating that a large portion of our user

16   base will be more, perhaps, sort of -- and this

17   term is not meant to be, sort of, derogatory in

18   any way, but the hobbyist songwriters or DIY

19   songwriters, or people, perhaps, that just do it,

20   not as a living, but do it, because they find it

21   fun to create music and distribute it to the

22   world and have their friends listen to it.

1   So, you know, equally, we need to make

2   sure that the experience of interacting with the

3   MLC works for them, just as well as it works for

4   the major, or, you know, or larger independent

5   publishers, who I say, are very deeply steeped in

6   this.

7   So that is where Prophet are bringing

8   their expertise to bear. They, you know, they

9   have deep expertise in designing these interfaces

10   and designing these experiences, to make sure

11   that they, you know, will work for all of the

12   different people interacting with the, with the

13   MLC.

14   MS. COLEMAN: And I just want to

15   interrupt for one second to say that, we're not

16   done with the vendor selection. Because, we do

17   need more people involved in the process, on

18   different parts of the spectrum, working within

19   the community, whether it's on the recording side

20   or whether it's on creating APIs and, you know,

21   there are more, there's more work to be done and,

22   you know, we have to develop things over time.

1   We have a five-year plan, as to how to

2   rule that out and where we have to start and, you

3   know, we're never going to be finished, but we

4   are going to progress and build it out so that

5   it's accessible and functional for everyone.

6   MS. SELDEN: And I just want to add,

7   like, you hear there's so much work that has to

8   be done. We're piecing together vendors, but we

9   also want to make sure, in doing this, we want to

10   have it done the right way.

11   So we're also working with the MLC and

12   with the Copyright Office and all the digital

13   services on the rulemaking for all of this,

14   because we're trying to build this really fast to

15   launch, but the rules are still being written for

16   how this is supposed to work.

17   So we're working on that, together, to

18   make sure that it does work properly for everyone

19   and the royalties flow to the songwriters without

20   a hiccup and as quickly as possible.

21   MS. COLEMAN: And technology's not

22   stagnant, you know. It grows, it changes, and we

1 have to be able to grow and change with it. So

2 we recognize that.

3   MR. THOMPSON: Yes, I mean, I think,

4 to just to build on your, sort of, point about a

5 five-year plan, I mean, I think that is a really

6 important point.

7   And, I think, if there was, you know,

8 one thing I would like people to take away from

9 today, you know, it would be, as everybody knows,

10 you know, from designation, we've heard we have

11 18 months to stand up a completely new

12 organization, intended to process the entirety of

13 the mechanical streaming and mechanical downloads

14 royalties in the United States and, you know,

15 that is not a task to be underestimated.

16   So, you know, I, we will move heaven

17 and earth to hit the License Availability Date

18 and I'm very confident that we will hit the

19 License Availability Date, but it will almost be

20 version 1 of the MLC at that point in time.

21   You know, I think there are -- we've

22 got a long list of improvements that we want to

1   make, of efficiencies that we can find of ways

2   that the process has, you know, perhaps, not

3   worked as well as it might, but we simply cannot

4   achieve all of that in the 12 months that we have

5   available. If, you know, if we tried, we would

6   massively over-stretch ourselves.

7   So we are focused on making sure that

8   we deliver the core functionality that the

9   statute requires and the statute demands and the

10   rightsholders demand.

11   But, you know, I think, you know, our

12   ultimate performance needs to be judged in three,

13   four, five years' time, because that is the

14   length of time that it will -- you know, I used

15   the euphemism, earlier, you know, there is an oil

16   tanker that we need to turn around, you know, so

17   that, that will take time.

18   So I think, you know, please work with

19   us, please support us, but please allow us, you

20   know, that time and, as I say, I think it'll be

21   three, four, five years is when, actually, we

22   will have, you know, we will really be, sort of,

1   motoring along and, I think, you know, we'll

2   start seeing an awful lot of improvements come

3   online further downstream.

4   I don't know if that was my best

5   explanation of that, but hopefully that was, sort

6   of, that made sense.

7   MS. SMITH: So I think you said a lot

8   of things in that exchange and I want to make

9   sure that it's unpacked, a little bit. I think

10   it's great that the MLC is approaching things

11   and, you know, in an agile and flexible manner.

12   We're familiar with that, at the

13   Copyright Office. But, you know, it just,

14   regardless of which vendor it is, it is

15   ultimately the MLC that needs to carry on this

16   task, right?

17   And, when you say it'll take three,

18   four, five years, I think, explaining the

19   distinction between what is happening at the

20   License Availability Date and what is happening

21   about potential distribution of unmatched accrued

22   royalties, because they're not happening at the

1 same time, right?

2   MS. COLEMAN: That's correct. The

3 statute allows us three years to match the

4 pending and unmatched and then, build a

5 distribution plan for that. So there is time to

6 make sure that we're getting it done correctly

7 and processing things correctly.

8   MS. SMITH: Right. So the royalties

9 need to be held by the MLC to engage in further

10 matching efforts after they're done by the DSPs

11 before they can -- so even if --

12   MS. COLEMAN: The unmatched.

13   MS. SMITH: Right, the unmatched.

14   MS. COLEMAN: Right. The matched, you

15 know, the intent is to get the money as quickly

16 as possible to everybody involved. That's the

17 goal.

18   MS. SMITH: And, a couple of other

19 things you said, you mentioned the website, the

20 claiming portal, different interfaces, those are

21 different things, right, you are not saying, in

22 Q1 2020, the claiming portal will be up, or what

1   should people expect to see?

2   MR. THOMPSON: So our current timeline

3   has the first version of the portal going live

4   late Q2, early Q3, of next year. I emphasize

5   again that is the first version. That will not

6   be functionally complete.

7   It will have the, you know, the first

8   set of functionality that we want to make

9   available to the rightsholder community. So in

10   particular, sort of, being able to look at your

11   catalog, manage your catalog.

12   Then, just do the, sort of, table

13   stakes stuff, like update your address, your

14   contact information, your banking information,

15   and so on and so forth, exposing over-claims and

16   disputes to rightsholders, so that they can have

17   greater visibility into those.

18   And then, subsequent releases, you

19   know, will increase the functionality available,

20   add efficiencies. You know, the first version of

21   the portal doesn't have statementing on it,

22   because we won't need statementing until 2021,

1   you know, the first quarter of 2021.

2   So again a, sort of, a phased

3   approach, rolling out the functionality and

4   making it available as soon as we can. But

5   again, making sure that we, sort of, bite off

6   manageable chunks at a time so as not to, not to

7   overextend ourselves and, you know, consequently,

8   not deliver anything.

9   MS. COLEMAN: Right. You have to

10   really look at all the things involved in this.

11   It's not just about matching the songs to the

12   recordings and the percentages to the recordings;

13   we need everybody's W-9s, we need everybody's tax

14   information.

15   We need, you know, we need people to

16   verify and confirm and authorize, you know, that

17   they are the true owners and that they are the

18   ones that are able to collect, whether they are

19   the songwriter, whether they are the publisher,

20   whether they are another organization who has the

21   exclusive right to collect that income.

22   There's a whole bunch of different

1   users all over the world, you know, and it's

2   something that we go out and we talk about a lot,

3   which is, this, yes, this is a U.S. thing, but

4   it's not a U.S. thing; it's a global thing.

5   We don't just listen to music that's

6   created by U.S. songwriters and U.S. artists, we

7   listen to music that's created all over the

8   world. And we have to pay all those people,

9   wherever they are. So that means foreign tax

10   information, there, you know, there's a lot that

11   has to be done and collected.

12   MS. SMITH: So in terms of your

13   technical approach -- I guess, this might be for

14   you, Richard, or maybe what you're talking about,

15   too, Lisa.

16   Where is the MLC looking at, to find,

17   you know, efficiencies and, what -- are there

18   earlier industry efforts, whether from the DSPs,

19   or otherwise that can be built upon?

20   We have a whole day of discussion

21   coming up, of what is sort of precipitating the

22   need for this collective.

1   MS. COLEMAN: You know, there's core

2   efficiencies in the market, but there are great

3   people with a lot of experience that we've had

4   many, many conversations with, some of whom are

5   speaking later today.

6   Richard can talk more about the

7   technology efficiencies that we're looking at.

8   But, we really, we have reached out to everybody,

9   within the worldwide community, whether it's

10   CISAC or DDEX or PRS or ASCAP or BMI or

11   SoundExchange, to talk about how they do things,

12   how they see things.

13   So that we can figure out how we can

14   do things together, and help each other move this

15   all forward. It is, it's an industry-wide

16   initiative.

17   MR. THOMPSON: Yeah, I think that's a

18   very good point well made. You know, unclaimed

19   royalties are not a unique problem to the United

20   States; it is a global industry problem.

21   I would also say, it's very much a

22   multi, a multi-faceted problem. There are many,

1   many pain points and difficulties along, sort of,

2   the value chain that cause issues.

3   And each, you know, each of those pain

4   points contributes a small percentage to the

5   problem and, you know, lots of small percentages

6   add up to a larger percentage than any of us

7   would like.

8   The unfortunate element to that is,

9   therefore, there are many points along the value

10   chain, you know, where things need to be fixed

11   and, certainly, not all of those are within the

12   gift at the MLC.

13   I would actually, probably, say that,

14   you know, we're at a place where, not, you know,

15   the problems are such now that they need

16   collective approaches between the various, sort

17   of, constituencies that operate in the industry,

18   whether that be between the labels and the

19   publishers and the DMPs and creators.

20   So, you know, and I have to say, in

21   the last few years, I do feel like there is

22   increasing awareness of those problems and

1   increasing engagement and a lot of really

2   important initiatives that are working on, you

3   know, trying to address those problems.

4   I think, you know, many people in the

5   room will be aware, you know, I think there's

6   been a lot more attention, recently, on the

7   importance of, sort of, attributing creators,

8   whether they be the songwriters or performers,

9   you know, and a number of services in particular

10   who worked very hard to get those people credited

11   on the services.

12   So that, you log into Spotify or other

13   services, you can see who the creators of the

14   music are and, I think that's a really important

15   initiative.

16   But what it has done is help drive

17   that back through the, through the supply chain

18   to make sure that data is captured better, and

19   communicated down the supply chain better.

20   And that benefits everybody. That is

21   in everybody's interest. The creators get

22   recognized, the creators get paid. That is

1 ultimately why, you know, why we are all here.

2   MR. LEVIN: And, if I could just build

3 out something that, I think, Regan, you said, in

4 the introduction and something that Richard said,

5 which is, you know, somewhat, about, you know,

6 the incentives.

7   And what the, what the MMA and the

8 existence of the MLC does is that, I think, it

9 kind of incentivizes that collaboration to a

10 great degree and, kind of, moves us a little bit

11 out of this space of, kind of, looking for black

12 and white answers and saying, you know, well,

13 like, the services just need to do a better job

14 about data, period, full stop, right?

15   And so I think it is a much more

16 complicated question than that, and something

17 that, where, kind of, at each step along the

18 supply chain, there are, there are issues that

19 can arise.

20   And, I think, part of the hope is

21 that, with a system, with a, kind of, centralized

22 collectivized system, through the MLC and through

1 the MMA that, actually, we can start to unpack

2 some of those spots and actually, kind of, try to

3 solve them where they lie, instead of just solve

4 them, where it can, kind of, be legally expedient

5 to try to solve them.

6 So I think that, that is, that is part

7 of the hope and part of, I think, the promise of

8 the MMA and the existence of the MLC.

9 MR. THOMPSON: Yes. I mean, I

10 emphasize that, you know, it is collaboration, is

11 the way that these things are going to get fixed.

12 And I think the low hanging fruit was fixed long

13 ago and, generally, lays with the things that

14 each constituency could deal with, you know, by

15 themselves.

16 So -- I mean, I think, if we would,

17 you know, try to identify the biggest pain point

18 through the industry, I would say, my personal

19 opinion would be, you know, what -- creators go

20 into a studio, or wherever it is they create

21 music.

22 And then, the way the industry has

1   historically developed, and no criticism intended

2   here, it's just the way it happens, is

3   effectively the supply chain has always been

4   bifurcated between the recording data on what we

5   might call the label side and the musical work

6   data on what we might call the publishing side,

7   and the data sort of gets bifurcated in the

8   studio.

9   And, at the minute, we're all spending

10   an enormous amount of time and energy trying to

11   piece that bifurcation back together further down

12   the supply chain.

13   So, you know, I think, one of the most

14   promising medium to long-term initiatives, sort

15   of, things like DDEX are working on and the, you

16   know, the written message, the recording

17   information notification, where the intention is

18   that all of that information is captured together

19   in the studio and then travels together down the

20   supply chain.

21   And, you know, also making sure that

22   in the studio, identifiers are captured from the

1 creators so that those also travel. And that

2 fundamentally, you know, if we keep the data and

3 flow it down both the supply chains, then we

4 won't spend quite so much time and energy at the

5 end of the process trying to piece the, sort of,

6 musical work and recording data back together and

7 do a set of linking.

8 It would be better if we were not

9 doing linking and we were just keeping the data

10 all together. So -- and there's a whole, you

11 know, number of organizations involved in that

12 initiative.

13 So the DDEX -- Mark would be better

14 talking about this later, but you know,

15 SoundExchange in the United States, I believe,

16 are doing it and I know some of the major labels

17 are working on it.

18 The written message is being

19 integrated into digital audio workstations. So I

20 think Pro Tools, for example, has it in. So you

21 know, I think, for the mediums, long-term, this

22 is, you know, the best way to solve the matching

1　　　problem is to eliminate it all together.

2　　　　　　　　MS. SMITH: And --

3　　　　　　　　MS. SELDEN: Either --

4　　　　　　　　MS. SMITH: Oh, sorry. Go.

5　　　　　　　　(Simultaneous speaking.)

6　　　　　　　　MS. SELDEN: Either way, where it --

7　　　the songwriters and the creators and publishers

8　　　have to come into the claiming portal, or trying

9　　　to change behavior in the studio, all of this

10　　　needs a tremendous amount of outreach and

11　　　education.

12　　　　　　　　Alisa said we're going to come hard,

13　　　like, the services are going to be marketing on

14　　　their own. We talked to smaller publishers and

15　　　songwriters, we got a lot of inbound questions.

16　　　People asking how to get licensed, so we'll

17　　　coordinate with the MLC on a marketing campaign

18　　　and all of the services will have their own

19　　　marketing campaign. But all of this needs a

20　　　tremendous amount of education to the smaller

21　　　songwriters.

22　　　　　　　　MS. COLEMAN: Yes, and even though

1 it's a massive problem, it's a narrow scope issue

2 because it is just addressing one segment of the

3 industry where matching is a big issue.

4 It is only the mechanical portion of

5 digital audio streaming and downloads, so we

6 still have the -- as an industry representative,

7 we still have the same issues when they go to the

8 video side, the audiovisual side, or the PRO side

9 and the performing rights side.

10 You know, the hope in this that some

11 of this will help, you know, cure some of those

12 issues. But our charge is very narrow in scope,

13 in what we can do and what we can ask our members

14 and the songwriters and the publishers to do to

15 help us get that to happen, and the digital

16 services as well.

17 MS. SMITH: So I, you know, as

18 somebody who is really interested in these

19 nuanced issues of music licensing and, you know,

20 a copyright nerd -- you see that they're pretty

21 technical. It's pretty complicated.

22 I don't know if what you said, you

1 know, you kind of need to study it to really

2 understand the import of the sliver where the MLC

3 will come in compared to the rest of the digital

4 supply chain and the copyright pieces of it.

5   And I'm excited, we have this whole

6 day that will focus on these nuances that can

7 really have an effect on paying these individual

8 songwriters, you know, whether you're

9 sophisticated or not, whether you are a hobbyist,

10 or whether you are, you know, have a backing of

11 people who can help you figure this out and you

12 don't need to worry about it.

13   But in the few minutes we have

14 remaining, I wonder if we can focus a little bit

15 more on what you started to say, Alisa, which is

16 education and outreach, because both the MLC and

17 the DLC, as well as the Copyright Office, are

18 charged by the statute to engage in these areas.

19 So I mean, are there certain plans -- what should

20 we expect to see?

21   MS. COLEMAN: Well, as I mentioned

22 before, we hired a PR organization -- well, I

1   didn't mention that, but I didn't mention that

2   we've already started our social media campaign,

3   so we have a LinkedIn page, a Twitter page, a

4   Facebook page, and the website.

5   The website will continue to be

6   populated with more information and more sign-up,

7   but we are also out in the community, boots on

8   the ground, speaking at events.

9   You know, I get lots of requests for

10   people from our team to come and speak, we're

11   coordinating that. It's going to be -- a

12   combination of the songwriters from our board and

13   from our committees, and the publishers from our

14   board and our committees, are out there

15   constantly talking about what we're doing and

16   where we're going and what you should be doing to

17   prepare.

18   MS. SELDEN: So we're just in the

19   early planning phases of what the outreach is

20   going to be. Because we're in this transition

21   phase, our current outreach is still sending

22   people to our current mechanical vendor.

1   But we have had a huge push, as

2   Richard said, to get songwriter information into

3   Spotify. Most of the data that comes in from the

4   labels has some songwriter fields -- has the

5   songwriter field filled in.

6   So it's -- we're talking to the

7   providers about providing all the publishing and

8   songwriting data already so once we know when

9   your portal launches, when your website launches,

10 we'll have a place to send them.

11   But in this interim period, we're

12 still just -- it's sort of business as usual, but

13 we are planning to have big outreach, to send

14 people to the MLC when it launches.

15   MS. SMITH: And so this would be --

16 for example, I guess, on the Spotify website, the

17 statute says that the DLC should encourage

18 providers to put this contact information for the

19 MLC on the individual website so that --

20   MR. LEVIN: Right, so the DLC is kind

21 of two educational and outreach components. One

22 is that one, which is kind of towards songwriters

1   and towards creators.

2   And Lisa acknowledges that, you know,

3   and I had mentioned this earlier, like, to some -

4   - for some songwriters and creators, the services

5   might have, like, closer relationships with them

6   than folks affiliated with the MLC, right? And

7   so there is an added resource value of services

8   being able to get those inbound questions and

9   help direct them to the MLC.

10   But because they, like -- I mean, we

11   can direct them to them now, right, but there's

12   not the portal, there's not the website. And so

13   on the other track of education and outreach from

14   the DLC is towards the broader licensee

15   community.

16   And that was some of what I was

17   talking about before and what Lisa mentioned,

18   which is to, you know, launch a fairly basic

19   website that is informational in nature for

20   licensees with some kind of information about the

21   MMA and the transition to the blanket license.

22   And, kind of, continue to speak at

1   events like this and other industry events, to

2   make sure that folks know that there is, kind of,

3   there are resources available, whether it's the

4   MLC, the DLC, the Copyright Office, where people

5   can go because, you know, people have different

6   levels of comfort with various entities, about

7   reaching out and getting answers to questions.

8   And the statute's pretty clear on a

9   lot of stuff. The regs will make it even

10   clearer. And I think at a certain point in time

11   we'll all be able to kind of answer those

12   questions in the same ways, which is -- will be

13   really helpful.

14   MS. COLEMAN: Right. And our budget

15   includes outreach and marketing and public

16   relations. And we, you know, in early

17   discussions, we formulated how we would, you

18   know, basically, canvass not just the United

19   States, but parts of the rest of the world to get

20   this message out.

21   So, you know, we're very aware of our

22   obligations and, really, you know, look to

1   fulfill them and hire people to help us fulfill

2   them.

3   MS. SMITH: Great, because I think,

4   you know, the statute's very clear. The overall

5   goal is that artists and copyright owners deserve

6   to be fully compensated for their works and

7   you're here to help to make sure that that starts

8   to happen.

9   And I will -- I guess, I will close on

10   plugging the Copyright Office's website, because

11   we also have an educational mission and we have a

12   website for the Music Modernization Act, where

13   you can download educational materials.

14   You can download the law, you can see

15   where we're at in all these rulemaking

16   activities, and I think one day it will link to

17   the MLC when it is coming up.

18   Is there anything else that you would

19   like to say before we start getting into all

20   these nuances of what, what's up?

21   MS. COLEMAN: Yes, it takes a village.

22   It's going to take all of us. It's, you know, I

1   understand there's controversy, I understand

2   there are naysayers, but we need everyone to come

3   together to help us to make this work for the

4   betterment of the entire community.

5   And come to us with your ideas. If

6   you have -- if you have certain ideas, we're open

7   to listening to everybody. We want to hear what

8   you have to say.

9   MS. SMITH: Okay. Thank you.

10   (Applause.)

11   (Whereupon, the above-entitled matter

12   went off the record at 10:11 a.m. and resumed at

13   10:17 a.m.)

14   MS. CHAUVET: Good morning. My name

15   is Anna Chauvet. I serve as Associate General

16   Counsel here at the U.S. Copyright Office. I

17   will be moderating our next panel, "Creating

18   Comprehensive Databases: Past, Present, and

19   Future."

20   Before we begin, just to provide a bit

21   of context for today's panel. So, as previously

22   discussed, the MLC will be building a new public

1 musical works database that will link sound

2 recordings with their underlying musical works.

3   So, today, this panel is going to

4 discuss past and current efforts to build

5 comprehensive databases for the identification

6 and ownership of musical works -- I'm sorry, of

7 musical works embodied in sound recordings.

8   In addition, the panel is going to

9 discuss data exchange formats and protocols that

10 are used to make data exchange more efficient

11 within the music industry.

12   So, thank you very much for our

13 esteemed panelists here today, who I will go

14 ahead and introduce. So their bios are in with

15 your agenda.

16   So, to my immediate left I have Mark

17 Isherwood. Mark serves as Secretariat of Digital

18 Data Exchange, LLC, also known as DDEX, where he

19 has served as the Secretariat since its

20 incorporation in 2006.

21   Next, we have Michel Allain. Michel

22 recently joined the World Intellectual Property

1 Organization, otherwise known as WIPO, as

2 copyright IT manager. In the past, he served for

3 ten years as a chief information officer of the

4 French Society of Authors, Composers, and

5 Publishers of Music.

6 Next, we have David Hughes. David

7 serves as Chief Technologist at the Recording

8 Industry Association of America.

9 Next, we have John Simson. John has

10 served in many positions in the music industry,

11 including as executive director of SoundExchange,

12 from 2001 to 2010. He currently serves as

13 Counsel at Fox Rothschild and serves as program

14 director for the Business and Entertainment

15 Program Department of Management at American

16 University.

17 Last, we have Nicole d'Avis. Nicole

18 serves as Senior Director of Berklee's Institute

19 for Creative Entrepreneurship and leads the Open

20 Music Initiative, a consortium focused on

21 streamlining metadata and payment tracking for

22 artists.

1   So, thank you, again, very much, for

2   our panelists. So, Mark, let's start with you.

3   So, as the Secretariat for DDEX, if you could,

4   please, describe what DDEX is, what it does and

5   the role it plays in standardizing data that goes

6   into databases for collection societies and

7   otherwise.

8   MR. ISHERWOOD: Okay. Good morning,

9   everybody. My name is Mark Isherwood. I'm part

10   -- the Secretariat for DDEX. So DDEX is a

11   not-for-profit membership organization and we are

12   a standards setting organization. And the focus

13   of the work we do is the standardization of the

14   communication of data between all the different

15   business partners that exist within the music

16   industry value chain.

17   And we do this in kind of three ways.

18   One is, we specify standard formats that contain

19   the data. So in the days when you had to fill

20   out your IRS filing on paper, the form would be

21   the same for everybody.

22   But, obviously, the data that you then

1 put into it, about how much you've earned and

2 what's tax deductible would be different and

3 essentially that's what DDEX is doing, it is

4 creating the form into which everybody puts their

5 data, which will be unique to them, as it moves

6 around the whole music industry ecosystem.

7   The second piece is to create standard

8 choreographies around those messages, so if I say

9 --

10   MS. CHAUVET: What do you mean by a

11 standard --

12   MR. ISHERWOOD: I'm going to say --

13   MS. CHAUVET: Oh, perfect.

14   (Simultaneous speaking.)

15   (Laughter.)

16   MR. ISHERWOOD: So if I send a

17 particular message to a business partner, then

18 the choreography would expect that business

19 partner to send a specific message back to me.

20   And that would be part of how, between

21 us, we managed the exchange of data around a

22 particular type of business transaction. And

1   one, perhaps obvious one, that's relevant here

2   would be a DSP sending a license request message

3   to a rightsowner and a rightsowner sending a

4   license grant message back, at its simplest

5   level.

6   And then the third piece is, actually,

7   the standardization of the methods, by which

8   those messages actually get transmitted, whether

9   that's through the format, or the message being,

10   actually, placed on an SFTP site, or whether

11   using web services, where there's much more

12   automation, where there's much more computer-to-

13   computer conversations going on and less human

14   interaction.

15   So those are the three, sort of,

16   areas, where DDEX is specifying what's needed.

17   And one of your handouts, actually, I'll walk you

18   through, quickly, shows all of the different

19   standards, or families of standards that we've

20   got.

21   And we've used the London tube map as

22   a way of doing it. And, yes, we did ask their

1   permission, so interestingly, they don't charge a

2   royalty, so.

3   (Laughter.)

4   MR. ISHERWOOD: So, basically, the

5   first three on the deck are really a set of

6   standards that involve communication between

7   labels, distributors, and DSPs.

8   And the first one is the release

9   delivery standard, which is, basically, the

10   exchange of data from a record company, or a

11   distributor, to a DSP, which sets out the nature

12   of the sound recordings and releases that the

13   record company, or distributor, is allowing the

14   DSP to actually put on their service.

15   So that's obviously things like title,

16   track duration, artists, other contributors, and

17   so on. And those messages also contain what we

18   call deal information.

19   And that is where the record company

20   is basically saying, you can use this track, from

21   the 1st of January, and you charge two cents a

22   stream, or whatever it happens to be, but you can

1   only do it for the U.S., but when it comes to the

2   1st of February, you can do it for Canada, as

3   well.

4   So it's kind of setting the

5   parameters, by which, the DSP can actually use

6   sound recordings, in accordance with the

7   over-arching physical contract that they've

8   negotiated between them.

9   Within the context of that, we've also

10   specified the way in which, the actual files, the

11   binaries get communicated between all the parties

12   involved, from the studio, to the label, and then

13   on to the DSP.

14   And that can also include things like

15   archiving services, where labels are ensuring

16   that, you know, their sound recordings are

17   archived, properly, for prosperity.

18   And then, the final one is a very new

19   standard, which was only published in September,

20   which we call the MEAD standard. And this is

21   data that I describe, as not to do with product

22   delivery, or with rights management.

1   It's things like, how many Grammys has

2   this artist won, it's which film soundtrack did

3   this song appear in, it's this other information

4   that, as consumers, we're actually, probably, a

5   lot more interested in, than the rights

6   management and product delivery stuff that is,

7   obviously, important to that process.

8   And that's a new standard and that

9   allows metadata companies, as well as labels, to

10   provide data of the kind that I've just

11   described, to DSPs, to help enhance the

12   information they can give to us, as consumers.

13   And Richard already mentioned, a

14   number of the services are working very hard to

15   carry a lot more contributor information,

16   particularly, writer and composer information,

17   but also, you know, who played alto sax on that

18   particular track and song.

19   (Off-microphone comments.)

20   MR. ISHERWOOD: Yes, yes. I mean, the

21   MEAD thing really came about, because of the

22   voice services, and the way in which we as --

1   those of us who are not in the business ask

2   questions of our voice service, needs certain

3   types of data that you wouldn't, or certainly,

4   wouldn't be forming part of your rights

5   management, or product release data.

6   The next group of standards, the sales

7   and usage reporting, and that enables the DSPs to

8   send sales and usage reporting to any form of

9   rightsowner.

10   We will be shortly declaring, which is

11   the second slide on the second page, something

12   called the Claim Detail Message, this applies

13   primarily to musical works and is used a lot more

14   extensively in Europe and Asia than, perhaps, it

15   is over here.

16   But this is a response from rights-

17   owners saying, I claim X percentage share of this

18   particular work that was in the usage report that

19   you sent me.

20   And then, the next group is the

21   Musical Work Notification and Licensing and these

22   are going to be, potentially, quite important to

1   the MLC.

2   These allow publishers to make claims

3   at a rights-share level to people who are using

4   their repertoire and, also, to make changes to

5   those claims, when publishing catalogs move from

6   one company to another.

7   So that group there, of the DSR, the

8   claim detail message and the musical work

9   notification and licensing are all, potentially,

10   very important in the context of the MLC.

11   The DSR may well be the mechanism by

12   which, the licensees are going to report to the

13   MLC. So a lot of these things are already in

14   place and being very widely used across the

15   industry.

16   MS. CHAUVET: So can you talk more,

17   when you talk about sending messages, kind of,

18   back and forth, maybe, talk a little bit, for

19   people in the audience, who might not know, what

20   do you mean by sending a message?

21   MR. ISHERWOOD: So if I want a

22   business partner to have and understand my data,

1   which then allows them to carry out some business

2   transaction, the way, in which, I do that is, by

3   extracting that data from my database, putting it

4   into a communication format, sending it to the

5   business partner, and then they ingest that data,

6   into their systems, in order to carry out

7   whatever transaction it happens to be.

8   Now, frankly, that's a hugely clunky

9   and old fashioned way of doing things. Other

10   industries, who are into this sort of level of

11   transactions that we are, a lot of that's done

12   computer-to-computer that doesn't involve

13   messages, per se, but actually computers

14   communicating directly with each other, and

15   that's gradually how the music industry is

16   beginning to move, as well.

17   And so that's really the role that

18   we're playing. And, as I said, although, at the

19   moment, it's mostly messages being put onto FTP

20   sites, increasingly, the membership of DDEX is

21   moving towards the use of web services and API,

22   so that it's a much more automated process, which

1   is going to, obviously, improve efficiencies and

2   reduce cost.

3   MS. CHAUVET: Could you, maybe, talk

4   -- because, you're talking about also different

5   messages or different standards, so how does DDEX

6   go about developing a new standard, deciding

7   which information should be included in that

8   standard?

9   MR. ISHERWOOD: So the way in which --

10   I mean, the process we go through is that the

11   membership will sit down and determine a set of

12   requirements, or a particular message, or a

13   change to a message.

14   And then, the Secretariat will make a

15   proposal, as to how that requirement can be met

16   and then, we go through an iterative period of

17   making sure it actually does what we all want it

18   to do.

19   MS. CHAUVET: And, how do you build

20   consensus, in deciding that it does what it's

21   supposed to do?

22   MR. ISHERWOOD: Well, you know, I

1   don't know how we do it, but we do.

2   (Laughter.)

3   MR. ISHERWOOD: We've worked very hard

4   to create an atmosphere, within DDEX, which is

5   entirely not confrontational. And partly that's

6   because we have a room full of operational IT

7   people, who's, kind of, raison d'etre is to solve

8   problems, because, if they don't solve them,

9   their life becomes a bigger nightmare than it is

10   already.

11   And so there is a very strong sense of

12   working together, even if you're dealing with

13   companies that's at a commercial, or legal, level

14   may, actually, be litigating each other.

15   So, you know, we have Spotify in the

16   room and they're not entirely popular with the

17   publishing community, but we have publishers in

18   the room, as well, and they're all talking to

19   each other and trying to find solutions. And so

20   the atmosphere is very conducive to building that

21   consensus.

22   MS. CHAUVET: And maybe one last

1   question before we move on to Michel, is, so, are

2   DDEX standards available only to members, are

3   they --

4   MR. ISHERWOOD: No, no.

5   MS. CHAUVET: -- free, or how does

6   that work?

7   MR. ISHERWOOD: No. So the standards,

8   basically, what we do is, we will publish

9   standards and they're on a public website and

10   anybody can use them, for free, they just need to

11   take out an implementation license. You do not

12   have to be a member to use the standards.

13   And, the reason for being a member,

14   though, is that you're part of that conversation

15   and, actually, determining the way, in which, the

16   way, in which, we move forward.

17   There are some other standards that

18   are written on this pack, so I'm aware that, I

19   could go on for hours. The only one I would just

20   emphasize, which has already been mentioned, is

21   the, you know, all of these transactions that are

22   listed, here, where does the data come from, in

1   the first place?

2   It comes from the studio. It comes

3   from the creators, and that's where our Recorded

4   Information Notification Standard, which is more

5   of a file than an actual message, is being --

6   we're working with a lot of DAW manufacturers and

7   the studio community, in general, to integrate --

8   MR. HUGHES: They don't know what a

9   DAW is.

10   MR. ISHERWOOD: Sorry. Digital Audio

11   Workstation. Sorry. Acronym is the way we live

12   in DDEX, so I do apologize. And the whole point

13   of this is to encourage creators and artists of

14   whatever denomination, to actually be gathering

15   this metadata, at the source, whilst they're

16   doing it.

17   Now, clearly, that kind of studio

18   world doesn't exist to the extent that it used

19   to, and some people are doing this in their

20   bedroom, and so we've got to look to extend it to

21   other areas, as well, but that is where

22   collection of this data starts.

1   And one of the things that DDEX is

2   doing a lot more of, recently, and we'll be doing

3   so into next year, is working a lot more with

4   artists and composer representative organizations

5   to try and, you know, foster this approach to

6   grabbing, as much of the metadata, as you can, at

7   source, so that it can feed it into various

8   points, within the value chain.

9   MS. CHAUVET: Great. Well -- thank

10   you so much. So we're going to continue

11   discussion of data formats and move to Michel.

12   So, Michel, if you could, please, describe the

13   Common Works Registration, otherwise known as

14   CWR, and maybe explain, you know, who develops

15   CWR, what's its purpose, and maybe how it's

16   different than DDEX standards?

17   MR. ALLAIN: Yes. So, hi, everybody,

18   I'm Michel. I'm now working at WIPO, the World

19   Intellectual Property Organization, a United

20   Nations Agency in charge of Intellectual

21   Property.

22   And you asked the question of CWR.

1   And, I think, before answering to that, maybe, we

2   need to introduce this concept of, of works,

3   because the CWR is linked to the work, is to

4   command the work registration format.

5   So in fact, at the beginning, you have

6   some creators, they are going to create, what we

7   call, a work. A work is not a sound recording.

8   And, I think, it's maybe very

9   important to make that difference, because we can

10 see that, we have this split between work and

11 sound recording, during all the value chain of

12 the music.

13   And, here, we're speaking about

14 unclaimed royalties. So if we have unclaimed

15 royalties, it means that, a rightsholder, some

16 rightsholders, did not receive the money they

17 should have.

18   So in fact, when the creator, if they

19 are going to create a works, or they, it's a

20 composition of the brand, it's purely the

21 creation and they would need to register it and,

22 for that, they are going to use some society, it

1   can be a performing right organization, or a

2   mechanical right organization. They will assign

3   their right, they will make a contract with a

4   publisher and the publisher will be in charge of

5   representing the work and the publisher will have

6   to register the work, to make any performing

7   right organization or mechanical right

8   organization. The publisher, he can do it several

9   ways, filling paper, filling out, or going on the

10   website, or sending a file and that's why the CWR

11   has been created, the Common Work Registration

12   file, it's a file format for publishers to

13   register the work. It's been created by CISAC, a

14   publisher's organization.

15   It's, I would say that, it's used by

16   most of main publishers. I think that, it's

17   quite a complex format. It's not, necessarily,

18   an easy one and I know that it's not always easy

19   for some smaller publishers to, to use it, so

20   that's why you have some software.

21   You have, also, some service provider

22   doing, doing that, but it just shows that we

1   still, you still have some publisher doing some,

2   using Excel on, or some of the solution to make

3   the work registration now.

4   MS. CHAUVET: Great. Maybe, shifting

5   gears, a little bit, to talk about past efforts

6   to create comprehensive databases.

7   MR. ALLAIN: Oh.

8   MS. CHAUVET: So if you could, please,

9   describe, Michel, the Global Repertoire Database

10   effort --

11   MR. ALLAIN: Oh, okay.

12   MS. CHAUVET: -- otherwise known as

13   GRD.

14   MR. ALLAIN: I was really happy to be

15   here.

16   (Laughter.)

17   MR. SIMSON: I was there and happy to

18   talk about it. Well, maybe not happy.

19   MR. ALLAIN: Okay. So, back to the

20   future. So, GRD, it was a new -- yes, we were,

21   Mark, also we were in that adventure. So, in

22   fact, everything has started in 2005, with a

1   European regulation -- recommendation, not

2   regulation -- it was a recommendation for

3   creating a pan-European market for licensing for

4   the digital, digital business. So following that

5   recommendation of the European Commission,

6   publishers were able to have pan-European

7   license.

8   So before we were in a world, where

9   SACEM was licensing France, GEMA licensing

10 Germany, PRS, UK, and, after 2005, 2006 it was

11 the beginning of some pan-European deal.

12   And, for example, Sony gave the right

13 to GEMA and the Universal to SACEM. So of

14 course, after that, it became quite difficult for

15 -- to the day-to-day business, because it was

16 very difficult to know who was having which right

17 and where to go to get the license.

18   And under the -- and the European

19 Commission started a group of thinking about this

20 solution and, if I well-remember, the project

21 started in 2009, for creating what was so called

22 the GRD, the Global Repertoire Database. So it

1 started with some publishers, some societies, and

2 also, some creators. So we go through a process

3 of RFP, RFI. We hired some consultant and we

4 moved forward. Finally, as you know, the project

5 was terminated, because we did not succeed in

6 the, in financing the project, it was really a

7 problem of funding the project.

8 MS. CHAUVET: So you're saying it's a

9 problem with funding. And, John, maybe, you can

10 talk to this a little bit, too. I think, in

11 looking at past efforts, it would be interesting,

12 I think, for today, to talk about what those

13 challenges were, maybe, it was funding, maybe, it

14 was something else, in addition to funding. But

15 if there were, maybe if the overall project was

16 not successful, maybe that there were certain

17 successes that actually did occur?

18 MR. SIMSON: Yes.

19 (Simultaneous speaking.)

20 MR. SIMSON: Well, there were

21 neighboring rights societies, as well, involved

22 in that meeting, in Switzerland. And I think one

1   of the things that killed it was, when Google

2   offered to fund it and the rightsowners, really,

3   basically, had a revolt that they were not going

4   to let them own the data --

5   MR. HUGHES: No, no, no.

6   (Simultaneous speaking.)

7   MR. HUGHES: You're switching IMR and

8   GRD.

9   (Simultaneous speaking.)

10   MR. ALLAIN: You're also switching,

11   yes, it's not the same --

12   MR. SIMSON: No, no, no, it was the --

13   the IMR.

14   MR. ALLAIN: No, no, no.

15   (Simultaneous speaking.)

16   MR. ALLAIN: No. I --

17   MR. SIMSON: No, no, it was GRD.

18   (Simultaneous speaking.)

19   MR. ALLAIN: No.

20   (Off-microphone comments.)

21   MR. SIMSON: Oh, yes? Sorry, Jim.

22   MR. HUGHES: We're getting there.

1 That's next.

2 MR. SIMSON: Oh, it's next, okay.

3 MS. CHAUVET: Yes.

4 MR. ALLAIN: Yes that's next, yes.

5 MS. CHAUVET: Okay, so why don't we

6 move to --

7 MR. ALLAIN: Yes. No, no, no, it was

8 the IMR, you have two initiatives, you have one

9 initiative with GRD --

10 MR. SIMSON: Yes.

11 MR. ALLAIN: -- Global Repertoire

12 Database, and at the same time, the other

13 initiative --

14 (Simultaneous speaking.)

15 MR. ALLAIN: -- bonus at the same time

16 that as IMR, it was launched by WIPO, my, the

17 organization I'm working for now, but, but, I was

18 not there, at this moment, at this period of

19 time, I was --

20 (Simultaneous speaking.)

21 MS. CHAUVET: That's okay. So why

22 don't, actually, David, since IMR came up, also

1   known as, the International Music Registry,

2   maybe, David, you can talk a little bit, about

3   IMR and then, maybe, collectively, we can talk

4   about the challenges that were faced, by both of

5   those efforts?

6   MR. HUGHES: Very unlike me, I'm going

7   to refer to notes, because this all happened more

8   than a decade ago and I can't remember that far

9   back. So. So we're going to talk about IMR.

10   That is the -- that was the

11   International Music Rights Registry. And I think

12   it's, kind of, an exemplar of many of the other

13   attempts that we probably won't have time to

14   discuss today. And, let me just say, they had

15   the best of intentions. Okay?

16   So the idea was to create a music

17   ownership database and this started back in 2011,

18   or so, and was born out of WIPO, before Michel's

19   time, so he's not -- he's not responsible. And

20   it was envisioned to be a database, a

21   comprehensive database for musical works and

22   sound recordings.

1   One of our friends, Benedict, was put

2   in charge of it and, and the idea was -- sort of,

3   an emerging copyright licensing modality session

4   happened in Geneva and the out birth of that was,

5   well, we need an international music registry

6   with all the rights and we need to make it faster

7   and simpler and, as I said, it was all the best

8   of intentions.

9   And WIPO stepped up and proposed that

10   they would back it and create this reliable

11   authoritative source of information. But, as

12   with many other initiatives, it was not

13   successful.

14   And to cut to the chase, I will say,

15   for two main reasons that I can recall. The

16   first one was, they were biting off far more than

17   they could ever chew, and choked on it.

18   The idea was to have musical licenses,

19   musical works licenses and sound recording

20   licenses in -- for international, in a single

21   database.

22   So I just want to talk, very briefly,

1 about what I called a 3D complexity of music

2 licensing, and we touched on this, before. What

3 that really means is, you would have to have a

4 database that tells every single license, by

5 territory, by time frame, and by usage.

6   So if somebody goes to license for a

7 streaming service, back in the day, it's getting

8 better now, in Europe, and they say, I want to do

9 an on-demand streaming service in Italy, they go

10 okay, great, go to these guys and talk to it, for

11 the catalog.

12   Yes, but I want to do all of Europe.

13 Oh, well, then you have to go these guys and

14 these guys and these guys and these guys and

15 these guys.

16   And, what about Asia? Oh that's

17 different. And then I, well, I want to do a

18 passive and an on-demand service. Oh, well we've

19 licensed those rights to somebody else.

20   Or, if you want sync licenses, or you

21 want broadcast, and it could be slice and dice,

22 it can be so complex that -- Alisa said something

1   great, which was, as complex, as the MLC is, it's

2   very narrow.

3   You pick one usage, mechanical

4   licensing in one territory, the United States,

5   with the time periods, which will change, over

6   time, as catalogs move, or whatever, and that is

7   a big enough lift.

8   I think, every other initiative that

9   did not limit itself to a, quote, Alisa, again, a

10   very narrow. That's the only way you can do

11   this. And so --

12   MS. CHAUVET: So what was the other

13   reason for --

14   MR. HUGHES: So the other reason was,

15   Google stepped up and offered to fund it and, at

16   that point, I think, everybody got really scared

17   and walked away, to be honest.

18   MR. ISHERWOOD: I mean, there are a

19   couple of points I would make, about this.

20   Firstly, you know, we look back at both of these

21   and, you know, with some mirth, but actually,

22   nobody is saying, we don't need the, a database

1   of this kind, even now. And, if GRD had been

2   successful five years on, now, think where we

3   would be. And the other thing I would say,

4   technology is not the problem, with any of these

5   things, people are the problem. It's vested

6   interests and people who don't want these things

7   to happen.

8   And that's why I was very, it was very

9   warming to hear the earlier panel, about how much

10 work the MLC is doing towards getting out there

11 and explaining what this is, to the community to

12 whom it effects.

13   MS. CHAUVET: And working

14 collaboratively with the MLC, right?

15   MR. ISHERWOOD: Exactly. With one of

16 the things, I think, GRD did wrong, was not to do

17 enough evangelizing of what it was that we were

18 trying to do. So over here, GRD was seen, as a

19 European project for a European problem. It

20 wasn't. But, once that mindset had set in,

21 actually breaking that down and saying no, you've

22 got the same problem and, hey-ho, we've got the

1   MLC, same problem that you're trying to solve.

2   So, you know, that, that, to me, those

3   two things is, you have to engage all of the

4   community, all the time. And people are the

5   problem, not the technology.

6   MR. SIMSON: Yes. If I could, just,

7   amplify that, because I think that's so spot on,

8   Mark. In 2007, seven of the largest neighboring

9   rights societies got together to build a

10   database.

11   And, we all realized that, the same

12   companies, in every territory, the major labels

13   were paying for the databases we were all

14   building on our own.

15   So we all got together and we had

16   many, many meetings, and we were making a lot of

17   progress. And there have been the International

18   Performer Database, the RDB, there are some

19   databases out there that have been overseen by

20   SCAPR and some other bodies.

21   But, ultimately, what would happen is,

22   there was a fear that the British, PPL, and the

1 U.S. SoundExchange were going to control this,

2 and it, it basically got scuttled, you know, just

3 infighting.

4   And so it was people, not technology.

5 And, you know, it was a great idea to, basically,

6 pool our resources, build one back office, for

7 all these different societies.

8   MR. HUGHES: There's one other issue

9 and that is the -- the fact of existing business

10 practices that cannot be -- not that they're

11 necessarily good, but we start with player pianos

12 and we just layer on copyright law, over the

13 years, to try to build out for each new usage and

14 for each new problem. And it is cobbled

15 together, and the way we do business, is not

16 uniform.

17   MR. ISHERWOOD: But that's where I

18 would say we're talking about people who are not

19 prepared to change. They kind of like it the way

20 it is, however stupid it happens to be.

21   MR. HUGHES: However -- yes.

22   (Simultaneous speaking.)

1   MR. ISHERWOOD: And I --

2   MR. HUGHES: So either you need to do

3   those colossal changes --

4   MR. ISHERWOOD: Yes.

5   MR. HUGHES: -- well, copyright

6   reform.

7   (Simultaneous speaking.)

8   MR. ISHERWOOD: And that's what the

9   MLC's doing, it's saying we're going to change

10   this, we're going to do it a completely different

11   way and these are the consequences.

12   MR. HUGHES: But not try to change

13   everything, try to fix one problem at a time, or

14   something here.

15   MS. CHAUVET: Well, and let's maybe

16   talk also about current efforts, which I know you

17   are excited to talk about, David, Music Data

18   Exchange, otherwise known as MDX.

19   But maybe not everyone is familiar

20   with MDX, how it works, but this also is

21   something new that -- my understanding is of a

22   collaborative effort, so I think that would be

1   interesting to hear about.

2   MR. HUGHES: Okay. So I am going to

3   talk to this, later, today. Ali Lieberman, who

4   is the project manager for MDX, will be able to

5   answer all the detailed questions that I cannot.

6   She's on the panel, this afternoon,

7   and will get into the deeper dive. I'm going to

8   talk at the higher level, about the history and

9   what it was designed to accomplish and so on.

10   So the members of the NMPA and RIAA

11   created a committee, a joint committee, we call

12   the Best Practice Working Group. This was,

13   basically created because of the pending and

14   unmatched problems that we had that resulted in

15   MOUs and so on.

16   And, going back, now, seven years,

17   every six to 12 months, face-to-face meeting with

18   all of the, and this is the important part, all

19   of the actual hands-on experts, who deal with

20   these problems of data and matching and royalty

21   processing and so on.

22   We get in a room and these experts,

1   and they really are, I mean, this is, sometimes,

2   we have expert groups for people, who are like me

3   and they're just, sort of, generalists.

4   But, we have the actual experts in the

5   room. And they have been working on this, now,

6   for seven years, working out all the best

7   practices.

8   During that time, in a parallel

9   initiative, the NMPA put out an RFP, because they

10   realized that there was a need to build a portal,

11   to help publishers and users of musical works,

12   somehow, find each other, so that they could get

13   the proper licenses in place.

14   SoundExchange responded to this RFP,

15   and it, sort of, rolled into the work that had

16   been done, by the best practices, and they

17   started to build, three years ago, now, I think,

18   a platform.

19   And the platform is to deal with the

20   fact that, that we need a centralized process,

21   where labels can request publishing data and

22   publishers can respond and they can link up and

1   you can find out, where to get a license and get

2   a license in place, before the product goes into

3   the market. That's really what MDX is, is

4   designed to do.

5   So I know, it's a little vague. I

6   made a couple of notes here that would,

7   hopefully, describe a little bit better what it

8   is.

9   MS. CHAUVET: Will DSPs ever use MDX,

10   or is this exclusively for labels and publishers?

11   MR. HUGHES: So the way it's, it's set

12   up, now, is that the -- when the labels are

13   trying to secure the mechanical licenses, for new

14   works -- this is for new works, only, right now,

15   the way it's set up for use.

16   As soon as a new work's created and --

17   as soon as a sound recording is being created and

18   the label realizes, okay, this, this is a new

19   work, they then, go into the portal and they put

20   that information into the MDX portal.

21   And, what you have to understand is

22   that, before MDX, people like Jay Gress, at Sony

1 Music, who will be on a panel later, would say,

2 okay, well there's five songwriters and, in the

3 past, those songwriters were affiliated with

4 these seven publishers.

5 So we're going to send out these 35

6 emails and ask, all these guys, hey, is your

7 writer associated with this, and, it's a brand

8 new work, created in the studio, the day before,

9 perhaps, so the publishers doesn't even know that

10 it exists, yet.

11 So they say, well it is our writer,

12 but we don't know about that and then we go back

13 and forth and it was -- and so it was super

14 inefficient and the idea --

15 MS. CHAUVET: So what does MDX do, to

16 simplify that?

17 MR. HUGHES: Right. So MDX is, you go

18 in there, when a sound recording is being

19 created, you put in all the information that you

20 understand that relates to the work.

21 So you put in the writers and you can

22 indicate, if you think you know, who the

1 publishers are, but in the end, it goes up into a

2 central place, where all the publishers can then

3 set up alerts, for their writers and the

4 publishing companies they're affiliated with and

5 so on, then they'll get a message and then they

6 can go in there.

7   And the idea is that, if the sound

8 recording owner and the musical work owner, both,

9 agree that this is a sound recording of this

10 musical work, unless somebody else is challenging

11 that, we assume that it's authoritative. I don't

12 know, if we use that word, but we assume it's

13 correct and business can be conducted on that.

14   And that, in a nutshell, is what it

15 is. I think, Ali's going to talk more in detail,

16 later, but --

17   MS. CHAUVET: That would be great. So

18 maybe, it's, like, how is it different than the

19 to-be-created MLC database?

20   MR. HUGHES: That's a great question

21 and I think that --

22   MS. CHAUVET: That Ali should answer

1   later, or you can -- okay.

2   MR. HUGHES: I'm happy to answer that

3   question.

4   MS. CHAUVET: Okay.

5   MR. HUGHES: So, think of it

6   conceptually. To do this, you need three sets of

7   data. You need sound recording data, you need

8   musical work data. Let's call them databases,

9   for the purpose.

10   And then, you need a third database of

11   the links between them. And that database has

12   to, also, include who asserted the links, who

13   verified the links, who has challenged the links,

14   possibly. Oh no, no. That's, Adele sang a cover

15   of Lionel Richie's Hello, at Royal Albert Hall,

16   that wasn't her song, why is she getting paid the

17   publishing, Lionel Ritchie should get paid. It

18   gets complicated, okay?

19   So then, those three databases, I

20   believe that the MLC will have to recreate that

21   exact same functionality. And I think that

22   everybody in the room who cares about how the MLC

1   works, should be seriously considering and

2   understanding what MDX does, how it does it, the

3   rules that it's based on, the best practices that

4   took seven years to create that it's based on,

5   and don't ignore any of that.

6   Now, the relationship between the MLC

7   and MDX, I can't talk to that, but to ignore it,

8   or recreate it, would be a waste of time and

9   money, I believe. And I'm not shy, I pretty much

10   told everybody I know in this room that already,

11   so.

12   MS. CHAUVET: So thank you. I think,

13   you know, it's good to hear about MDX. I think,

14   we're here to learn about, and, and even Alisa

15   alluded to this, just learning about what the

16   different efforts have been and what they are

17   doing to learn from them.

18   Not to say, what the MLC, today,

19   should do, we're here to talk about, what our

20   options available. So maybe, David will be

21   helpful, very, very quickly, just in the interest

22   of time, to talk about the recently-announced

1   Repertoire Data Exchange, or RDX Project?

2   MR. HUGHES: I'm less passionate about

3   this, I only have one page.

4   MS. CHAUVET: Okay.

5   MR. HUGHES: So RDX is a Repertoire

6   Data Exchange, this came out of IFPI and WIN.

7   That's the Worldwide Indie Network of Independent

8   Labels. And it's supposed to be a central

9   gateway to supply data in an accurate form, for

10   -- okay, so basically, it's about public

11   performances and neighboring rights.

12   Now, neighboring rights is a term that

13   many people in the United States don't even know,

14   but let's just put it this way. Public

15   performance is what happens, neighboring rights

16   is the payment you get for that public

17   performance.

18   So in the UK, for example, in the

19   United States, we have SoundExchange, for the

20   digital aspects of that, but in the UK, there's

21   PPL.

22   And they keep track of everything in

1   public performance that happens on the radio,

2   broadcast, in bars, whatever, in the UK. And

3   then, at the end of that period, let's say it's

4   monthly, or quarterly.

5   They send a report, for example, to

6   SENA, in the Netherlands. And then, this giant

7   report of every song that's been played in the UK

8   during the past three months goes over to the

9   Netherlands and they look through it and they

10 look for any Dutch songs on that list and they

11 pull those out and then they identify those, send

12 it back to PPL, and say, those are Dutch songs

13 and, basically, send an invoice to them and say,

14 please, send the money to us, so we can

15 distribute to the appropriate people in the

16 Netherlands.

17   Okay, not so bad. Except that SENA

18 has to do the same thing and send it to UK. So

19 now, they're sending this massively large file to

20 PPL, they have to wade through this giant file,

21 pick out all the UK songs, and do the same thing,

22 which would be okay if there were only two

1   territories.

2   But PPL actually has to do that with

3   every territory, and SENA has to do that with

4   every territory, and it is colossally

5   inefficient.

6   So RDX is not exactly a database, in

7   the aspect of some of the databases we're talking

8   about, it's more like a platform, where you

9   upload the stuff.

10   And Susan Butler used the term, it's

11   like a cache. You upload your recent playlist,

12   let's call it, of what's been broadcast, and

13   then, all the other MLCs, the other MLC, Music

14   Licensing Companies, could then sort through it,

15   in one central place, pull out the stuff that's

16   from their country and contact and get their

17   money. Does that make sense?

18   MR. ISHERWOOD: But --

19   MS. CHAUVET: Yes.

20   MR. ISHERWOOD: But it's, also, so the

21   labels can send their repertoire to one place for

22   dissemination to all of the MLCs.

1   MR. HUGHES: Yes. And that's how the

2   labels got involved, as well, is to send it to

3   one place.

4   MS. CHAUVET: Great. Well, thank you,

5   very much. So, John, turning to you, the

6   International Music Joint Venture, IMJV, has,

7   kind of, come up, a little bit, when we've talked

8   about past efforts, so if there's anything

9   further you would like to speak about --

10   MR. ISHERWOOD: That's real ancient

11   history that one. I was wearing short trousers,

12   when it was IMJV.

13   MS. CHAUVET: So I'll leave it to you,

14   John, if you want to talk more about IMJV, or are

15   you talking more, about your experience with

16   different collective management organizations?

17   MR. SIMSON: Yes. I mean, one of the

18   things that, you know, certainly, that these

19   databases have to be incredibly nimble and

20   flexible.

21   I get involved in a lot of disputes,

22   where songs come out and they haven't even agreed

1   on splits. And, if you're a publisher, or you're

2   a record label, and you've been asked to pay out

3   splits and the splits add up to 175 percent, you

4   basically put the money on hold and say, come

5   back to me when you've figured out 100 percent,

6   so that's a big problem.

7   And, sometimes, the record comes out

8   with 100 percent splits and then there's a sample

9   that wasn't, you know, disclosed and that person

10   ends up with songwriting credit.

11   I mean, this is, it is a lot more

12   complex, in some ways. Although, our big

13   problem, in the early days of SoundExchange, in

14   our database was, who is the featured performer

15   on a sound recording, and it may sound easy, but

16   it's not.

17   The other thing that was really

18   interesting, we created SoundExchange in the

19   Mesozoic period, 2000, and there were very few

20   databases for us to rely on.

21   I mean, one of the wonderful things

22   for the MLC is they're a lot more resource,

1 there's a lot more technology. Back then, the

2 major labels had actually built something called

3 the SRDB, the Sound Recording Database, it had

4 about 480,000 titles and that's actually what

5 gave rise to the first SoundExchange database.

6   The RIAA lent it to us and we used

7 that to create something called the Blanket

8 License Application. But, those very early days,

9 actually, CATCO, which is the British PPL system,

10 licensed the RIAA SRDB. That's where they built

11 their system from.

12   But, the early days, essentially, were

13 very, very difficult, because a lot of our data

14 was, basically, given to us, by the user

15 companies and the data was horrible. And --

16   MS. CHAUVET: So what did you do to

17 fix that issue?

18   MR. SIMSON: Well, it took us years and

19 years and years. And the cleanup, I mean, PPL

20 spent millions and millions of dollars to clean

21 up their data and they had much cleaner data than

22 we did, because, in the UK, to get on the charts,

1   you had to give PPL clean data of what, of who

2   was on a record and things of that nature.

3   So it's very difficult and, you think

4   it should be easy. So those early efforts were

5   very, very difficult. And, I think, Alisa was,

6   kind of, commenting about, you know, telling

7   people you have money for them.

8   I mean, in 2001, when we first had

9   money for people, and, again, we had tiny little

10   bits of money, $3 million dollars, our first

11   year, you'd call people up and say, oh yes, I

12   need your Social Security Number, I need your

13   bank account information, we have money for you.

14   And they'd go, you guy, from Nigeria,

15   with the oil and, you know, are you from that

16   lottery in the Netherlands, so, you know, there

17   was a lot suspicion, there were a lot of people,

18   who turned down their money.

19   And that continued to happen, where we

20   would contact people and they would say, "oh I, I

21   couldn't have earned this money." And that has

22   to do with the education process, which I think

1   is so critical.

2   And I, if I can, I would really advise

3   the DSPs, one of our biggest allies, frankly, and

4   this came much later, Pandora, in 2007/2008, as

5   they started to gain scale, when they would

6   accept a recording, you have to understand the

7   Pandora system, because it was that music genome

8   project, so they had to accept your recording.

9   They would send a note to the artist

10   saying, you will now be earning royalties from

11   SoundExchange. So -- and here's the link to sign

12   up. It was a wonderful tool and it led to a lot

13   of indie artists signing up with us, and I think

14   the DSP should be doing that, here, for

15   songwriting.

16   So remember, they control the pipes.

17   They're sending things out to tens of millions of

18   people, we don't have anywhere near that reach

19   and we can't afford to pay for it.

20   So if Spotify and Apple and Tidal can

21   send, have some sort of a message, about

22   songwriters, if there's a way to have that

1   database communicate, we don't have full

2   information on this track, we need more

3   information, it would be a great thing.

4   MS. CHAUVET: Can you, also, talk,

5   please, John, you talk about, how like the data

6   was really poor and you had to spend a lot of

7   money to clean it up, how about getting clean

8   data from the get go, like, going forward, like,

9   what measures did you take, so that you didn't

10   have to clean it up, so that what you were

11   getting, initially, was --

12   MR. SIMSON: You know, working with

13   licensees was really important, to get them to

14   care about it, but typically they had an intern,

15   you know, inputting that stuff, or it was

16   Gracenote.

17   They would stick a CD, back then, you

18   know, in a, you know, in their computer and it

19   would pop up with the tracks. One of the things

20   I said that, when I left SoundExchange, I was

21   going to start a band called Various Artists,

22   they were going to be on Label Unknown. And the

1 song was going to be called Bonus Track and I

2 would've been a multi-millionaire, immediately.

3   So there's a ton of stuff like that,

4 that still exists out there. Another area that's

5 massively problematic, not as much for the MLC,

6 because most of this works in public domain,

7 although, they're probably arrangement credits,

8 we had millions of dollars for Beethoven.

9   I was sure he hadn't made a record and

10 wasn't the recording artist, or we had lots of

11 money for, you know, all of the classical

12 composers, classical music stations, typically,

13 tend to list the composer, as the featured

14 performer. It was a massive problem that we had

15 to fix.

16   Fortunately, for us, the unions

17 actually helped us fix it, because most of those

18 classical players were in the AFM. So they

19 stepped up. But that's a really big problem.

20   MS. CHAUVET: Great. Thank you, so

21 much. So, Nicole, last, but not least, it will

22 be great, if you could, please describe the Open

1 Music Initiative and the roles of protocols and

2 data formats and setting standards for that

3 initiative.

4 MS. d'AVIS: Yes, for sure. So I think

5 that I am the only one amongst us five without

6 the battle scars to speak of, so I don't know if

7 that gives me an advantage or disadvantage. So

8 Open Music Initiative was founded -- what's that?

9 MR. ISHERWOOD: A lot less pain.

10 (Laughter.)

11 MS. d'AVIS: I'll take it. So we

12 founded Open Music Initiative three years ago at

13 Berklee College of Music. It came out of work

14 that we'd done with students. And, obviously, at

15 Berklee we're focused on artists and music

16 creation, and we have within our campus five

17 thousand -- six thousand creators working across

18 the entire value chain. So, studio, to designing

19 how music's going to be consumed, PlayStation,

20 Skywalker, Netflix. We run the entire gamut, and

21 we're passionate about music.

22 So I think, we were sort of discussing

1   here, is it a data problem? Is it a people

2   problem? What Open Music Initiative aimed to do,

3   and we're three years in and at an interesting

4   point, is to bring the, you know, stakeholders

5   together to address some of the people problems,

6   but then also some of the sort of data and tech

7   issues, and see where we might be a value-add. So

8   we do that in three ways.

9   First of all, with our co-leads at MIT

10   Connection Science, we work on protocols and

11   taking some learnings and best practices from

12   other industries where -- we were discussing

13   other industries that are able to transfer the

14   data in much more automated and efficient ways.

15   So what are different learnings that we can take

16   and apply to the music industry?

17   Second of all, coming out of Berklee,

18   we are an education institution, and so how can

19   we support education about intellectual property

20   to creators, but then also sort of serve as this

21   feedback loop within the industry? There was this

22   really interesting moment, for anybody who was at

1 our LA meeting last February, where there was

2 this really successful songwriter who has made a

3 career for herself, and supporting herself as a

4 songwriter. And there was a panel talking about,

5 ISWCs, you need to have one duh-duh-duh-duh-duh.

6 And she turns to me, we were in the back, and she

7 turns to me and she's like, "what's an ISWC?"

8 And because I've been in the room with

9 all of these folks, I know what an ISWC is. But

10 she didn't, and she's been making a living as a

11 songwriter, doing that, and yet she still didn't

12 know what this really critical piece is. So I

13 think that bringing these people together in one

14 room is so important. And I think Mark spoke to

15 that a bit.

16 And then finally, we do believe that

17 in order for artists to have sustainable,

18 successful careers, we need to continue growing

19 the pie, as far as how artists are able to make

20 money.

21 So I think we're talking a lot about

22 streaming, obviously, and distribution through

1 streaming, but there's going to continue to be

2 other monetization opportunities for musicians

3 and artists.

4   So, Open Music works both to convene

5 the industry around these issues, and then,

6 technologically, to start experimenting and

7 actually, rather than talking about it, actually

8 show it through practice. And we're lucky to have

9 some of the top experimenters in technology, with

10 MIT, to actually build some of these solutions,

11 just so we can kick the tires and see what's

12 realistic and how can we make change.

13   MS. CHAUVET: So, I guess, how do you

14 guys go about building consensus? You're talking

15 about kicking the tires, and trying things. But

16 how do you decide, okay, this is what people

17 want, this is working, and this is what we're

18 going to do?

19   MS. d'AVIS: Yes, I mean --

20   MS. CHAUVET: Versus trying something

21 else.

22   MS. d'AVIS: Yeah, yeah, yeah. I

1 think that it's a couple elements. I think,

2 similar to what Mark said, being an education

3 institution, being artist-focused, and then

4 bringing people around that core mission of just

5 love of music, ultimately that's why we're all

6 here in this room, I think that that's really

7 important. So we sort of start there.

8   And then the other piece is having

9 something to react to. So I think a lot of times,

10 if you're trying to decide a solution and just,

11 sort of, endlessly iterating on paper, versus

12 actually building something, and understanding

13 that what we have may not be perfect, but knowing

14 that we can react to it.

15   So, again, I think there's the human

16 side and then there's the tech side. But I think

17 that we're one of the few initiatives that does

18 bring together both professionals -- we have

19 labels, and streaming services and publishers, we

20 have tons of startups -- but then we have a lot

21 of hobbyists and music technologists, garage

22 tinkerers, and we have a lot of artists engaged

1 as well.

2   And so I think that bringing together

3 all of those voices in one room, and then being

4 able to roll up our sleeves and build things,

5 those are two ingredients of success.

6   MS. CHAUVET: So how does OMI

7 complement or differ from, let's say, DDEX --

8   MS. d'AVIS: Yes, certainly.

9   MS. CHAUVET: -- in what it does?

10   MS. d'AVIS: That has been --

11   (Laughter.)

12   MS. d'AVIS: All right, David, I hope

13 I get this right. So I think that we definitely

14 do not aim to replicate the work of DDEX. What we

15 do aim to do, and speaking of some of those

16 hobbyists and artists out there who may not be

17 familiar with the various standards, a couple

18 things.

19   So first of all, I think that the MEAD

20 standard, the MEAD format that Mark was talking

21 about, is really interesting, and from the

22 Berklee perspective, that metadata, the liner

1 notes that we all used to be familiar with, and

2 is a really critical piece of information.

3   So for example, taking that and, I

4 think, using some of the best practices that

5 actually RDX is now experimenting with as far as

6 rather than having one singular database, how can

7 we start putting information that is publicly

8 available -- so for example, a lot of the

9 publicly available metadata about music of who

10 played on it, or what kind of guitar did they

11 use, etcetera -- how can we experiment with some

12 of that metadata?

13   So to use the MEAD standard, for

14 example, use some of the best practices that RDX

15 is also using, and not necessarily having one

16 database, but having a distributed node, a

17 distributed ledger of various data sets that are

18 talking to each other.

19   And then, how can we enable, for

20 example, startups and other applications to start

21 building on top of that and doing interesting

22 things?

1   So we spoke about voice. For example,

2   I have a six- and just-turned-nine-year-old, and

3   they're constantly interacting with Alexa in our

4   kitchen and asking it questions about the music.

5   And sometimes it gets it and sometimes it

6   doesn't. And so I think that's one really

7   interesting use case, how can we take some of the

8   best practices that are out there, bring them

9   together, and then allow the top-of-stack

10   development so that we can start experimenting

11   with how music is both created and consumed

12   today?

13   I'm really enthused, for example, to

14   see the RIN standard going into the digital audio

15   workstations. I'd love to continue, I mentioned

16   the supply chain. We have digital audio

17   workstation creator manufacturers within our

18   membership as well. How can we help make some of

19   those more intuitive?

20   So one of the analogies that I use the

21   most is Turbo Tax. Tax code's not simple, and yet

22   there's been applications that have taken this

1   publicly accessible information and made it easy

2   to access and easy to interact with for any user.

3   And I think that both on the creation and on the

4   consumption side, that's where Open Music is

5   going to continue to be a value added.

6   MS. CHAUVET: Thank you. So now I'm

7   going to open up some questions to each of our --

8   all of our panelists. One thing that we have not

9   talked about today is the joint database effort

10   of ASCAP and BMI, the performing rights

11   organizations. So, I don't know if anyone wants

12   to talk about that effort, maybe contrast it with

13   other past efforts, or --

14   MR. ISHERWOOD: I don't really know

15   much about it, I'm afraid and --

16   MS. CHAUVET: So perhaps someone else.

17   (Laughter.)

18   MS. CHAUVET: I'm just kidding. I'm

19   just kidding.

20   MR. HUGHES: I can make a comment that

21   my concern, coming from the -- okay, I'm a label

22   guy. I'm a label guy my whole life, okay?

1   Disclaimer. But one of the things that was done

2   right in some of these initiatives is tracing the

3   information back to the copyright owners.

4   So, for example, SoundExchange has a

5   policy that when they get a DDEX feed from a

6   label, if they think there's something wrong,

7   they kick it back to the label.

8   They say, please correct it, you're

9   the copyright owner. Or, legal administrator of

10   the copyrights, as the case may be. Please

11   correct this and resend it. We are not going to

12   mess with your data.

13   So, in a sense, they try to keep that

14   data pristine.

15   The unfortunate thing, especially for

16   sound recording data, is that by the time it gets

17   to ASCAP or BMI, it's pretty far from the source.

18   And this is something that we can talk about

19   later today. The further you get from the source,

20   the less likely that data is going to be

21   accurate. And so that was my concern about ASCAP

22   and BMI doing that without the involvement of the

1   sound recording copyright holders.

2   MR. ISHERWOOD: I think one of the

3   things that David has just said points to, which

4   we've sort of partly mentioned but not

5   specifically, is this issue of authority.

6   That, in the context of the MLC

7   database, or indeed any database, is the

8   fundamental thing, is how authoritative is this?

9   And one of the things that the industry hasn't

10 done, which I think it really does need to

11 consider doing in the not too distant future, is

12 agreeing -- a set of authority rules around how

13 do you determine whether a link between an ISWC

14 and an ISRC is valid and can be relied upon.

15   And you can then -- you can turn that

16 into machine rules, and the machines will do it

17 for you. But you need human beings to agree what

18 those rules are in determining the validity of a

19 particular link. And then that can be applied to

20 splits on works, and a whole bunch of other

21 things.

22   But authority is the thing that we

1 lack across the whole industry, because at the

2 moment, very simplistically, everybody who's got

3 a database says, mine is the authoritative

4 database and nobody else's is.

5 And in the circumstances we find

6 ourselves in, I would take exactly the same

7 position. But actually it's probably not true

8 because some of the data will be very

9 authoritative, because they've collected it very

10 close to the source. If you think of a music

11 rights society, a musical work rights society,

12 they've got it from their own members.

13 So, PRS got data from a UK writer and

14 a UK publisher. Likelihood that's probably right.

15 But they'll also have data in there that they got

16 from GEMA about UK works. And the likelihood of

17 GEMA getting it right? Well, I'm not belittling

18 GEMA, but the chances are slimmer.

19 And so all of these issues around

20 authority we have got to tackle, at some point,

21 as an industry. And until we do, we are going to

22 continue along the merry road of several

1   databases, all purporting to do the same thing

2   but looking different, being the norm.

3   MR. HUGHES: Right. I mean, to give an

4   example, because we're in the weeds here, and

5   we're losing some people, I'm sure, it's not

6   uncommon, for example, for a label to put a sound

7   recording out into the marketplace. And let's

8   just say it was a song, it was Jay-Z featuring

9   Rihanna, Wembley Stadium, 71 remix, whatever.

10   Okay, it's a pretty specific version of a song,

11   and so on and so forth.

12   As it travels through the ecosystem,

13   it is not uncommon for it to be changed to the

14   point where when it comes back to the label that

15   put it into the marketplace, from a music

16   licensing company, for example, a PRO, or

17   whatever, that it now says, featured artist,

18   Rihanna. Because it said featuring, so they

19   assume that means that she's the featured artist,

20   which, in case you didn't understand, she's not.

21   It's a Jay-Z track.

22   And the version which was live at

1   Wembley, 2014, remix, whatever, is now just gone.

2   Maybe you get Wembley. Or maybe you get a word.

3   Or maybe you get remix. But that's all gone.

4   And unless -- if you're really lucky,

5   there's an identifier, like an ISRC, that you

6   might be able to trace it back to the origin.

7   Now we're back to getting data coming

8   back to the originator that they can't even

9   recognize is their own. And that goes to Mark's

10   point, which is we need to have an authoritative

11   source that everybody can check against, so

12   they're all talking about the same thing.

13   MS. CHAUVET: Well I guess in this

14   case it's a little bit different. We have a

15   statutorily required MLC to-be-created database,

16   right? So maybe let's focus a little bit on that.

17   So, I open this to all of the panelists: is there

18   adequate incentive for stakeholders to

19   participate in the to-be-created MLC database?

20   MR. ISHERWOOD: Well in simple terms

21   there is, because otherwise they won't get paid.

22   That's the long and the short of it. Whether

1   that's enough for everybody to participate is

2   kind of difficult for me to say.

3   In a way, that incentive has been the

4   same even with every PRO in the world, or every

5   mechanical society, or even every producer

6   society. If you don't register your stuff, you

7   won't get paid.

8   I think it's a little bit more stark

9   here because of the blanket license, because

10   there is no other way in which a license will get

11   granted. I know that publishers -- some of the

12   bigger publishers will do direct deals, but out

13   of that, there isn't any other way that a license

14   will be granted. And so there is a much more

15   direct connection between those two things.

16   MS. CHAUVET: Nicole, did you have

17   something to add?

18   MS. d'AVIS: Yes, I would add to that.

19   I think that, to your point, it's not going to be

20   that different in that payments have been

21   available in the past.

22   You were talking about people being

1   surprised that there's this erroneous

2   SoundExchange, suspicious money coming to them. I

3   think for the young and emerging creators,

4   attribution and discoverability are just as

5   important.

6   And so I think that also remembering

7   that while maybe it's a hundred dollars that's

8   coming to them, and so perhaps it's not the

9   financial incentive but the attribution and the

10   validation, not validation of data but validation

11   of self and purpose and mission as an artist, and

12   then discoverability. I think that those pieces

13   are just as important.

14   And so I think that remembering that

15   those parts of the data sets, and the ability for

16   services and applications to pull that data and

17   use it in creative ways, is also going to be

18   incredibly important.

19   MS. CHAUVET: Are there any regulatory

20   approaches that can be taken to provide further

21   incentive?

22   MS. d'AVIS: My personal belief is

1   that human behavior, versus rule-making, is when

2   you err on human behavior incentives, you're

3   going to do better, but that's my own personal --

4   MR. SIMSON: In the early days at

5   SoundExchange, actually in our meetings here with

6   the Copyright Office, there was some talk about

7   whether there should be a regulation that you

8   would not get paid if you didn't have an ISRC

9   code, to require ISRCs. And if you looked at the

10   universe at that point, it meant the major labels

11   would get paid, because they had ISRCs for most

12   of their releases, and most of the indies didn't.

13   It would have been horrible, I mean from a

14   political standpoint. So we didn't go with that

15   kind of a regulation.

16   Now, obviously, having registration,

17   or having that kind of a requirement, would have

18   been a good thing.

19   MR. HUGHES: But we had a de facto

20   regulation, which was iTunes decided that, we

21   wouldn't allow you to upload your sound

22   recordings for sale on iTunes without an ISRC.

1   And guess what? Overnight, everybody who wanted

2   to get paid for their sound recordings made sure

3   they had an ISRC.

4   MS. d'AVIS: And I think that speaks

5   to attribution as well, because you want to be on

6   iTunes. I think that it's the payment, yes, but

7   it's also you want to see yourself. You want, Mom

8   and Dad, I'm on iTunes.

9   MR. HUGHES: Oh yes.

10   MR. ISHERWOOD: I've always felt that

11 regulation around some of this stuff is always

12 likely to be heavy-handed and will have

13 unintended consequences. And so I think some of

14 this still is stuff that has to be solved by the

15 industry itself.

16   MS. CHAUVET: So, again this is open

17 to all of you, but beyond the MMA design and

18 implementation choices, what has changed in the

19 marketplace that might benefit or thwart

20 successful development of the MLC database?

21   MR. ISHERWOOD: I think one of the

22 things that fundamentally has changed, and this

1   applies to my experience with DDEX, is the two

2   sort of whammies of streaming and then voice

3   activated streaming. Those two things have

4   concentrated the minds of C-level people around

5   metadata and --

6   MS. CHAUVET: What do you mean by C-

7   level people?

8   MR. ISHERWOOD: CEO and COO and --

9   MR. HUGHES: CFOs.

10   MR. ISHERWOOD: Them.

11   (Laughter.)

12   MR. ISHERWOOD: Especially them.

13   MR. HUGHES: Who actually have to pay

14   for it.

15   MR. ISHERWOOD: -- It really has

16   concentrated the mind about metadata process and

17   infrastructure in a way that I have not

18   experienced before. And I think those two things

19   combined has had a really very positive effect on

20   the way in which metadata, and the sorts of

21   things that we're talking about, are now viewed

22   within multinational companies.

1   The CEO knows enough that this is

2   important, and that money needs to be spent on it

3   to get it right, because it's going to seriously

4   affect bottom lines. And their bonus. So --

5   MR. HUGHES: Just to illustrate.

6   People say, "Alexa, play 1970s soul music." So

7   Spotify looks in the metadata they get from a

8   label, and it says the release date is 2003,

9   because that's the last time it went out on CD,

10   and if there is a genre -- well how about 1970s

11   disco music? Because disco is a genre that none

12   of the labels ever used. They'll find nothing.

13   Saturday Night Fever, or the Bee Gees, or

14   whatever, is going to say 2003 R&B. So it doesn't

15   get paid.

16   So now suddenly you're an executive at

17   a label saying, wait a minute, we're not getting

18   played. Pretty soon -- 90 percent of our revenue

19   is from streaming. If we're not getting paid,

20   we're out of business. And that's how we came

21   back to a new appreciation for the importance of

22   metadata in the -- by the business executives.

1   MS. d'AVIS: I would say also -- and

2   again I think RDX is coming out of this --

3   distributed technology in general, and the

4   expectation of systems to talk to each other, I

5   think has really evolved. And so it's not

6   necessarily anymore that there's sort of this --

7   the clunky message-to-message, and it can take

8   months before we even receive an error.

9   I think that the ability and the

10   expectation, not just within the music industry

11   but in economies as a whole, for systems to

12   quickly talk to each other, identify errors, and

13   then be able to alert that, is one piece. And I

14   think that's pushing the industry.

15   And then the other piece is around

16   artificial intelligence and machine learning in

17   general. And I think that those two elements are

18   going to hopefully greatly expedite all of the

19   efforts that are happening. And I think that the

20   consumers and businesses are starting to expect

21   that.

22   MR. HUGHES: Yeah, so I want to

1   expound on the first point. AI, we can just have

2   a separate day for that. Oh, I forgot, we're

3   having a separate day of it --

4   MS. CHAUVET: In February.

5   MR. HUGHES: But MDX, going back to

6   MDX. For example, when the message goes out and

7   the claims come back in from publishers saying,

8   "yes, that's my writer, we own a share of this,"

9   if the splits add up to more than 100 percent,

10   the MDX portal immediately is showing, in real-

11   time, oh, no, we have 127 percent here.

12   And in the old days, it would have

13   taken weeks or months for all those emails to go

14   around, and somebody to add them all up, and

15   figure out that it's being over claimed, and so

16   on. And so that gives me hope that problems can

17   be solved more quickly, and that processes can be

18   developed to automate the solving of these

19   problems.

20   And the best practices. What do you do

21   when it adds up to 110 percent? In the case of

22   the best practice working group, they have

1   decided that if the percentage is -- Jay, help

2   me, 110? One-fifteen. If the total percentage is

3   under 115, then you prorate it down to 100, and

4   you pay the payees, and you try to figure it out

5   later, rather than holding the money because it

6   doesn't add up to 100 percent, which was the

7   standard industry practice previously.

8   MR. ALLAIN: I think also what has

9   changed, is the capacity of different person,

10   different stakeholder, to work together and to be

11   around the table. And I think that DDEX is a good

12   example. And what we can see now also, and it's

13   quite new, is that the artist, the creator --

14   MR. ISHERWOOD: It didn't exist during

15   GRD, and if it had, we might be in a different

16   place.

17   MR. ALLAIN: Yes. And now we are

18   having the creator coming and participating.

19   Before, it was the question of

20   societies, publishers, they did not care about

21   data, about their right, about so-on. And now

22   they want to be involved, they want to

1 participate. And I think because they are at the

2 origin of the work, they're at the creation, it's

3 important that we are able to have all the

4 different stakeholder from the beginning to the

5 end of the value chain.

6 MS. CHAUVET: So speaking to that, so

7 the standards and tools that we've talked about

8 on this panel today, do they serve the needs of

9 the vast majority of copyright owners who are

10 independent? Or are we talking about just labels

11 and publishers?

12 MR. ISHERWOOD: If I talk from a DDEX

13 perspective, we are well aware that to implement

14 DDEX standards, you've got to have a half-decent

15 IT facility. And that immediately cuts lots of

16 people out. So what you begin to see are services

17 coming up that actually -- and obviously things

18 like the distributor community are very much

19 intended to be part of -- be a solution for

20 independents -- we are very conscious of this.

21 One of the things that we talk about

22 in the relationship with OMI is whether

1   particularly MIT guys can produce tools that

2   enable people to plug-and-play the DDEX standards

3   rather than have to have an IT guy build it for

4   them. I'm not a technologist, so how realistic

5   that is in practice, I don't know. But those are

6   the sorts of areas that we've got to work on very

7   hard over the coming years so that it is

8   available to a much wider community than it

9   currently -- and realistically can be used by a

10   much wider community.

11   MS. CHAUVET: Does anyone else have

12   recommendations for how tools can be improved so

13   that it does reach someone who's making music in

14   their garage?

15   MS. d'AVIS: I think that a commitment

16   to creating those APIs is critical. And I think

17   DDEX has certainly been doing that.

18   I'm not well versed enough in where

19   the MLC is going to know how that's going to play

20   out, but I would say having an eye towards some

21   basic APIs so that some of that data could be

22   pulled is going to be really important. Because

1 then startups are monetarily incentivized to come

2 up with a great solution. To come up with a Turbo

3 Tax of the MLC.

4 MR. SIMSON: But I think, too,

5 independent, especially smaller, artists have to

6 go through aggregators to get on those services.

7 You don't get on those services by making one-off

8 deals. So it's incumbent upon those aggregators,

9 CD Baby, whoever you're using, to create that

10 technology in-house. And obviously they'll

11 compete --

12 MR. ISHERWOOD: And so the CD Babys of

13 the world convert what they receive into DDEX

14 messages to go to the DSPs. That's just the way

15 it works.

16 MS. CHAUVET: Great. Any last words?

17 Oh, I've been told I do not have an opportunity

18 (Simultaneous speaking.)

19 MR. ISHERWOOD: Stop, I think. Stop is

20 the last word.

21 MS. CHAUVET: for any last words. I'm

22 told I have to stop. Stop is the last word. Thank

1 you very much to all of our panelists. Really

2 appreciate it.

3   (Applause.)

4   (Whereupon, the above-entitled matter

5 went off the record at 11:30 a.m. and resumed at

6 1:00 p.m.)

7   MS. SMITH: All right, thank you all

8 for being here, for coming back. This is now

9 starting the Artist Focus panel. My name is Regan

10 Smith, General Counsel of the Copyright Office,

11 and one thing that unites everyone in this room

12 is the love for music. No matter your taste, each

13 of us can immediately bring to mind the songs

14 that have inspired, uplifted, or comforted and

15 added truth and meaning to our lives.

16   The Music Modernization Act and the

17 Copyright Office's policy study must always keep

18 at the top of the mind how the changes in the law

19 will impact the creators who write this music.

20 And I'm very excited for this next discussion.

21   We wanted to have a more informal

22 discussion focused on creators' perspectives as

1   part of today's symposium. So I'm very pleased to

2   welcome an impressive group of songwriters and

3   artists for this next panel.

4   We are very honored to have Rosanne

5   Cash, a preeminent singer-songwriter, and country

6   music royalty, with us today. She's released 15

7   albums that have earned four Grammy awards, 12

8   nominations, was awarded the SAG/AFTRA Lifetime

9   Achievement Award, inducted to the Nashville

10   Songwriters Hall of Fame, among many, many other

11   accolades. She's a best-selling author and a

12   long-time advocate for musicians and songwriters.

13   Joining her is Ivan Barias, a music

14   producer, songwriter, and engineer who has won

15   several songwriting and production awards, a

16   three-time Grammy nominee, and who has been

17   recognized by ASCAP for his work as a songwriter.

18   In addition to his many musical achievements,

19   Ivan has also established a non-profit

20   educational initiative to teach high school

21   students music production and songwriting in

22   partnership with the Philadelphia School

1   District.

2   And our third songwriter is Alex

3   Delicata, a multi-platinum and Grammy-nominated

4   music producer, songwriter, and instrumentalist,

5   who has produced, co-produced, and co-written

6   songs for a who's who of the music industry,

7   including Beyonce, Rihanna, and Meek Mill.

8   Joining us on the panel to guide this

9   conversation with us, is Erin McAnally. Erin

10   comes from a family of musicians and has been a

11   music professional for over fifteen years,

12   including in production, music supervision, and

13   scoring. And among other things, Erin works with

14   the Artist Rights Alliance to help educate

15   musicians about the legal and business issues

16   vital to their success.

17   So we're thrilled to have you all

18   today, and Erin, why don't you start this

19   conversation off to help talk about what's

20   important from a creator's perspective.

21   MS. McANALLY: Thank you so much

22   Regan. And thank you so much to the Copyright

1   Office and to all of you for having us here.

2   We're thrilled that this discussion is happening,

3   and that artists' voices are being heard.

4   A lion's share of the Music

5   Modernization Act obviously is primarily focused

6   on revamping the mechanical licensing system and

7   royalties for payment. I'd like to talk about how

8   streaming is changing the nature of how, and how

9   much, songwriters get paid.

10   So, Rosanne, your experiencing the

11   rise of streaming maybe in contrast to the way

12   that it's operated for songwriters in the past.

13   But you also are very involved in the younger

14   generation through your children and through the

15   amazing work that you do for artists. Can you

16   speak to the differences in the generational

17   views on how streaming is affecting creators?

18   MS. CASH: Yeah, a bit. When I started

19   it was all brick-and-mortar, and you made a vinyl

20   record and somebody had it in their hand, and

21   they got to read liner notes, and it was much

22   easier to credit people for their work, for

1   songwriters and session players, and producers.

2   And then the rise of compact discs, and then into

3   the digital economy.

4   And I think, in the same way that I

5   lost track of how to make analog records, and

6   have my hand on a board and move faders and cut

7   tape, which I was all interested in -- I took

8   engineering manuals home at night from the

9   studio, I was fascinated by this process, and it

10   was a very visceral process with real objects,

11   and you felt you were making a sonic sculpture.

12   So when that went away, and we moved

13   into Pro Tools, and making records digitally, the

14   learning curve got too steep for me, and I lost

15   all of that tactile feeling and pleasure of

16   making records.

17   So at the same time I had to adjust my

18   thinking to that, to how I was getting paid. It

19   all became very vague to me. And I think it did

20   to a lot of us. And there was no way to ascertain

21   where the money was going, whether there was a

22   standard for how we were paid, whether things

1   were transparent.

2   The major labels had equity in

3   streaming companies. What did that mean? How much

4   was in the black box? Was there a tier to how

5   they paid people? And a lot of this was just

6   nebulous. You didn't know how to figure it out.

7   So at the same time that was

8   happening, we were still attached to this idea of

9   artists and musicians being not-business types.

10   Somebody else will take care of it. Well somebody

11   else did take care of it, and it all went into

12   their pockets.

13   So a lot of the companies, the digital

14   streaming platforms, they're not music companies.

15   They're tech companies. That's not a judgment,

16   it's just, it's different than the way it used to

17   be.

18   And a lot of times I say that doing

19   this work -- and I'm on the board of the Artist

20   Rights Alliance, and I've been on boards of other

21   organizations and been active in this -- I feel

22   sometimes that I'm helping plant a garden I will

1   never see bloom. But that's okay. It's really

2   important in the same way that in the women's

3   suffrage movement there was an entire generation

4   of women who died without seeing their work come

5   to fruition, that they didn't get the vote. In

6   this same way, it may take a generation for us to

7   follow the bread crumbs back and find out how the

8   system started, when digital platforms came in,

9   and figure out how to remedy it so that artists

10   are paid fairly.

11   And there's just one more thing I say,

12   I know I'm talking a lot, but it's the only

13   business where a creator, her work can be

14   appropriated, or told that it's enough to have

15   exposure of your work. Exposure doesn't pay the

16   rent, and young artists are suffering. I've seen

17   many leave the business because they could not

18   pay their rent. Or they're selling CDs out of the

19   back of their car. It's not a fair way to live.

20   And if we lose them, we lose an entire generation

21   of creative people, and we're in the service

22   industry of the heart and soul, and we

1   desperately need them.

2   MS. McANALLY: Ivan, in your work, and

3   in your work with independent creators as well,

4   what is the sense that you get from the younger

5   generation about how they're viewing streaming

6   royalties?

7   MR. BARIAS: Well, they see this as a

8   two-fold issue where when you look at the way

9   records are consumed, and the way the artists

10   monetize their music, they look at the value of

11   what they're creating, in terms of copyright,

12   seems to be more robust when you look at the

13   sound recording, and their compositional rights,

14   as opposed to the mechanical rights, because a

15   couple issues come to mind.

16   One is that there isn't that much

17   money in terms of mechanical royalties from the

18   streaming platforms. And the other is they don't

19   know.

20   And when you look at the plethora of

21   creators -- I believe Spotify ingests something

22   like thirty thousand tracks a day, or is it

1   albums? I'm not exactly sure. But when you really

2   look at the volume of music that's being

3   ingested, you could look at the cultural and

4   generational aspect and see how many younger

5   creators are being part of the democratic process

6   of releasing music.

7   And a lot of them don't really know,

8   they're not indoctrinated, with the models that

9   existed prior to them being in the industry like

10   we are now, where there were more barriers of

11   entry that forced you to become indoctrinated and

12   know about all of the different ways you have to

13   be able to monetize your content. So they view

14   platforms like Spotify, and Tidal, and Apple

15   Music, as a means to an end when it comes to

16   promoting yourself, and looking at it as another

17   way of generating additional revenue streams

18   outside of those platforms.

19   So it's starting to become -- the idea

20   is that music is becoming a loss leader for a lot

21   of them because they can't see the value, in

22   terms of dollars and cents, based on how

1   minuscule those returns are.

2   MS. McANALLY: For sure. Alex, along

3   those lines, can you speak to the state of

4   affairs when it comes to creators and

5   mechanicals? And do you know many people who are

6   solely songwriters?

7   MR. DELICATA: Yes, so I think it's

8   interesting. Ivan brings up a great point. The

9   streaming services, I think, have made it a great

10   time, in a lot of ways, to be an artist, in the

11   sense that while money isn't the same, you can be

12   in your basement when you're 17 years old, and

13   being totally creative, and you can get your

14   music out there to anybody, which is something

15   that I think is really powerful, and technology

16   has given us a great ability to do that.

17   But, if you're not an artist, if

18   you're just a songwriter, it's an incredibly

19   difficult time to be in the music business

20   because, again, the streams of income have

21   changed so much so that I was sort of on the

22   cusp, when I started my career, of streaming.

1   I think I had my first Top 40 record

2 in 2010, and on that record we sold, I think, 5

3 million hardcopy albums. And that's significant

4 income for people writing album cuts.

5   If you don't have a single out right

6 now that's a big single, and mostly making its

7 money on performance and radio, you're not making

8 a living.

9   So basically a lot of these kids who

10 are young and starting out, who haven't made a

11 dime writing songs yet, maybe got their first

12 publishing deal, and have three years,

13 essentially, of a runway, maybe less on the

14 advance they've gotten if they live really,

15 really, really simply, they basically have that

16 time to shoot and get a radio hit. And if you

17 don't, then your career is pretty much over.

18   And beyond that, even if you do get a

19 radio hit, the fact is there are so many things

20 that can go wrong with registration, and getting

21 a lot of that stuff right, that if, say, year two

22 comes around, you wrote a song in year one,

1   finally year two comes around, a year later

2   you're starting to expect to see some income from

3   those songs, you go to your mailbox and you see

4   that there's no check there.

5   So you call your publisher and you

6   say, "what happened? "

7   And they go, oh no, there's a

8   mismatched registration, or there's double

9   registration, or there's something wrong.

10   And then the process to remedy that is

11   a disaster. It takes years and years and years.

12   So it's a really difficult time. For sure.

13   MS. McANALLY: We know that there's a

14   lack of information for young creators when it

15   comes to mechanicals, that's obviously a big part

16   of why we're here today, but there are some other

17   barriers to discuss. I think Regan maybe you --

18   MS. SMITH: Yeah, I think when we

19   connect this to the picture of what the Music

20   Modernization Act is supposed to do, and what the

21   Mechanical Licensing Collective is supposed to

22   do. If someone is unmatched, they're supposed to

1 be able to come forward.

2   And if this is just focused on

3 mechanicals, which already, on the songwriting

4 side this is a stark picture, is that going to be

5 a barrier to getting people who are not already

6 getting paid incentivized to participate in this?

7   MR. DELICATA: I don't think so,

8 because I think, like I said, the pie is so small

9 that songwriters, they want every form of income

10 that they can get. So if they know that it's out

11 there, and how to get it, they're going to get

12 it. And they want to get it. And I think that

13 knowing that that pie potentially could increase

14 over time, and that music is being consumed at

15 higher and higher rates every year, in terms of

16 general consumption, that this could get better

17 over time.

18   And I think it's just people having

19 the knowledge of how to go do it, especially if

20 you're independent. Because right now, if you

21 don't have a publishing deal -- correct me if I'm

22 wrong -- it's pretty hard to collect your

1 mechanicals.

2   I've never released a song outside of

3 my having a publishing deal, but I think that

4 that's an issue that needs to be addressed more -

5 - so, is just allowing people to, A, know that

6 those mechanicals are out there to be collected,

7 and B, how to do it in a simple and concise way.

8   MS. SMITH: So, the rate for

9 mechanicals is set in a compulsory license.

10   MR. DELICATA: Right, of course.

11   MS. SMITH: That can be adjusted every

12 five years.

13   MR. DELICATA: Yes.

14   MS. SMITH: So, like you mentioned,

15 planting a garden. It's something that can grow

16 as streaming grows. Do you think there's a

17 movement to get buy-in now as the industry starts

18 to move more towards streaming?

19   MS. McANALLY: That's why we're here

20 today, right?

21   (Laughter.)

22   MR. BARIAS: Yeah, I think it's

1   important to dovetail on what he's saying, and to

2   touch on what you asked previously. I think we

3   have to recalibrate the way they're looking at

4   this. We have to get them to see that there is

5   money being left on the table, and not look at

6   the streaming platforms as a system of metrics

7   that they're looking at to see, where am I

8   polling best, in terms of touring, and let me

9   really worry about how I'm going to play these

10   venues and these shows, and that's how I'm making

11   my money.

12   You have to really look at the way the

13   streaming services are empowering artists.

14   They're presenting this idea that it's a tool to

15   empower you to better understand your data, as

16   opposed to letting them see that this is really

17   about economic empowerment, and having them see

18   that there are issues that exist within the

19   platforms, and the current business model, that

20   they are not indoctrinated, and therefore don't

21   know there is a lot of money being left on the

22   table.

1   So I guess, looking at the problem,

2   moving forward, things like compulsory licenses,

3   and things of that nature being inclusive in this

4   dialogue, is something that could perhaps help.

5   And put the onus back on everyone

6   else, all of the stakeholders, to help alleviate

7   the stress the artist is feeling, or the creators

8   are feeling, when they have to fend for

9   themselves out here and not really knowing the

10   proper way to navigate it.

11   MS. CASH: I think it's worth

12   restating. Something that Alex touched on, too,

13   was that the onus shouldn't be entirely on the

14   songwriter to know that they have money and how

15   to collect it.

16   I mean it's a completely obtuse,

17   labyrinthine kind of process to find it. And not

18   everybody is Taylor Swift and has a team of

19   lawyers who can keep looking for her money to get

20   it for them.

21   And two thousand dollars to a

22   struggling songwriter, that's significant. You

1 have to remember we're all freelance. We don't

2 get health insurance through our company. We have

3 to pay our expenses just like anyone else.

4 And these young songwriters -- as a

5 songwriter, and that's what I was when I started

6 out and thinking it was a very noble profession,

7 and proud of my work, and they are, too, this

8 younger generation. And they deserve to be

9 compensated for it.

10 MS. McANALLY: This is sort of to

11 everybody, but are there other barriers that you

12 foresee that might preclude songwriters and

13 independent publishers from claiming their works

14 through this portal? For instance, if the data

15 requirements are very detailed, or the user

16 interface is not friendly.

17 MR. BARIAS: Yes, absolutely. I think

18 that's key. You look at how when you're trying to

19 upload music, the process on a lot of these

20 different aggregators or distributors is pretty

21 simple. You know where your name goes, you know

22 where the name of your song goes, you know who

1 their creativity. So that portal has to be

2 something that will speak to that artist who

3 doesn't really understand a lot of the legal

4 jargon, and things of that nature.

5   MR. DELICATA: Yes, we worry about UI

6 in everything. UI is such a huge part of anything

7 that's involved in tech, so I think it needs to

8 be a consideration in anything. And in terms of

9 just registering music, because it's an

10 administrative thing, doesn't mean that we

11 shouldn't have equal consideration of the user

12 interface, and how easy that is to use. I know,

13 even for me, and I'm older, I'm the oldest person

14 in almost every room that I work in --

15   (Laughter.)

16   MR. DELICATA: I'm serious. I'm not

17 joking. My sessions are mostly nineteen, twenty

18 year old kids. And some of them are making some

19 of the most moving and powerful music that is

20 being consumed. And I don't have a printer in my

21 house, you know what I mean? And these kids

22 certainly don't have a printer. So if we need

1   hardcopy signatures on things, they're not

2   getting done. It's just never going to happen.

3   So the idea is we have to find a way

4   to do this, like he said, totally on the move.

5   It's got to be click-click-click. Fill in -- have

6   my information already set up. One button. Boom,

7   let's go.

8   MS. CASH: All right, so since you

9   brought up age, I have to take that.

10   (Laughter.)

11   MS. CASH: Okay, so it's easy for you

12   guys to upload a song through a portal, and you

13   know what to do and everything. And I'm fairly

14   tech-savvy for someone of my generation. I still

15   have to ask my son, how do I make a playlist on

16   that? How do you drag this there? What do you

17   upload there? So, I know plenty of songwriters

18   older than me who do not do that --

19   MR. DELICATA: Right.

20   MS. CASH: That are not digital

21   natives, none of us. And they have problems with

22   that. They also deserve to be paid.

1   MR. DELICATA: Absolutely.

2   MS. CASH: Right?

3   MR. DELICATA: Yes.

4   MS. CASH: These guys are sitting in

5   a room writing songs all day, making a demo tape,

6   sending it out for someone to record, and

7   assuming they'll get paid for it if the song gets

8   recorded. Not many albums sell five, ten million

9   anymore.

10   (Simultaneous speaking.)

11   MS. CASH: Where you can depend on

12   that income.

13   MR. DELICATA: Not even close.

14   MS. CASH: That doesn't happen

15   anymore.

16   MS. McANALLY: Sure. So obviously we

17   have a data problem in the music industry, and

18   that's why we're here. Whether it's matching data

19   across platforms, or getting data right near the

20   moment of creation, we're faced with some really

21   big challenges.

22   Ivan and Alex, from a producer-writer

1   perspective, what are some realities that are

2   challenging from your standpoint when it comes to

3   capturing that information? From song splits on

4   the musical works side, to attribution for

5   musicians. And when are you having those

6   conversations typically?

7   MR. BARIAS: Well, that's a problem

8   we've all been dealing with at the Recording

9   Academy, where I sit on the board of trustees,

10   and I co-chaired a producers and engineers wing,

11   and this has been an initiative of ours for the

12   past ten years. We've been struggling with how to

13   properly gather credits, how to properly gather

14   data.

15   We've partnered with many

16   organizations, DDEX is one of them that we work

17   with, in terms of being able to try and figure

18   out a solution and alleviate these issues.

19   Because, quite frankly, when you get into -- when

20   you're in a creative process, and you're caught

21   up in the creative rapture, the last thing you're

22   thinking about is, let me gather this data, let

1   me gather these data points, let me figure out

2   who's writing what, or who's producing what in

3   terms of splits. We're not thinking about that.

4   And then the way that we work, we're

5   mobile, everyone works, everyone has their own

6   rig, sometimes people are working on the songs

7   until it's time to release these songs. And in

8   many instances, as we were talking about earlier,

9   it could be a year from now. And the memory can

10   get a bit hazy.

11   So, when you're talking about

12   independent artists, it's a little bit more like

13   the startup mentality. They tend to be a bit

14   fairer with each other and split everything

15   evenly. And you even said, they split masters.

16   When you're talking about labels,

17   that's where it gets a little bit tougher. But,

18   the Recording Academy is a strong advocate for

19   creating naming conventions, creating

20   recommendations on how to gather data, how to

21   collect this data, how to properly credit. And we

22   have several partners that we deal with also.

1   Soundways has a plug-in called Sound Credit. VEVA

2   Sound has one called Studio Collection -- I

3   forget what it's called, I don't want to quote

4   the plug-in wrong. But these are companies that

5   exist to help facilitate the gathering of the

6   data.

7   And something that I really feel

8   strongly about, digital audio workstations, which

9   are called DAWs, is what we use to record a lot

10   of our music. You have Pro Tools, Logic, Ableton

11   Live, et cetera, et cetera.

12   I think there should be a process that

13   forces these manufacturers to include some of

14   these technologies and allow you to embed XML

15   files into proprietary --- one proprietary format

16   that can probably travel downstream with the

17   file, so that when it goes to the next person,

18   all they have to do is import this track and then

19   automatically the file gets loaded onto that

20   track.

21   And then as it goes to the next

22   subsequent person, you're gathering more data,

1   more data, and more data as it goes downstream.

2   So that when you do finally send the final master

3   out, it has all of the information that you need.

4   This would be the same thing as

5   licensing an MP3 codec, that exists on all of

6   these different digital audio workstations. But

7   it has to be something that will have to have

8   buy-in from many stakeholders so that they can

9   find a solution to this common problem.

10   MR. DELICATA: Yeah, I mean, even to

11   me, like, you know, even if we are super

12   conscientious about it on every stage of the

13   process, even days after a session, gathering the

14   information and trying to do splits right away,

15   things like that -- which isn't ideal from a

16   creative perspective, but it's something that I

17   suppose could happen -- the issue is that

18   sometimes this music changes hands, like you

19   said, three or four times before release.

20   So, say I start an idea at my house

21   one day, and I'm doing it with two co-writers,

22   and then Ivan has a session with Rosanne two days

1 later, and I'm like hey, that'd be perfect for

2 them to work on, so I send it to Ivan.

3   I'm not even in the room. He has no

4 idea who I made the idea with, all I know is I

5 just sent him something really amazing, and

6 they're going to finish it.

7   So, say they finish it and an artist

8 cuts this song, so they send it to Dua Lipa. She

9 goes hey, I got my next single, amazing, we're

10 all stoked.

11   He calls me, he says we got a single.

12 Her --- she maybe brings in a producer to work on

13 it from her team.

14   MR. BARIAS: Diplo?

15   MR. DELICATA: Sure, Diplo's in on it.

16 Great. And then, you know, like maybe there's

17 somebody else working on it, and there's a

18 release date set, right, by the label.

19   And we're working up until the release

20 date to get this out, and they hit us three days

21 before, saying we need these producer agreements

22 signed in splits.

1   And so, what happens is they're not

2   going to push that release date back because

3   they've set up all this marketing, everything is

4   all in concert with that release.

5   And so, then it's like, there's a

6   scramble to get these credits together, and if we

7   have to turn them in as like, at the time of

8   release correctly, I mean, the chances of an

9   error happening are super large because Ivan's

10   manager may call him and say, hey, are you cool

11   with 20 percent on this?

12   And he's going to be like, great. My

13   manager may call me and say, are you cool with 22

14   percent on this? I'm going to say great because

15   I'm assuming everybody's being communicated to.

16   They're not asking me about everybody

17   else's split, they're just saying are you cool

18   with this?

19   And so, that's a little bit of a

20   communication problem, but it's because like,

21   oftentimes we're forced to rush these things so

22   quickly, and that they're being worked on in

1   parcel, so it's very difficult to do this really

2   quickly right at the end when there's a release

3   date coming.

4   MR. BARIAS: To me that -- that to me

5   is endemic of what the music industry has become.

6   I think, like you spoke earlier, when sessions

7   would happen, and when I first got into the

8   industry, we were all in the studio working.

9   And the final record that we wrote, we

10   were all agreeing, you know, by the end of the

11   night.

12   Now the way music is worked on, these

13   are the realities of a lot of creators. And

14   that's something that needs to be addressed and

15   be central to, you know, the discussions we're

16   having here.

17   MS. McANALLY: Definitely. To sort of

18   chime in on that, the USCO, the MLC, and the DLC

19   have got a big job.

20   Not only in terms of creating this

21   framework, but also in terms of education and

22   reaching out to the artists so that they're -- we

1   ensure that they're paid correctly.

2   And for those of you who have been

3   involved in legal issues that have been --

4   stemmed from data issues, which I'm assuming is

5   all of you at some point; do you have concerns in

6   regards to how the data is matched, and what the

7   recourse will be if that information is incorrect

8   in this framework?

9   And can you speak to how hold-ups and

10 data issues have affected your daily lives?

11   MR. DELICATA: I mean, hold-ups, I

12 think especially for somebody who's a young

13 songwriter who's just starting, can be absolutely

14 devastating, like career-ending, because if

15 something's like misregistered -- and in a lot of

16 cases, it's not transparent, so there's no way

17 for me to just go online and check to see if my

18 song has been registered properly to my name

19 across all of these platforms, even if I know

20 that they're there.

21   And if you're expecting to make that

22 money, and then all of sudden it's just not

1   there, and it is your only source of income, you

2   don't really have any recourse, because if you

3   were to go back -- and even if you're right and

4   all the creators agree that those are the right

5   splits and it was just a mistake, a clerical

6   mistake, or there's a mismatched registration, or

7   there's a double registration or something --

8   getting that fixed and getting money credited

9   that's already been paid incorrectly to people

10   will take a lot of time, and rightfully so.

11   You know, to debit somebody is a big

12   deal. You don't want to ask somebody to give

13   money back that they thought was theirs. It's

14   difficult as well.

15   So, over that course of a year or two

16   years of trying to get that money back, what is

17   that 20 year old kid supposed to do to make a

18   living? You know, they're probably just going to

19   have to get a job, which is something that's

20   really tough.

21   MS. CASH: Yeah, I think what we're

22   all talking about is transparency.

1   I mean, it just happened to me that I

2   left -- I changed PROs a few years ago, and my

3   publisher found a lot of money that my old PRO

4   forgot to pay me.

5   And I started thinking, well, where

6   else is money hiding? You know, who else forgot

7   to pay me? And I think that happens on a regular

8   basis.

9   You know, if things were transparent,

10   it would take so much pressure off of musicians

11   and songwriters. At least we would know.

12   And if the system was easy for all of

13   us to get into and check ourselves, and not need

14   a team of lawyers to check, and to submit

15   something that was easy -- you know, as easy as

16   buying something online -- it would change a lot

17   of lives.

18   And particularly young songwriters

19   who, they do have career-ending moments, you

20   know, because that $3,000 wasn't paid.

21   MR. DELICATA: Right, and that they

22   don't deserve, either. I mean, the money was

1   theirs.

2   MS. CASH: It was theirs.

3   MR. DELICATA: There just is a

4   clerical issue. You know what I mean?

5   And so, that's the hardest part, is

6   both from like, just a business standpoint and a

7   practical standpoint, but also from an emotional

8   standpoint.

9   You're so excited when you got your

10   first hit. I remember having mine, and I was

11   ecstatic to hear my music on the radio for the

12   first time.

13   Imagine hearing your music on the

14   radio for the first time and it playing for four

15   months, and then expecting to get a payday from

16   that, and then it just not being there. That's

17   devastating emotionally.

18   MS. CASH: I know of a young

19   songwriter who, a big company just co-opted his

20   song and was using it in an ad, and he said, I

21   didn't know we were supposed to get paid for

22   that. I mean, that's heartbreaking.

1   MS. McANALLY: Really. Do you all

2   think that the possibility that at some point

3   across the spectrum that, be it at the label or

4   distributor level, or at the digital service

5   provider level, that correct data delivery being

6   compulsory would be helpful or a hindrance, or

7   how do you feel about that idea?

8   MR. BARIAS: See, we were talking

9   about this in the green room, and it was a

10   resounding yes, even though this would mean that

11   it is regulation, which some people will look at

12   it as interference, but there are various ways to

13   look at it.

14   One way would be to look at it as this

15   will be the perfect scenario for all of us to

16   ensure that we are properly -- are going to be

17   credited, and the transparency that we're talking

18   about will take place prior to anything having to

19   be agreed upon.

20   Before you even think about, you know,

21   setting your release date, all of these different

22   buckets have to be filled.

1   But at the same time, you have to take

2   the pragmatic approach in terms of how the model

3   has drastically changed, where it's about being

4   nimble and being able to put out music, you know,

5   whenever you're trying to put the music out.

6   So it will have to be something where

7   all of the stakeholders will have to agree.

8   Everyone will have to give some buy-in, the

9   artist, the labels, the publishers, us producers

10   and songwriters, because quite frankly, it can

11   turn into a nightmare when, you know, you work on

12   a project for a year or two, and they're slow to

13   gather all of these different assets, and now it

14   can't come out because of this regulation that

15   exists that prohibits, you know, you from moving

16   forward.

17   I don't know what that conversation is

18   going to lead into as we get deeper into 2021

19   when it goes live, but that's something that

20   could alleviate a lot of these issues.

21   MR. DELICATA: Yeah. I mean, I think

22   as a concept, it's a great idea.

1   I just think there's serious

2   challenges to putting it in place and practice, a

3   lot of it coming from what I kind of just

4   described with a minute ago with gathering split

5   information before a release because, you know,

6   if you make it compulsory, mandatory to have all

7   that stuff in before a release, like, if you're

8   missing certain splits from a certain song,

9   you're not going to tell Drake he can't release

10   his album on December 5th because the splits

11   aren't complete on two songs.

12   He's either just going to drop those

13   songs off the record, or the label will probably

14   just submit incomplete splits, assuming that

15   they'll fix it later, because they have spent so

16   much money on the budget to release that album on

17   that date that they're not going to let a

18   regulation hold them up.

19   I mean, producer agreements oftentimes

20   aren't even completed by release dates. They're

21   like --

22   (Simultaneous speaking.)

1   MR. BARIAS: They produce a deck.

2   MR. DELICATA: Yeah, right, anything.

3   So, I mean, these things usually happen, not

4   always, but can happen in the months following.

5   So, to make that system maybe a little

6   bit more malleable, where, you know, it's easier

7   to amend data after it's released, or you have a

8   three month period after a release where you have

9   to have something in, or that date can be

10 flexible, then I think that that's a better idea,

11 but to have it be before a release date is

12 extremely difficult to do in practice.

13   MS. CASH: What we were also talking

14 about in the room is, you know, sometimes they

15 just make you give up. Like, it's so

16 complicated.

17   I mean, a producer I work with, he's

18 been waiting two years to be paid on a project

19 because they changed the paperwork after the

20 track was submitted.

21   So this, you know, it's incredibly

22 complex. He keeps resubmitting it, they keep

1   saying no, you got to do this, now you got to do

2   this. You know, they assume you'll give up at

3   some point.

4   MR. BARIAS: I mean, yeah, the music

5   industry has figured out how to take you to deep

6   water and let you go.

7   They're exceptionally talented and

8   gifted at fighting a war of attrition. And like

9   you said, it's really not set up to make it easy

10   for you.

11   So, that's why something like what

12   we're discussing here could be beneficial to a

13   lot of us, but it's such a nuanced suggestion in

14   that it requires a lot more conversation because

15   it could get even uglier and result in a lot of

16   lost wages for a lot of creatives.

17   MR. DELICATA: Yeah, I mean, I think

18   these problems do exist.

19   I also think that of course, like

20   anyone in any business, we have some onus on us

21   to be responsible for our own data and our own

22   material.

1   MS. CASH: Absolutely.

2   MR. DELICATA: And I don't want to

3 lose that in this discussion. Do you know what I

4 mean? Because we do have to do that, but it

5 needs to be --- there needs to be some sort of

6 uniform way for us to do it.

7   Like, the issue now is that we don't

8 even have any guidelines that I can say to a

9 young songwriter, okay, you're going to release a

10 song this way, this is how it's done, here's an

11 article on how you go through that process

12 correctly.

13   You want to do it independently, you

14 want to do it through a major label, you want to

15 do it this way.

16   There just aren't, there are no

17 resources. If we had the resources, then I'd be

18 absolutely comfortable saying that the onus is on

19 us as creators to take our responsibility in our

20 own job.

21   But the problem is that we just don't

22 have those resources.

1   MR. BARIAS: And to your point, in

2   terms of resources, education is key.

3   The Recording Academy, like I said,

4   without, you know, going --- keep plugging the

5   great organization that I belong to, and you and

6   Rosanne --

7   MS. CASH: Artist Rights Alliance.

8   MR. DELICATA: Hey, hey.

9   MR. BARIAS: So, we strongly advocate

10   and educate and talk to people about the

11   importance of credit gathering.

12   I mean, quite frankly, this is your

13   livelihood, this is your equity on what you're

14   creating. So it is, the onus is on the creators.

15   You have to actually do your due diligence, do

16   the unsexy, unglamorous work.

17   There's no way around it, I mean,

18   until we come up with, you know, that magic

19   bullet that's going to be the solution to all of

20   our woes, you have to do your due diligence.

21   We all have --- if we were functioning

22   as de facto record labels, you all know the

1   record labels have multiple departments that

2   handle all of these different aspects, we have to

3   function like that, and we have to, you know, be

4   willing to wear those hats until that solution,

5   you know, presents itself.

6   MS. CASH: I agree, and to expand on

7   what you said, we're not victims. You know, it

8   may sound like we're just sitting here

9   complaining, but we're not victims.

10   Several years ago, the way I got

11   involved in this is several years ago, John

12   McCrea of the band Cake -- I was playing in San

13   Francisco, and he was there.

14   He said, can I meet you in the lobby?

15   I want to have a cup of coffee and talk to you.

16   I said sure. And he started by saying, it's time

17   to grow up. Your money's out there, this is --

18   your livelihood's at stake. And that's why I got

19   involved.

20   Like, he's right. I can't just have

21   some vague notion that somebody's going to take

22   care of this for me. You know, it's reality.

1   MS. McANALLY: In 2014, Rosanne, you

2   spoke to Congress and said that at the time, the

3   climate amongst artists was dispirited.

4   Do you feel that that climate is

5   similar now, or is there a shift in the way that

6   artists are --

7   MS. CASH: I think slowly, we're

8   becoming --- we're realizing that we can empower

9   our self in this process, and you know, we've had

10   the support of the Copyright Office, we've had

11   the support of The Recording Academy, and many

12   others.

13   I think that they realize that if we

14   disappear, they disappear. You know, that this

15   is a -- we're bound together.

16   And the digital landscape has

17   complicated things, and in some ways, it's been

18   incredibly unfair.

19   You know, the pre-'72 issue just

20   strikes at my heart, and I've talked a lot about

21   that, that how disrespectful it is to legacy

22   artists that they don't make a royalty in the

1   digital realm.

2   And there are a lot of -- and someone

3   in the Copyright Office, I think Maria said, you

4   know, we can't even follow the bread crumbs back

5   to find out how that began. You know?

6   So, this kind of -- it's inexplicable,

7   but I believe that we can pull it apart. It may

8   not be in my generation, but it can happen.

9   MS. McANALLY: Would you all like to

10 speak to your generation, how creators are

11 feeling about speaking up for themselves and

12 participating in events like this, for instance?

13   MR. BARIAS: Well, people are more

14 active. In my experiences as a creator, I've

15 lobbied in Congress doing GRAMMYs on the Hill, I

16 lobby yearly during District Advocate Day, which

17 is a grassroots -- one of the largest music

18 grassroots events that we're all part of at The

19 Recording Academy, 2,000 creators all across the

20 country.

21   And people are all galvanized and

22 energized because there's a sense of immediacy

1　　and urgency knowing that these issues are dire.

2　　　　　　　We're losing equity at an alarming

3　　rate, and I think a lot of younger creators are

4　　starting -- they don't really grasp it because I

5　　don't think it's being couched in a way that

6　　speaks to them, in a more holistic way, and I

7　　think we have to do a better job of showing them

8　　that you're part of this ecosystem.

9　　　　　　　Like you said earlier, you know, you

10　　may not see the fruits of your labor until much

11　　later, but I'm okay with that, right?

12　　　　　　　So, we have to look at this ecosystem

13　　that we all inhabit, and we have to make sure we

14　　do our part. We have to preserve it, even if

15　　it's for the next generation, which is what we're

16　　doing, but we have to get the next generation to

17　　have some onus also, and ownership in all of

18　　this, and know that this is within your rights to

19　　advocate for these issues.

20　　　　　　　When you bring the political aspect,

21　　that's when things get a little bit crazy, but I

22　　think we all have to do our part in holding each

1 other accountable, and being, you know, true

2 stakeholders in this conversation.

3   MS. CASH: Yeah, education is key,

4 like what you were saying, so that they, the next

5 generation takes ownership because they're

6 educated and they know what to do.

7   I mean, that's what organizations like

8 Artist Rights Alliance are doing, is trying to

9 educate young musicians and songwriters.

10   MS. SMITH: So, I think, you know, the

11 Copyright Office feels strongly that whether it

12 be a study or an educational activity we do, our

13 actions benefit so much from participation from

14 creators, and we want to hear from creators.

15   We started off this morning saying

16 well, it will just be very easy if we just got

17 all of the data at the source, and that sounds

18 great if you're looking at a big chart, and I

19 think this panel just explained how the

20 practicalities make that difficult sometime.

21   So as we start thinking about the MMA

22 and issues in general, what are the most

1 effective ways, be it the Copyright Office or the

2 MLC, to reach out to creators and songwriters and

3 get them to participate?

4 You've mentioned advocacy

5 organizations. What else?

6 MR. DELICATA: I mean, I think most

7 young people -- at least people younger than me

8 that I work with -- the majority of those people

9 are pretty much just paying attention to what

10 young people pay attention to, which is

11 Instagram, Snapchat, TikTok. You know what I

12 mean? Things like that.

13 So, you know, any way we can, you

14 know, make them aware of things that way. I

15 think, you know, inter-community stuff is big. I

16 know in Los Angeles when the MMA was happening,

17 Ross Golan did a ton of work, and you know, made

18 us extremely aware, via social media, and also

19 just like, person to person, in sessions of

20 what's going on.

21 And I think a lot of it is just

22 conversations that we have before we start

1   writing every day. So, you know, I think more

2   and more people being aware, and then just

3   spreading that. Word of mouth is probably the

4   easiest way that I can see.

5   But I think just social media

6   marketing is the way that it works with

7   everything now is the most efficient.

8   MR. BARIAS: Yeah, I would agree with

9   that. I think educating, you know, through

10 someone they admire on a platform that they're on

11 is going to be totally --

12   And that's something to consider

13 because even messages of like, you know, best

14 practices, when you're talking about the proper

15 way of recording, people don't want to hear about

16 that.

17   You know, we have an initiative called

18 "the loudness wars" that we're dealing with, in

19 terms of levels on the streaming services, and

20 we're having an extremely hard time connecting

21 with the creators on how to fix those things.

22 But you put the right person in front of them

1 that they admire, they listen.

2   So, this issue is not -- it's so close

3 to that issue that I think the onus will be on

4 the Copyright Office to create content that's

5 visually appealing and stimulating, and

6 aesthetically connects with that generation

7 because I think that's what you have to speak to,

8 is who they are and where they're going, and how,

9 you know, it connects with them.

10   MR. DELICATA: Yeah, I mean, it's

11 tough, but I think frankly, like most kids

12 probably would rather hear it from Pharrell than

13 from an ad from the Copyright Office.

14   You know what I mean? Like, not to

15 like, you know --

16   MS. SMITH: Fair enough.

17   (Laughter.)

18   MR. DELICATA: But like, that's kind

19 of the truth of the matter.

20   Like, people who are young really are

21 not interested in -- you know, like anything,

22 like, if you learn math in a math class, you're

1   not going to pay attention, but if somebody who

2   is teaching you how to do something that will

3   benefit you and you admire is teaching it to you,

4   you'll learn it. You know?

5   MS. McANALLY: This is a multi-

6   generational issue, though. Do you have any

7   feedback on that as well, on how to reach people

8   in your generation?

9   MS. CASH: In my generation? You

10   know, I should say something first about my son's

11   generation. He's 20 and he made his first album

12   last year.

13   And he put it up on Spotify, and I

14   said --- and it's also for sale on iTunes, and I

15   said "oh, I'll tell all my friends to buy it from

16   iTunes." He goes, "I don't care about that, I

17   just want followers on Spotify."

18   I was going, wow, this is a totally

19   different business than I grew up in. And I

20   still don't -- I mean, we still support him, so

21   you know, we're going, okay, that's great, let's

22   see how that pans out. I'm sorry to my friends

1   at Spotify.

2   But, what was the question, Erin? Oh,

3   about my generation.

4   MS. McANALLY: What are some effective

5   ways to reach people?

6   MS. CASH: Well, this may be throwing

7   a wrench into this whole conversation, but I'm

8   very pro-union, and I've been a union member

9   since 1977.

10   And I think SAG/AFTRA does a good job

11   of education. I think the Musicians' Union could

12   do a little better. And I know young people

13   don't join the union, and I was kind of shocked

14   to realize that, and then I kind of got used to

15   it. Oh yeah, okay, they're not -- this is not

16   their generation. They don't really believe in

17   that.

18   But I'm still very pro-union, and I

19   think that their education and outreach could be

20   really strong and helpful.

21   MR. BARIAS: That's key because they

22   fellowship in an entirely different way.

1   MS. CASH: Fellowship. There you go.

2   That's what I'm talking about.

3   MS. SMITH: So, I think just one way

4   to reach creators is -- you hear it from your

5   peers, from your role models, from your

6   inspirations.

7   We're running out of time, but do any

8   of you want to tell your fellow songwriters about

9   this study or this project, or what they need to

10   know?

11   MR. BARIAS: Can I curse?

12   (Laughter.)

13   MS. SMITH: Yes.

14   MR. BARIAS: Give a shit. You know,

15   seriously.

16   People have a very lax approach

17   sometimes when it comes to what they're creating,

18   and in so many ways, the music is devalued.

19   And I think unless you care about the

20   music -- and you can't really understand what's

21   the intrinsic value of what you're creating, and

22   therefore, you leave monies on the table.

1   Therefore, these things that we're

2 talking about here aren't as important as they

3 could be, so I think, well, my message to them

4 would be to care.

5   Just as you care about the nuances and

6 the creative aspect, think about what this does

7 to your legacy and what you're leaving behind,

8 and it can motivate you to be, you know, a lot

9 more proactive in terms of the business structure

10 of what you're creating.

11   So, that will be what I will say to

12 them.

13   MS. CASH: I would say that when art

14 and commerce get married, difficulties arise.

15   And that's what's happened, and it's

16 become more complicated as time has gone on

17 because the providers have gotten more numerous,

18 and like you said, a guy can sit in his basement

19 and make a record and put it out, and get his

20 2,000 followers, and you know, be happy with

21 that, but at the same time, you can't make a

22 living that way.

1   And art and music, songwriting -- I

2   don't want to see songwriting become like some

3   lost folk art. You know, like divining water

4   with a stick or something.

5   It has to exist. Like I said, we're

6   in the service industry. We open people's

7   hearts. We need that as much as anything else,

8   and you want songwriters to exist.

9   You don't want to just throw syllables

10   on a looped track, you want real songwriting to

11   exist, so we need education, we need support from

12   those in commerce, and we need community.

13   MR. DELICATA: I mean, I think that

14   pretty much sums it up beyond the fact that I

15   think to all of like, the young creators, I would

16   just say that, keep creating, keep being amazing,

17   and just understand that there are people working

18   on this, and that they can contribute whatever

19   and however they want to, that the channels of

20   conversation are open.

21   So, that's pretty much it.

22   MS. McANALLY: Thank you so much to

1   the Copyright Office, and thank you so much,

2   panelists, for being here.

3   MS. CASH: Thank you, Regan.

4   MR. DELICATA: Thanks for having us.

5   MS. SMITH: Thank you all.

6   (Applause.)

7   (Whereupon, the above-entitled matter

8   went off the record at 1:47 p.m. and resumed at

9   1:53 p.m.)

10   MR. SLOAN: All right, thanks

11   everyone. So I am Jason Sloan.

12   I am Assistant General Counsel here at

13   the Copyright Office, and I'm moderating our next

14   panel, called Matching Musical Works to Sound

15   Recordings and Measuring Success.

16   We've already heard a bit about --

17   that a big part of handling unclaimed royalties

18   has to do with identifying the sound recordings

19   that are played on digital services and matching

20   them to their underlying musical compositions,

21   and identifying and locating the copyright owners

22   of those compositions.

1   So this panel's going to provide an

2   overview of that issue and discuss current

3   methods and perspectives from our esteemed panel,

4   including the role of technology, how success can

5   be measured, existing challenges, things like

6   that.

7   I want to thank all of our panelists

8   for being here. I'm just going to introduce you

9   all real quick.

10   Starting to my left, we have Ed Arrow,

11   Senior Vice President of Global Digital

12   Administration at Universal Music Publishing

13   Group.

14   He is also the chair of the MLC

15   Operations Advisory Committee. Next to him is

16   Terry Boissonneault.

17   MR. BOISSONNEAULT: Great.

18   MR. SLOAN: I got that right? Close?

19   MR. BOISSONNEAULT: Yeah.

20   MR. SLOAN: Director of Deployment and

21   Implementation at Dataclef.

22   Next is Bill Colitre, vice president

1   and general counsel at Music Reports, MRI.

2   Then we have Jay Gress, Senior Vice

3   President and Head of Copyright at Sony Music

4   Entertainment.

5   Then Ali Lieberman, Director of

6   Business Process and Product Management at

7   SoundExchange.

8   Vickie Nauman, founder of

9   CrossBorderWorks.

10   John Raso, Senior Vice President of

11   Client Services at Harry Fox.

12   And as you heard this morning, the MLC

13   recently announced that Harry Fox is going to be

14   one of their primary vendors.

15   And last but not least, we have Sarah

16   Rosenbaum, Music Counsel at Google, and she is

17   also a board member and treasurer of the DLC.

18   And just as a reminder, full bios for

19   all of our panelists are in the agenda handout,

20   which is also on our website.

21   So let's get started. Before we get

22   too deep into the meat of matching, Vickie, can

1   you start us off with a short introductory

2   roadmap of the data life cycle? What it looks

3   like from getting music on to the digital service

4   to getting paid when the music gets played?

5   MS. NAUMAN: Yeah, absolutely.

6   So, before we did a prep call on this,

7   and we started kind of pulling apart what's

8   happening now, where some of the problems occur,

9   and we realized it would be really helpful to

10 have a visual aid.

11   So, when you checked in, there's a

12 flow chart like this. And so, this is really

13 designed to level set everyone's understanding of

14 a very high level of how data flows.

15   So, let's first look at the blue side,

16 which is the master recording. The performing

17 artists work with the labeler and admin platform.

18 That's where the ISRC gets assigned.

19   The ISRC then is attached through

20 distribution into the DSP, different business

21 models. It gets monetized and used in a service.

22   That same code and the same reporting

1   structure comes back out to the rightsholder.

2   So, what we have is this kind of neat loop of how

3   data moves through the system.

4   On the other side, it is composition.

5   And again, I know there's lots of really big

6   publishing brains in the room, this does not take

7   into consideration everything about publishing.

8   But, at a very high level ---

9   Michael's laughing --- at a very high level it is

10   showing how data flows, and then we're going to

11   talk about where some of the errors occur.

12   So, you're a songwriter, you write a

13   song, you get an ISWC issued from your performing

14   rights organization. Now we know there's an

15   average of nine songwriters per song, so that's

16   replicated for each song, you know, eight to nine

17   times.

18   That is then delivered in a feed from

19   publisher and admin platform into a rights

20   administration company, and also oftentimes

21   simultaneous to a DSP.

22   So we can sometimes have two different

1 feeds of the data going out to rightsowners and

2 to DSPs.

3   Then, inside the music service, inside

4 the DSP, the music is used and monetized. The

5 reporting that comes back out is for the ISRC.

6 It does not include the ISWC.

7   And we heard from Mark Isherwood this

8 morning there's some really positive movements

9 around DDEX and feeding these things both through

10 the system.

11   But once it gets out of monetization,

12 that's where the matching occurs. That's where

13 there's an amalgamation of ISRC, ISWC, there

14 could be IPI codes, company-specific identifiers.

15   So we have this collection of

16 identifiers, including semantic matching, of you

17 know, Jay-Z, JAYZEE, all of these kinds of

18 things.

19   At the rights administration company

20 in the U.S., that's where matching claims and

21 conflicts are all handled.

22   After the matching is done, then

1   there's a report that comes out. ISWC goes to

2   the publisher or the admin platform, and then

3   back to the songwriter.

4   And so, you know, just looking at

5   these two, you can see that the publishing one

6   has -- data changes hands a lot more frequently.

7   There's a lot more room for error. And we're

8   going to kind of pull this apart a little bit

9   today and talk about where some of the errors

10   occur.

11   MR. SLOAN: Thank you, Vickie. Sarah,

12   can you build on that roadmap? I know you were

13   at MRI previously, currently at Google.

14   Can you elaborate on what the data

15   flow looks like at the digital services where

16   they're getting the data from, what's happening

17   with the data while it's there before it gets

18   matched or sent to a vendor?

19   MS. ROSENBAUM: Sure, and actually,

20   I'd like to just make a few overarching comments

21   first.

22   First of all, just to reiterate why

1   we're going over all of these data flows that

2   happen before data gets to a matching vendor or

3   would get to the MLC, is because I think that we

4   need to temper our expectations.

5   The matching problem is not going to

6   be solved just through advancements in matching

7   technology. A lot of what is going right --- or

8   going wrong, and what can go right, is what's

9   going to happen in the ecosystem before the data

10   ever arrives at a matching vendor.

11   And so, I think it's critical that we

12   go through the different stopping points and who

13   touches the data, and what opportunities we have

14   to make improvements at each of those stages.

15   So, just to explain why we're talking

16   about everything that happens before we get to

17   the actual matching process.

18   And also, just as an opening comment

19   from a DSP perspective, I want to just say that

20   we're going to talk about the complications and

21   how messy this is, and the headaches that come

22   out of this data matching process, but I just

1 want to remind everyone what we're fighting for

2 here, and why this is a positive thing, and why

3 we're doing this.

4 You know, as you heard on some of the

5 earlier panels, technology kind of brought down

6 the floodgates for creators.

7 It allowed folks who, you know,

8 previously were not able to break through those

9 barriers to release their music to the public.

10 This came with a ton of complications

11 because you have this massive scale of music now

12 entering the ecosystem, and you have, as Vickie

13 mentioned, this, you know, increasing number of

14 fragmentations of rightsownerships and writers on

15 each composition.

16 And what this did, is if you think

17 about a traditional music store where you would

18 have consignment, and you would actually have to

19 prove to the record store owner that you could

20 sell records before you get, you know, space on

21 that shelf, the physical shelf, the digital

22 world, you don't need to show that up front.

1 Everyone gets a chance to be put on the digital

2 shelf for sale.

3 Unfortunately for the music services,

4 that came with a lot of liability because a lot

5 of those creators that were entering the

6 ecosystem were not aware of what metadata was,

7 they didn't know that they needed to provide that

8 information in order to get paid or to get

9 licensed.

10 And so, we were in this conundrum

11 where we had to either stop carrying all of that

12 extra digital shelf space and incurring that

13 liability, or you know, continue to take the risk

14 of leaving that shelf space open and letting

15 everyone have a chance.

16 So you'll sometimes hear this referred

17 to as the democratization of the record store.

18 So, we are really pleased that MMA has

19 provided an opportunity to, you know, cut off

20 some of that liability so that that digital shelf

21 space can remain open and we can address this

22 data issue in a more thoughtful and less time-

1   pressured environment.

2   And so, you know, this is our goal,

3   and we're thankful that that digital shelf space

4   is going to remain open, and now we need to

5   figure out, you know, how we do this process

6   better. So.

7   MR. SLOAN: Do you want to speak at

8   all to the data flow through the services before

9   we move on?

10   MS. ROSENBAUM: Google's a bit unique

11   in that respect, so I may want to touch on that a

12   little bit later when we get into

13   authoritativeness of data and the actual matching

14   process because I think it will be easier for

15   folks to understand how Google deviates on that

16   way once they hear kind of what the process of

17   matching is.

18   But we definitely have a unique

19   approach where we rely on what the rightsowner

20   tells us they own instead of relying on third-

21   party sources of data that may or may not be

22   correct.

1   But yeah, if we can circle back on

2   that point, that would be great.

3   MR. SLOAN: Great.

4   Bill, we're obviously going to dig

5   into the details here, but can you give kind of a

6   very high level introduction to -- you know,

7   we've touched on this in the earlier panels, but

8   you know, what is matching, what are the

9   different types of matches that have to be made,

10   what does a matching vendor actually do?

11   And kind of give an introduction to

12   that to some people who may not be familiar.

13   MR. COLITRE: Sure. So, I'm Bill

14   Colitre, I'm the Vice President and General

15   Counsel of Music Reports, which is trademarked

16   Music Reports, not MRI.

17   MRI is something you do when you have

18   a very bad injury. Please don't use that acronym

19   anymore.

20   And I can sort of lead off from where

21   she was because, you know, the way Music Reports

22   has operated for the last, you know, 15 years or

1 so, we have been the vendor, the back office

2 provider for virtually every DSP that has ever

3 launched in the U.S. for on-demand streaming, in

4 addition to serving the television industry and

5 the radio industry, and various other parts of

6 the music ecosystem.

7 And it's much more than just matching.

8 Obviously, there's a lot that goes into running

9 the licensing and accounting administration

10 infrastructure for anyone who wants to use music

11 in any, you know, commercial way, in the United

12 States at least.

13 And the way we work with DSPs

14 generally is fairly straightforward. A DSP must

15 go and get rights to use the master recordings in

16 their streaming service.

17 So they go out and they do a variety

18 of agreements with master recording owners and

19 distributors, the major labels, the big

20 aggregators, generally.

21 It isn't that many licenses you need

22 to do to get the vast majority of recordings

1   available.

2   And then they send the metadata

3   related to those recordings to us and say, these

4   are the recordings that we have the rights to use

5   on the master side. What can we use from a

6   publishing perspective?

7   We then take that entire set of

8   recordings -- and of course it's updated

9   constantly as new recordings come into the

10   ecosystem -- and we create a sort of shadow

11   repertoire of their available catalog, and we

12   consistently and constantly match it against

13   music publishing records in our song index

14   registry, and to other forms of music publishing

15   information that come in all the time. For

16   instance, we check the records of the Copyright

17   Office on a regular basis.

18   Through a proprietary matching

19   process, we continuously match sound recordings

20   to musical compositions using syntax matching and

21   leveraging whatever unique identifiers we can.

22   But perhaps the most complicated part

1   of the whole process is the process of creating

2   the musical composition database, against which

3   to do the matching in the first place.

4   We've talked about the fragmented

5   ownership of musical compositions. One of the

6   technical challenges, it doesn't get a lot of

7   press in that, is that let's say you've got a

8   band with four members who equally contribute to

9   the writing of a song, and they each decide to

10 have their own music publishing administrator.

11   You're going to receive four different

12 sets of data, if you're lucky enough to get flows

13 of data from those publishing administrators.

14   And they're going to come in different

15 formats, at different times, with different

16 artifacts and different problems, and you're

17 going to have to reconcile those four shares and

18 recognize that they're talking about the same

19 musical composition.

20   Compile them into a whole that

21 hopefully equals 100 percent ownership, and then

22 store that record for the process of matching to

1   sound recordings that come through the ecosystem.

2   So there's a huge amount of really

3   detailed work that goes into it. It's a ton of

4   complexity, it's a lot of iterative systems. It

5   isn't any one thing. But that's a brief overview

6   of it.

7   MR. SLOAN: Great, thank you, Bill.

8   Ed, coming from Universal, can you maybe give an

9   overview of the publisher perspective here on

10   this data life cycle, and matching, and how you

11   ensure the musical works in your catalog are

12   getting properly matched and paid out?

13   MR. ARROW: Yeah, sure. I mean, you

14   can think of this process as sort of a series of

15   inputs and outputs, right?

16   The inputs are the information

17   delivered by the record labels to the DSP with

18   the sound recording data, the information

19   delivered by publishers to either the DSP or the

20   service handling the administration on behalf of

21   the service, explaining what they control and how

22   to pay them. And then at output, or well, then

1	at the service, the data matching, and then the

2	output being the royalties ultimately paid out.

3	So for music publishers -- well, the

4	major music publishers, and some of the large

5	independents, we use a file format which was

6	discussed earlier today, called Common Works

7	Registration, or CWR.

8	And that file, is a, as the name

9	suggests, is a one size fits all file format.

10	It's utilized to advise our shares, our claims to

11	music rights organizations all over the world.

12	And for many compositions that we control, we

13	control just maybe one of many shares. Maybe we

14	just control one of many writers. And we may

15	also control just a limited number of

16	territories.

17	The CWR file will contain everything

18	we control in every territory around the world.

19	So, it may say that we control one writer's

20	share, 25 percent. We control that share in the

21	U.S., Canada, and the UK, and then it will show

22	that share that we control, that 25 percent, both

1   under performance rights and mechanical rights.

2   And then each recipient of that file

3   has to parse the information that is relevant to

4   them. So if we're submitting a file like that to

5   HFA, for example, they'll just look at the

6   mechanical rights share for the U.S. only, and

7   log that claim in their system, and ignore the

8   rest of the file.

9   In creating these files, it's very

10   important for us to put in the proper

11   identifiers.

12   Now, when the song is brand new, when

13   we first submit it for CWR, we usually don't have

14   an ISWC yet because that will be created by the

15   society after we submit CWR to them, and we're

16   submitting CWR to everyone at the same time. So,

17   we may have to supplement that information later

18   on.

19   But we will put in IPI codes, which

20   are unique identifiers for writers and

21   publishers, so an administrator can properly link

22   if they need to, the publishers to other songs in

1   their system with the same publisher.

2   It's important to think about this in

3   terms of -- people talk about technology a lot,

4   and I think Sarah was trying to point out before

5   -- whatever technology we use, getting the data

6   correct up front is the most important thing. If

7   we don't get that right, the technology won't

8   even matter.

9   Now, publishers other than those who

10   can handle the CWR format will probably use

11   other, or do use other formats to deliver songs.

12   I think John and Bill can probably speak to those

13   formats.

14   But I know you can go online and

15   register your works that way. They may accept

16   certain spreadsheet templates for registration,

17   as well.

18   MR. SLOAN: Great, thank you. And

19   Jay, basically the same question. Coming from

20   Sony, can you give a little color to the record

21   label perspective and how your data fits into

22   this life cycle?

1   MR. GRESS: Great. Thanks, Jason. I

2   really appreciate being asked to be here to give

3   the label perspective on some of this stuff.

4   And I think Vickie's chart here, or

5   our chart gives me just the right lead-in because

6   when you look at this chart -- and I know we're

7   focused mainly on streaming, but on the

8   composition side, I don't see label listed here

9   anywhere.

10   And so, I have to point that out. And

11   I guess that's why I'm here today.

12   So, from the label perspective, we do

13   play a key role, and we've traditionally handled

14   the mechanical licensing for physical, and then

15   for downloads.

16   We also license other uses, such as

17   video, and all the different things that labels

18   like to do with songs.

19   And so, there are two ways I think

20   that we play a role. One of them is we are sort

21   of, in many cases, typically the originator of

22   the metadata into this life cycle, in terms of

1 definitely obviously the master in sound

2 recording.

3   But the labels, as they prepare a

4 release and they record songs, they work with the

5 artists and producers to get the label copy

6 information, and also to find out who the writers

7 likely are, and who the publishers may or may not

8 be. And that's part of it.

9   So we send, to the DSPs, we send,

10 usually via DDEX ERN, the label copy type

11 metadata. But there's also, you know, I did make

12 a plea to complicate Vickie's chart, but it

13 didn't happen, but I'll speak to it now, that

14 there is a simultaneous process where the labels

15 are working to license all these songs for their

16 requirements and their liability.

17   Labels come at this with a bit of a

18 different perspective in some cases than DSPs, in

19 that, you know, when my team's working on a song

20 for Columbia Records and their artist, this song

21 has to be released. It has to be released on a

22 certain day, it's very important.

1   And when we clear it in license, we

2   endeavor to pre-clear all our songs. We take

3   that information from the label and we reach out

4   to the publishers, we do a lot of research. It's

5   a lot of hands-on work that we do.

6   Traditionally, we have not worked in

7   an MLC or a society kind of environment, so the

8   licensing work has been work by work, share by

9   share type of work, reaching out directly to who

10   the likely publisher is.

11   And I think through all that

12   simultaneous work that we do, and with a sense of

13   urgency, because we're not sort of trying to --

14   in a way, we are manually matching, but we're

15   also trying to clear and ensure that we have the

16   rights to release our records before release, as

17   much as possible.

18   With that in mind, I think we add some

19   speed and timeliness and urgency to the process,

20   and I do think we're adding some of these

21   matches, song to ISRC, with this work when we

22   reach out to a publisher and we say, "hey Ed, is

1   this your song? What's your share?" And the

2   publisher comes back to us later. They're

3   storing that information.

4   Another point is that many times when

5   we reach out for new songs, the publishers aren't

6   familiar with the fact that the song exists or

7   has been recorded. So there's a time lag there,

8   and we work with the publishers extensively on

9   that.

10   So, I think both we source some of the

11   initial metadata into the life cycle, and we also

12   do a lot of heavy lifting in terms of linking

13   these things and sharing that information with

14   several parties.

15   MS. ROSENBAUM: I just --

16   MR. ARROW: I'm sorry, I should have

17   mentioned, I'm sorry, I just want to supplement

18   what you're saying, Jay, because you talked about

19   that you were the originator of the original

20   match between an ISRC and an ISWC, a song and a

21   composition.

22   And that when we send CWR files, we do

1 include any ISRCs that we have with those files,

2 and we also send supplementary files of ISRCs as

3 we obtain additional ISRCs.

4 Although, there's a question as to

5 whether or not we would be considered

6 authoritative for that data.

7 MS. ROSENBAUM: Yeah, I just want to

8 point out, too, you were talking about some of,

9 you know, the labels are obviously one point on

10 this chart where we can look and say, well,

11 perhaps you're here to play a gatekeeping

12 function, and that, you know, you're the original

13 releaser of this metadata, and should you be

14 coordinating with publishers to get that filled

15 out as much as possible before it goes out in the

16 ecosystem?

17 But, you know, there's -- I think we

18 all oversimplify each other's areas, and there

19 was a panel I was on with a high level executive

20 from a major label, and you know, I was giving

21 him a hard time about, you know, why are you

22 releasing things without the proper publishing

1   metadata?

2   And he's like, Sarah, have you ever

3   waited up until 3:00 a.m. to get a Kanye West

4   album delivered?

5   He was like, when he shows up at 3:00

6   a.m. to drop that album off, and it has to go out

7   tomorrow, he's like, I'm not asking him if all

8   the ISWCs for his writers are properly populated

9   in the metadata. I don't even think that's a

10   question I can ask. You know, I'd probably get

11   fired if I didn't put the album out, you know,

12   for that reason.

13   And I think that's unfortunate. I

14   mean, that's the point that I'm trying to make,

15   is that our expectations need to change. That

16   shouldn't be an unreasonable question.

17   It can't be one person advocating or

18   standing up, it has to be a village of people

19   making this the norm and saying "no, we're

20   actually not going to put your album out or pay

21   you until you give us this data."

22   But I know that it's hard, and we all

1   think that everyone should, you know, be doing

2   more, but it really has to be a group effort.

3   MR. COLITRE: Let me add too, that

4   absolutist solutions don't tend to work in the

5   music business because there's such a huge amount

6   of complexity and special use cases.

7   And we all have to give each other a

8   little bit more slack in this process, and

9   acknowledge that a time lag exists in the way

10   music information moves through the system.

11   I mean, you made the point, Ed, that

12   if the data isn't right up front, nothing is

13   going to work.

14   I disagree, I think just with the way

15   you constructed the sentence, in the sense that

16   as the dialogue between you just shows, it's

17   impossible to have the data right up front

18   because the songwriters haven't necessarily

19   agreed their splits or sent their information

20   through.

21   What's important is that through that

22   iterative process, you continue to supplement the

1　　information you're exchanging between each other

2　　until you get to perfection, until you arrive at

3　　authority, and that is the process by which we

4　　refine the data to the point where it can be

5　　actioned for licensing and accounting purposes.

6　　　　　　　　MR. ARROW: Sure. I mean, obviously

7　　in most cases, we do have the split information,

8　　so that's a minority of cases.

9　　　　　　　　Although, sometimes it happens on big

10　　songs, and it's a real problem, but the point is

11　　don't deliver anything incorrect.

12　　　　　　　　MS. NAUMAN: Well, and I think you

13　　also have to look at the length of time it takes

14　　to get an ISWC.

15　　　　　　　　You know, there's a -- sometimes it

16　　can be a year after the song has been written and

17　　released. And so, then we have this composition

18　　that's out in the wild getting monetized, and

19　　there isn't a core unique identifier that's

20　　associated with it.

21　　　　　　　　MR. COLITRE: And so, that's why we

22　　need to have a period of time built into the

1   administrative infrastructure that allows for

2   those kinds of predictable lags.

3   And one of the best things about the

4   MMA is that it sets that time at 36 months,

5   right? There's three years in which the MLC has

6   time to do its work, to assemble that

7   information, to refine that information, to make

8   sure that they've got it right before, you know,

9   the money gets liquidated by market share, and

10   everyone throws up their hands and says we can't

11   do anymore.

12   So, that's the kind of structure that

13   we need here, is some cushion of time that allows

14   this administrative work to get done in an

15   imperfect environment so that the writers can get

16   paid accurately.

17   MS. ROSENBAUM: And for comparison,

18   that timeline used to be somewhere around two or

19   three days. You know, you get the label

20   metadata, the album's going to be released in a

21   few days, and this entire process that we're

22   talking about of matching had to take place

1   within a few days -- you know, a vendor

2   internally -- in order to get licensed on time.

3   And we're thankful I think that that

4   time pressure has been removed so that we can

5   actually get this right.

6   MR. RASO: The whole process has

7   gotten faster, the volume much bigger, and

8   actually with the barrier of entry reduced, a lot

9   less knowledgeable are the people doing the

10   delivery as well, too.

11   So, all of this came together and

12   resulted in, you know, SoundCloud. I could write

13   something right now, and in five minutes it'll be

14   available. And unless everything else that we

15   just talked about has taken place, it's not a

16   legal use.

17   MS. LIEBERMAN: And I know we're going

18   to talk about MDX later, but one thing we're

19   working on to address this data lag issue is

20   helping along the conversation between record

21   labels and publishers to exchange the data before

22   the recording's released so that, you know, after

1   usage, months after usage, when it's being

2   reported to a matching vendor, all of that

3   information is making its way through the supply

4   chain, so there's really not much a matching

5   vendor needs to do because you're getting the

6   recording data up front, you're getting the

7   publishing data up front.

8   It's the authoritative sources making

9   the link between the sound recording and the

10   musical work, so that when it makes its way to

11   the matching vendor, and ultimately through

12   royalty payment, all of that data's preserved

13   consistently.

14   So, having all of that captured and

15   centralized and transparent up front before

16   release has been really effective.

17   MR. SLOAN: Great. Just since it was

18   just raised, I want to stay on this topic for a

19   moment.

20   Could we talk a little bit more about

21   ISWCs and what the issue is there, and why

22   there's the delay in getting it released, and the

1   impact that has on this issue? Ed, do you maybe

2   want to --

3   MR. ARROW: Well, I mean, I'm not an

4   expert on it, I can just tell you that the ISWCs

5   are -- oh, go ahead.

6   MR. BOISSONNEAULT: I can help there

7   --

8   (Simultaneous speaking.)

9   MR. ARROW: Like I said, they're

10 assigned by societies, they're not -- you know, I

11 just want to say --

12   (Simultaneous speaking.)

13   MR. ARROW: Well, ISRCs are assigned

14 by record companies. So, they have a list I

15 think of codes that they can use.

16   Jay, tell me if I'm wrong. And then

17 they assign the ISRC when the recording is at

18 some point in the creation process.

19   Publishers, we don't have that option.

20 Go ahead.

21   MS. NAUMAN: Well, and there's one

22 rightsholder for the master recording, and

1   multiple for --

2   MR. ARROW: Right, but at the end of

3   the day, there should be just one ISRC for each

4   composition, regardless of how many owners there

5   are.

6   MR. BOISSONNEAULT: Absolutely correct

7   because what the ISWC really is, is the

8   composition. It's got nothing to do with

9   exploitation, and that's where the business has

10   failed. Not just in the United States, globally.

11   I administer the ISWC on behalf of

12   SESAC. SESAC's the administering body. I

13   actually supply the back end services and the

14   support for them.

15   And what happens is the way the

16   registration processes have evolved has held back

17   the ability to put that ISWC out at the start.

18   So it was encouraging this morning to

19   hear the MLC is trying to educate, it's trying to

20   do this right up front.

21   SESAC is also doing this very, very

22   proactively -- well, I wouldn't say proactively

1   anymore. They're trying to address this very,

2   very quickly. But the problem is, how do you get

3   back?

4   Because the entry point where

5   everything starts to happen in our business is

6   when the recording goes out, when somebody hears

7   that song.

8   We've all heard today how you have to

9   back up and get the shares, get all the

10   information to support that.

11   That doesn't drive the ISWC. The

12   business processes the PROs have in place through

13   the CWR are what's resulted at that delay. It's

14   not that it has to be there.

15   So what SESAC is trying to do now with

16   a number of the major publishers is get the ISWC

17   right away.

18   So when they actually send the CWR

19   files in with a new initiative that's happening,

20   is ISWC will come in from the publisher, not from

21   the societies.

22   MR. ARROW: So, we will be self-

1   assigning them? Like the record companies do?

2   (Simultaneous speaking.)

3   MR. BOISSONNEAULT: Yeah, we'll ask

4   for them.

5   MR. ARROW: But we'll still have that?

6   MR. BOISSONNEAULT: Yeah.

7   MR. ARROW: And how long would it take

8   to receive --

9   (Simultaneous speaking.)

10   MR. BOISSONNEAULT: Within 24 hours.

11   So there's API services --

12   MR. ARROW: And it would be a file

13   that we would send out and receive a file back?

14   MR. BOISSONNEAULT: Yes, Sony in the

15   UK is actually --

16   (Simultaneous speaking.)

17   MR. SLOAN: -- risk of getting

18   duplicate numbers when you do that? Because you

19   have different --- you have joint owners, you

20   might all be requesting at the same time.

21   MR. ARROW: Right, what if we and Sony

22   send you a file on the same day and some of those

1   songs are the same song?

2   MR. BOISSONNEAULT: They will get

3   matched and you will get back one -- the original

4   ISWC. The ISWC that was there first is the title

5   and it's the creators.

6   So if I'm looking at a title and two

7   creators, no problem, give it an ISWC.

8   It now goes --- and somebody else goes

9   from Sony, and Universal's filling out the other

10   half, they're going to come back in and say the

11   same thing.

12   If they come back in and say, "oh no,

13   there's a third writer," in a PRO world with that

14   composition, that's a new composition. There's

15   now three shareholders to that title.

16   It's different. There's business

17   processes in place to rectify that afterwards.

18   MR. ARROW: Right.

19   MR. BOISSONNEAULT: But now we're

20   talking --

21   MR. ARROW: Yeah, that makes it tricky

22   because if one publisher doesn't have one of the

1 writers because they don't know, then you're

2 going to get two different files that you don't

3 reconcile against each other, and you're going to

4 assign two ISWCs to the same song.

5   MR. BOISSONNEAULT: Yeah. And then

6 you have to deal with that afterwards. You're

7 relying on the PROs now to recognize that and

8 deal with it, typically. Yeah, right.

9   MR. ARROW: Right, but that is the

10 risk of doing it fast then.

11   MR. BOISSONNEAULT: That's correct.

12   MR. ARROW: So you have to just balance

13 it, right?

14   MR. BOISSONNEAULT: Yes.

15   MR. SLOAN: Thank you. So we've

16 definitely waded into this a bit, but I want to

17 bring in our full panel here, whoever wants to

18 jump in on this.

19   Some of you have already started

20 talking about it, but I just want to kind of make

21 sure we get for everyone, all of your individual

22 perspectives here on matching.

1   You know, various approaches and

2   methodologies, how you measure success, some of

3   the challenges you've faced.

4   And it would be really helpful if in

5   discussing that, some of you can speak to things

6   like how you use automated processes versus

7   manual ones.

8   A big one I want to make sure we talk

9   about is how you deal with conflicting data, and

10   how you evaluate the authoritativeness of data

11   when you have it coming from different sources.

12   At what point are you confident enough

13   in a match that you call it a match and pay

14   royalties on it, and what kind of standards and

15   criteria you use for this.

16   John, do you maybe want to kick us

17   off? And I definitely want to hear from everyone

18   on this.

19   MR. RASO: Sure. Yeah, there's a lot

20   of challenges there.

21   MR. SLOAN: Yeah, that was a big

22   open-ended question, I know.

1   MR. RASO: Yeah, so it's funny, we talk

2 -- this is the, you know, the matching panel, but

3 the matching part isn't the hardest part, it's

4 having the right data organized in a database.

5   As Bill was saying, the challenges --

6 you get multiple sources of, you know, partial

7 shares of a song, and you have to match them

8 together.

9   Even in the example for the ISWC,

10 sometimes there's a writer missing, and so that

11 creates a new composition in the database.

12   So, we could successfully match to

13 one, but the 25 percent share that's lingering on

14 a duplicate song isn't getting paid, so it's

15 matched, but it's just not complete, right?

16   So duplicate songs is a big problem.

17 Right?

18   ISWC helps resolve that, but now I'm

19 also hearing an example where potentially there's

20 two different ISWCs, what is essentially the same

21 composition.

22   So we will never get to perfect, but

1   you know, and there's only so much manual review

2   you could do, so I mean, automation is necessary.

3   And that's where, you know, two

4   different numbers coming in from two different

5   sources where the DSP sends along an ISRC code

6   along with all the artist-related and performance

7   metadata.

8   And then sitting in our system, the

9   only two things that overlap are a title. Titles

10   are not unique.

11   So, I think I heard Hello was an

12   example used earlier today.

13   I always use one because there's a

14   Metallica song, a U2 song, and I think there's a

15   Three Dog Night song and a Paul Williams

16   composition, and so, which one is it? And then it

17   becomes interesting when those artists cover each

18   other's songs, too, so.

19   So you end up, start building things

20   where you have knowledge database where you know

21   if artist is Coldplay, you know, and a regular

22   writer for Coldplay, like Chris what's his name,

1   is in our database.

2   If the title matches, artist is

3   Coldplay, writer could be one of this -- it

4   improves the odds of a match.

5   And then you start playing the game

6   of, well, how close to 100 percent do you need?

7   Because 100 percent, you probably won't get a

8   satisfactory response.

9   So then you lower it, but then you

10   start getting bad matches, and so you're

11   constantly toying with those algorithmic -- no,

12   that's not correct -- changes in order to find

13   the right place because you have, I mean we, HFA

14   sits in the middle of, you know, a DSP, as well

15   as we have affiliated publishers that we work

16   with, right?

17   And so there's a push and pull of

18   which way that algorithm should move. Right?

19   I want accurate, I want fast, I want

20   right, I need license coverage. Right? So it's,

21   you're getting pushed both ways to get that.

22   So, and then, well, I could talk all

1   day about authoritative, too, and I think there's

2   several people who are going to talk about it

3   well, so I won't dodge into that.

4   MR. SLOAN: You can say a word about

5   it. We definitely want to hear from everyone.

6   MR. RASO: Well, so we just make it

7   simple in that, unless you own it, or assigned

8   own it, we don't take it as authoritative, which

9   becomes a challenge with the record companies

10   because the record companies will pass it

11   through.

12   But I don't know if it's correct

13   because I don't know if it's changed, and

14   frequently it is, but at the same time, it's not

15   the latest, nor as direct, and I can't rely on

16   it, so.

17   MR. GRESS: Trust me John, it's

18   correct.

19   MR. RASO: Well so, but I should add --

20   so one of the things we have, there's -- well,

21   the whole other thing is I have publishers when

22   we have -- so then we get letters of directions

1   all the time about changes, and I have two people

2   that I trust completely saying "hey, we've taken

3   over this catalog."

4   Well, my system says it belongs to

5   them. I need to go ask them. You don't have to

6   go ask them, I need that change today, I know you

7   trust me.

8   And so it's like, well, I can't until

9   I get authoritative release, I can't really, so

10   there becomes -- and those are conversations we

11   have under best practices conversations.

12   MR. COLITRE: So this is a theme that

13   was discussed a little bit earlier in the day,

14   that there's technological problems, and there's

15   people problems, as it was described earlier.

16   But I would try to give us all a bit

17   of credit on the people side, right? We're all

18   just trying to do the best job that we can, we're

19   all in this to try and make this work for

20   everybody.

21   So let's think about the incentives

22   that drive people, and not the people themselves,

1   right?

2   The incentives that drive each

3   rightsowner are to assert authority for something

4   so that they can get paid on it, so they can

5   assert authority over it.

6   But their assertions are not always

7   correct, despite their best intentions, and the

8   incentives they have is to do it as quickly and

9   as aggressively as they can to try and get paid

10   as much as they can.

11   That's just a mathematical fact, it's

12   not an indictment of anyone.

13   And so, this system is one in which we

14   have to really think about how we've constructed

15   the system to maximize the best incentives in the

16   marketplace.

17   And we talked about how, you know,

18   economics incentivize a lot of behavior by

19   publishers, especially independents and

20   self-published artists, to try and provide their

21   information into the system.

22   But the farther you get on the tail,

1   the less professional those people are in terms

2   of asserting rights.

3   They may not be as careful as some of

4   the larger music publishers are in doing this

5   work.

6   And so, it's incumbent on whatever

7   party is running the registry to set up policies

8   and procedures that take every claim that comes

9   in as nothing more than a claim. Authority

10   doesn't exist.

11   You can make different judgment calls

12   about whether you trust someone or don't, whether

13   they're a big publisher or a small publisher, but

14   at the end of the day, the registry has to have a

15   point of view, and to assemble its registry based

16   on the information that it believes to be

17   correct, and stand behind that when it makes

18   mistakes.

19   That's really I think the essence of

20   how these things can get done right, and I think

21   it's one of the core problems that has undermined

22   industry-wide attempts to build these kinds of

1   databases in the past.

2   It's very difficult to get competing

3   rightsowners to cooperate fully where at the end

4   of the day, they view this as a zero-sum game.

5   It's all about market share, and I'm

6   going to push my market share as high as I can.

7   MR. RASO: Yeah, and that's exactly

8   the win with the MLC, is there's no committees to

9   make those industry-wide decisions rather than it

10   being fought over, of, for me do it this way, for

11   you do it that way. That competition goes away.

12   MR. SLOAN: Sarah, did you want to?

13   MS. ROSENBAUM: Sure, yeah. I mean,

14   Google's tried various approaches to this, and

15   sometimes has gotten yelled at by rightsowners

16   for doing it the wrong way, so you know, we've

17   ended up in a way that we think everyone is

18   comfortable with.

19   And I'm not talking about necessarily

20   in the 115 world, but just generally speaking,

21   you know, we're getting a redo, a restart here.

22   So just looking at other areas of

1   like, direct licensing.

2   You know, I think we are constantly

3   hearing there's not enough data, there's not

4   enough data, we need more data, which is true for

5   the long tail of creators, we do need some data

6   from them. But, I think sometimes we think that

7   more is always more in this space, and that's not

8   always correct, you know, collecting every bit of

9   metadata that you can get your hands on, and then

10   trying to reconcile that is not going to come to

11   the best outcome.

12   You know, for example, there was a

13   time when Google would, you know, collect claims

14   and metadata and, for example, a creator who

15   actually is saying I own this would tell us, you

16   know, we own this, this is our share.

17   But then we would receive ten

18   different sources of metadata from other parties

19   that we call third-party data, and they're

20   saying, well that person actually owns a

21   different percentage because, you know, there was

22   a mistake made somewhere out in the ecosystem as

1   the data traveled around, and that mistake got

2   duplicated over and over again as that data

3   passed.

4   And so we looked at volume and said,

5   you know, if these ten sources are saying that

6   person's share is really different than theirs,

7   we should override that because, you know, volume

8   overrides the rightsowner.

9   And then we would get a call from them

10   saying, what the heck? We told you we owned 50

11   percent, you know?

12   And so, you know, our system as you're

13   describing is based only on rightsowner

14   assertions.

15   Sure, you're going to have conflicting

16   assertions at times, and you need a conflict

17   resolution policy to deal with those, but we at

18   this point in our system would never override now

19   what a rightsowner tells us that their accurate

20   percentage is, even if we're getting signals from

21   ten other places that maybe that's different.

22   Now we don't ignore those signals. We

1 have a proposer tool where we say to that

2 rightsowner, hey, like ten different people are

3 telling us this. Is that correct or not correct?

4   But until we receive that actual

5 assertion from them confirming those third-party

6 signals, we don't take that as truth for

7 accounting and payment purposes, so.

8   MS. LIEBERMAN: And so, touching on --

9 and I think you mentioned it earlier -- the whole

10 issue of overlap identification, it's very

11 important to have granular, precise rights

12 management systems because you need to track

13 rights across time period, across territory,

14 across right type, performance versus mechanical

15 because you're getting two CWRs coming in.

16   One's a sub-publisher in the UK saying

17 they own this share, and another one is a U.S.

18 publisher administrating in the U.S. saying they

19 own the same share. Your systems have to be able

20 to identify, that's actually not a conflict.

21   So I think someone in an earlier panel

22 was talking about 3D rights, and having a system

1   that's able to handle that is very important when

2   you are identifying overlaps. We're actually now

3   looking at like, four or five dimensions.

4   So it's having that granularity

5   especially, you know, scale, volume we're talking

6   about tens of millions of performance lines being

7   processed each month.

8   So having systems that can handle

9   things precisely and at scale is very important.

10   MR. SLOAN: Anybody else want to give

11   general perspectives on matching methodologies

12   and data authoritativeness? No? Terry, do you

13   want to talk about what Dataclef is doing in that

14   regard?

15   MR. BOISSONNEAULT: I'll stay away

16   from Dataclef because I'm not here on a sales

17   pitch today. I think that the --

18   MR. SLOAN: I'm just trying to get

19   different perspectives from different people.

20   MR. BOISSONNEAULT: I think the

21   underlying problem that we face is trying to

22   reconcile what in fact is hundreds on ISRCs for

1   the same creation because I'm getting different

2   information coming in.

3   We're at the tail end trying to

4   reconcile a lot of this and get money out when

5   you hit the matching end, and you have -- I'll

6   use Pharrell Williams' Happy.

7   There's over 700 ISRCs and two ISWCs.

8   There's the original creation and one for film.

9   How do you pick them? The shares are different.

10   So you have to worry about the

11   different territories, the different rights,

12   because wherever it's getting released, it's

13   getting other ISRCs, and this is just bringing

14   more data in. So the reliance now on having these

15   cross-identifiers is critical. It's the only way

16   you can do it.

17   Years ago, we used to be able to do

18   this textually. You'd start with a title, you'd

19   start with a name. You can't do that anymore.

20   You have to start with the identifier, and then

21   qualify with the title, with the name.

22   Did I get the right one? Oh, am I in

1   the right territory? Is it the right share

2   split? You have the actual creations where, based

3   on the territory, the original publishing

4   changes, so you can't even always rely on that.

5   It doesn't happen a lot, but it's

6   things that you have to consider when you're

7   trying to reconcile all of this data. And it

8   causes a lot of duplication or false duplication,

9   and that's the hard part, is reconciling that.

10   So that's what's pushing things, like

11   you have to have claiming portals, you have to

12   have conflict resolution processes. The business

13   -- digital world hit the business so hard and so

14   quickly it couldn't keep up. What's encouraging

15   now is we do not have restrictions very much

16   anymore on technology. We have the technology,

17   we know how to do it.

18   We don't have to worry about, fifteen

19   years ago, PRO systems were crashing at the knees

20   as DSR reports came flying in. I don't know if

21   Mark's still here, but that's kind of his fault.

22   (Laughter.)

1   But the data brought systems to their

2   knees, and we've gotten past that. We're able to

3   now process, we're able to do that, so it's not a

4   technology problem anymore.

5   Is it time to go back and reevaluate

6   the business processes and how we're working with

7   the technology -- that's my opinion.

8   MR. SLOAN: So, yeah, did you want to

9   add something?

10   MR. GRESS: Yeah, I'll just add I

11   agree completely about the having clear rules

12   about and statuses about things that are in

13   process and are not fully matched.

14   And for the label perspective with

15   that, I mean, our work is very manual, direct

16   confirmation with the rightsholder or publisher.

17   That's generally how we operate some processes to

18   try to automate things.

19   But we get the approval and license

20   from the source directly, again, generally, but

21   we engaged in a best practices group, and I think

22   there was a big benefit to that with the

1   publishers as part of an MOU settlement.

2   And we have rules about how we handle

3   what we call pending and unmatched, and there was

4   a big benefit --- there was a lot of

5   collaboration and work in that environment, and I

6   think it did work to make things better.

7   And a key thing is, so everyone knows

8   why something isn't paid clearly, and what the

9   statuses are. It's just something I would say,

10   I'd chime in that that's a really important part,

11   that people aren't guessing why something is not

12   being paid.

13   MR. ARROW: Agreed, but it must be

14   transparent.

15   MR. RASO: Yeah, and I guess the thing

16   is also this conversation is about the people who

17   are in the room and talking, right?

18   It's the big companies, with

19   technology and knowledge, and you know, and very

20   valuable catalogs, and sometimes I feel like the

21   real core thing that we come to these

22   conversations that are -- and it's important to

1 notice there's maybe volume-wise in dollar

2 amount, but volume-wise in sound recording and

3 composition.

4 That's sort of the people who aren't

5 in this room, are not having this conversation,

6 that need to understand. As the artists on the

7 previous panel were talking, there's sort of a

8 bit of a high threshold of just knowing what to

9 do, let alone how to do it. That's a big piece of

10 what needs to be accomplished.

11 MR. ARROW: We have to make it easy.

12 MR. RASO: Yeah.

13 MR. ARROW: Right. I think somebody

14 was pointing out on that panel that you can't

15 have a web portal that somebody goes into, and

16 it's so ridiculously complicated they get scared

17 and run away.

18 MR. RASO: Yeah.

19 MR. ARROW: So, it's got to be a

20 really good user interface, something that they

21 can go and maybe log in, some very fundamental

22 information.

1   MR. RASO: Very intuitive, yeah.

2   MR. ARROW: The first time, now they

3   have a password. Every time they go in, that

4   information is replicated.

5   I don't know. I'm not going to build

6   it here on the panel, but the point is it's got

7   to be really user-friendly and require a minimal

8   amount of information, and maybe we have to help

9   them a little bit on the back end.

10   MS. NAUMAN: I also think, you know,

11   with the MLC, that, you know, the discussion this

12   morning I think was great about how narrow the

13   scope is because we can't expect the MLC to solve

14   all of these problems.

15   But I feel like, you know, I sit in

16   between the technology industry and the music

17   industry, and I feel like this is kind of the

18   mother of a lot of problems that we have in

19   publishing. You know, it has risk, it has

20   ambiguity, it has, you know, just all sorts of

21   things wrapped up in it.

22   And I think that this is also going to

1   open up a really robust startup ecosystem that

2   are going to start tackling some of these smaller

3   problems because we can't expect one or two

4   companies to solve all of this.

5   There are thousands of micro problems

6   all over the world. But once we start to get this

7   right, then I think it's really fertile ground

8   for young companies to come in and say -- you

9   know, like there's a company, you know, in Dublin

10 -- Spanish Point Technologies -- where they've

11 created, you know, a matching engine that can

12 just be dropped inside. It's all cloud-based, it

13 can be dropped inside work environments.

14   And I think we're going to see a lot

15 more of that, and that's where I think we're

16 really going to, post-MLC, start to see cleanup

17 all over the world.

18   MR. SLOAN: Ali ---

19   MR. COLITRE: Listen, I'm sorry, I

20 don't want to sound defensive about this, but I'm

21 going to have to go back to Los Angeles and face

22 130 people who have solved almost all of these

1   problems to an enormous degree, and work very

2   diligently every day to serve a huge range of

3   music services in these realms, whether it's

4   creating the song database, creating the track

5   database, matching the two together, making sure

6   accountings go out 20 days after the close of the

7   month.

8   Our platform invented the process of

9   bulk filing of accountings to creators 20 days

10   after the close of the month. We innovated in

11   this space repeatedly, whether it was filing

12   notices accurately and efficiently, whether it

13   was settling payments through -- electronic

14   payments as efficiently as possible, making the

15   tools available that were both serving the

16   largest rightsowners with high technical

17   capabilities, as well as mom and pops in the long

18   tail able to submit information any way they can.

19   Whether it was creating a royalty

20   services department that serves the interest of

21   publishers and doesn't commission their

22   royalties, but rather shifts the costs of

1   administration to the rights user community.

2   Whether it was creating the first

3   claiming system that makes it possible to see 60

4   million unmatched recordings and find your

5   recordings very powerfully in that, and be paid

6   immediately, retrospective to the first dollar.

7   And the team that supports everything

8   Music Reports does have been in the trenches for

9   25 years solving these problems again and again

10   and again.

11   And I think we're under-recognized for

12   the degree to which all of these technical

13   problems have been solved and actually work

14   efficiently at enormous volume all day, every

15   day.

16   MR. SLOAN: Ali, I have a question for

17   you about volume that we were talking about a few

18   minutes ago.

19   In recent comments to the Copyright

20   Office, SoundExchange said -- I'm just going to

21   quote here real quick -- "ensuring that our

22   rights management database is always populated

1   with the most current information about who's

2   entitled to be paid for use of the recordings in

3   our repertoire database, and handling situations

4   where there are overlapping claims as to who

5   should be paid for the use of a particular

6   recording are much larger challenges than

7   learning about the existence of new repertoire."

8   It's also my understanding that

9   SoundExchange currently has something like

10   140,000 royalty recipients.

11   MS. LIEBERMAN: I think we're close to

12   200,000 this year.

13   MR. SLOAN: There you go. So from all

14   that experience at SoundExchange, I was hoping

15   you could speak to what is needed to service that

16   kind of volume, and what needs to happen to

17   consistently maintain accurate and de-conflicted

18   ownership data when it's constantly changing?

19   MS. LIEBERMAN: Yeah, so there's

20   really sort of three customer groups that need to

21   be kept in mind. One is the high volume players.

22   So for the majors, in order to get up-to-date

1 rights information from them, you need APIs, you

2 need the DDEX messages.

3 We're working with MWN and MDX. We

4 support ERN moving to MLC. We have the MWN LoD

5 message that we're, you know, working on

6 implementing.

7 (Audience member comment.)

8 MS. LIEBERMAN: Oh, I know, sorry,

9 sorry these are all --- so, Mark should probably

10 take this. Yeah, sorry, a lot of acronyms.

11 So these are all DDEX messages meant

12 to communicate metadata, rights data, and you

13 know, it's really for sort of those with the

14 technology resources available at their

15 companies.

16 So that's one constituent group that

17 needs to be kept in mind. You really need to

18 serve the volume players in that respect.

19 There's also the middle tier, so

20 getting up-to-date rights information for, you

21 know, the mid-size indies.

22 For them, they need bulk claiming, so

1   Excel spreadsheets, you know, is really

2   important. Being able to upload your data in a

3   format that works for you, you know, that's

4   really important in getting up-to-date

5   information from them.

6   And then the third, which we've talked

7   about, is the true independents, the

8   singer-songwriters, the creators, and for them,

9   you need a very clean, simple, intuitive user

10   interface where they can go in, give the

11   information they need, and get out.

12   So, making sure that you are servicing

13   all three of those constituent groups is very

14   important when you're trying to manage the

15   exchange of data and having up-to-date rights

16   information. Yeah, so keeping those three groups

17   in mind is very important.

18   MR. SLOAN: Great, thank you. Bill,

19   do you want to add anything to that from your

20   perspective?

21   MR. COLITRE: Well yeah, all of the

22   above, right? It's like Obama's energy policy.

1   We need every single avenue, all of these

2   acronyms, all the great work that the WIPO

3   organizations have done, that the CISAC

4   organizations have done, that the DDEX

5   organization has done.

6   These are all fantastic tools. At the

7   end of the day, it isn't a technical problem, it

8   is a very tractable technical problem. Think

9   about other domains in which fractional interests

10   in huge dollar items transact all day in gigantic

11   volume. You just have to look to New York Stock

12   Exchange to see vastly more complicated systems

13   at work.

14   What we need is a system of incentives

15   and logical processes that combine both technical

16   aspects and human-centered aspects to work

17   through this problem with the maximum degree of

18   fairness and efficiency that's possible.

19   We employ 50 IT professionals who

20   probably handle 99.9 percent of all the data

21   churn through systemic processes that work in an

22   extremely high level of fidelity.

1   But that 0.1 percent requires a great

2   deal of attention, and so we have another 50

3   copyright professionals who pour over differences

4   and contact rightsowners and work through these,

5   both on the copyright registry side of things and

6   also on the royalty statement side of things, to

7   make sure everything ties out and everyone's

8   satisfied with the output of these things.

9   And there's a great deal of rough

10   edges in this business. It's a fact that's been

11   inherent in the publishing business for a very

12   long time.

13   And the, you know, the working group

14   that came out of the pending and unmatched

15   settlement from 2006 where, you know, the last

16   time the record companies and the publishers got

17   into this, you know, it was over a quarter of a,

18   you know, billion dollars. $260 million, I

19   believe, was the settlement. This is not a new

20   problem. Right? We're just in a place now where

21   the volume of transactions has radically

22   increased, but the fundamental problem of flowing

1   the data from the rightsowner community into

2   registries that curate the data in a responsible

3   way that the rightsowner community can live with,

4   and that the rights user community can benefit

5   from -- that's the way to maximize returns to

6   creators.

7   At the end of the day, this is a, it's

8   a set of intangible infrastructure for handling

9   intangible property. And the whole concept of

10   intangible property is completely arbitrary.

11   The Constitution granted us the right

12   to create a statutory system that incentivized

13   creators through a bunch of rules.

14   So, all we need to do is set up a

15   bunch of infrastructure that allows us to

16   allocate resources to those creators in the way

17   that maximizes the imperative of the

18   Constitution. It's not complicated, other than

19   we all need to get along and just work through

20   the problem.

21   MR. ARROW: I'd just like to add, you

22   know, while the MLC has a lot of IT build ahead

1 of it -- and Richard was talking earlier about,

2 you know, we have one year to get up and running,

3 but after that we'll have to improve over time --

4 the good news is having selected HFA as one of

5 our vendors, we already have the information

6 database.

7   We already have a database with a

8 significant number of musical compositions in it,

9 and matches to sound recordings. So to that

10 degree, we hit the ground running, and I'm very

11 happy about that.

12   MS. LIEBERMAN: One more thing to add,

13 too. Sorry, I don't want to overlook the human

14 resource element to all of this too when making

15 sure we have up-to-date rights information.

16   I think most of us up here have teams

17 of people who are working diligently with the

18 rightsowners and the artists and the creators to

19 make sure that rights are up-to-date and accurate

20 -- so having a team of specialists who are

21 familiar with the musical work publishing

22 landscape is very important.

1   MR. SLOAN: Thanks, Ali. Yeah, Sarah?

2   MS. ROSENBAUM: Yeah, I just wanted to

3   circle back to -- it's a question you asked

4   earlier in your long list of questions that we

5   didn't quite touch on yet.

6   It was just about a match rate and

7   what is reasonable, and what should the

8   expectations be. As you guys have mentioned --

9   MR. SLOAN: Literally my next

10   question.

11   MS. ROSENBAUM: Oh, is it? Okay. Do

12   you want to ask it first?

13   MR. SLOAN: No, please speak. No, I

14   was going to ask exactly that. Are there

15   industry standards or accepted norms as to match

16   rates and how to measure them?

17   MS. ROSENBAUM: Yeah, because we've

18   talked about a two-tiered matching process here,

19   where you have an automated process that matches

20   everything that you can in an automated fashion

21   and then you have the things that don't match,

22   and you have a team of actual human beings that

1 put their eye on that list.

2 And typically that's prioritized by

3 usage, you know, so that you're paying out the

4 highest dollar amounts first.

5 So I could see a world where you could

6 go down a rabbit hole and you just continue to

7 staff, you know, more and more human beings

8 looking at this.

9 But what is the point at which you

10 draw the line, I guess? And this is a question

11 to anyone on this panel.

12 Like, what is a reasonable match rate?

13 You know, we'll never get to 100 percent. And I

14 think starting with a few facts first are

15 important, and I'll ask Professor Bill this one.

16 MR. RASO: Well, it's just the one to

17 plug in -- the one piece there is, then, right?

18 So you have staff that does it, but

19 there are also claiming tools that you put out,

20 and they use it themselves, right, because

21 there's that, you know, no one knows your catalog

22 better than yourself, and so that's where you

1   essentially put the masses to work because I

2   can't have the expectation that, you know, you

3   have a million people doing it, and as a result,

4   the person who cares the most gets to do it too,

5   so.

6   MS. ROSENBAUM: Yeah, agreed. So I

7   think that's part of it, is yeah, incentivizing

8   people, crowdsourcing that effort to get people

9   to do it, but also just some -- like for example,

10   Bill, I'll ask you since you work with the data

11   all the time.

12   Like what percentage of a typical

13   sound recording catalog actually has one single

14   play or more, and what percentage has absolutely

15   no usage whatsoever on a service?

16   And I ask this because it's important

17   when you're thinking about match rate, are you

18   thinking as against an entire catalog?

19   Because if you have a 20 percent match

20   rate of an entire catalog, that might seem like

21   an abysmal failure, but if none of the stuff that

22   you're failing to match is actually getting one

1 single play, how much does that matter, and how

2 much resource should we be putting into fixing

3 that problem? So --

4   MR. COLITRE: So, yeah, there's a very

5 steep curve to the music business, right? It's

6 basically a 99-1 curve. One percent of the works

7 generate 99 percent of the value, and 99 percent

8 of the works share one percent of the value. And

9 that curve is getting steeper all the time. It's

10 getting steeper because the volume of new

11 recordings coming into the ecosystem has just

12 exploded over the last 20 years, to the point

13 where I think about 40,000 recordings per day,

14 well over a million tracks a month coming into

15 the global ecosystem through the aggregators,

16 through the record companies. And that doesn't

17 even count the UGC creations, which are off the

18 charts in terms of volume.

19   So you've got this huge number of

20 works flooding in and yet there's still only, you

21 know, a Hot 100, right? There's only so many

22 tracks that can be the top tracks that are

1   playing at any particular time, so it's very much

2   a winner-take-all system.

3   Now that doesn't mean we don't have an

4   obligation to try and match every single one of

5   those tracks in the system, but it does mean that

6   there's a very steep curve in terms of

7   diminishing returns for the effort that you put

8   in, John, to your point. I mean, it's absolutely

9   fair.

10   And, you know, to the point you were

11 making, the closer you are to the creation of the

12 thing, the more --- the easier it is for you to

13 solve the problem, both because you're more

14 interested, but also because you have a smaller

15 number of releases to look after, right?

16   So on an average track --- average

17 streaming service today, there's about 50 million

18 recordings. I would say, just based on rough

19 numbers over the years that I've looked at this,

20 maybe 80 percent of those recordings have zero

21 plays. Eighty percent have zero plays.

22   MS. ROSENBAUM: Yeah, that's a

1   staggering number.

2   MR. COLITRE: Right, it's a staggering

3   number.

4   MS. ROSENBAUM: So I just think that's

5   where we need to start our expectation, is like

6   --

7   MR. RASO: Well, also, the legal goal

8   posts have moved, too. Right? Every single one

9   of those, regardless if they play or not, needed

10   to be matched and properly licensed, right?

11   Now we're moving to a blanket and

12   there's protection. So, the need to match those

13   is focused on things that get played, which that

14   also makes the ball smaller to focus on, so.

15   MR. COLITRE: So, if I could just

16   throw in one other statistic though, this is a

17   recent one that I thought was pretty remarkable.

18   On a major UGC platform over a period of time, we

19   were able to match 99.57 percent of all

20   creations.

21   And this was a real shock to us

22   because generally, if you're talking about the

1 total list of assets on the catalog, you're

2 matching, you know, maybe 25-30 percent of them

3 in terms of volume, and 80 percent of them in

4 terms of money. But in this particular set, we

5 were matching 99.57 percent of every asset in the

6 ecosystem.

7 And the reason that we surmise is

8 because in a user-generated context, everyone's

9 reusing the big hit songs, the songs that are

10 easily looked after, the songs that you can find.

11 And so the problem is very multidimensional, and

12 it's different from platform to platform.

13 MR. RASO: Yeah, that's just the big

14 thing to notice is what set are we talking about,

15 right?

16 So, coming up with percentages is

17 always a very difficult conversation because it's

18 what is the 100 percent that we're talking about,

19 right? So.

20 MR. SLOAN: Right. So I guess

21 tangential to that is, I guess, how you measure

22 your success and how well you're matching.

1   You know, we're talking about

2   percentages of catalog, but do you look at

3   percentages of royalties collected, percentage of

4   streams, all of the above? I mean, what kind of

5   metrics are kind of the industry norm here?

6   MR. COLITRE: I just want to add one

7   additional concept to that point because I don't

8   want people to think that, you know, we match 80

9   percent of the royalties and then stop. That's

10   not at all --

11   MR. SLOAN: Oh no, I know.

12   MR. COLITRE: -- how it operates,

13   right? On a current period basis, within 45 days

14   after the close of a current period, we're

15   generally able to match 80 percent of the

16   royalties just right off the bat.

17   And so you pay those out immediately,

18   and then the remaining 20 percent doesn't go into

19   a black box, it goes into a transparent claiming

20   system where anyone can add data to it, and of

21   course we're receiving huge volumes of data all

22   day from any publisher who can send it to us

1 electronically, through royalty accounting

2 feedback, through just napkins that people mail

3 to us with pieces of information on them.

4   And over the 36 months that I

5 mentioned earlier, we're able to take that

6 remaining 20 percent and liquidate probably 80 to

7 90 percent of that.

8   So you end up with between three and

9 five percent of the pool that either turns out to

10 be non-music, or PD, or just no owner ever

11 surfaces for it.

12   MR. SLOAN: And sorry, just to clarify

13 those percentages, what you were just talking

14 about is of the royalties that come in?

15   MR. COLITRE: Correct.

16   MR. SLOAN: Thank you.

17   MS. NAUMAN: But if everything was so

18 perfect, would we be having this symposium?

19   MS. ROSENBAUM: We just like getting

20 together and seeing each other.

21   MR. ARROW: It could always be --

22   MR. COLITRE: I'm going to

1 respectfully decline to take the bait on that

2 very loaded question.

3   MR. ARROW: It's good. It's not

4 perfect.

5   MR. SLOAN: All right.

6   MS. NAUMAN: Yeah, and I also feel

7 like it's incumbent upon us that we have a major

8 trend that's happening in the music industry,

9 which is individual creators in their bedrooms,

10 people without labels, people without publishers,

11 people who are, you know, in every corner of the

12 world who have the freedom to upload their music.

13   And I feel like we do kind of need a

14 north star around that reality because I don't

15 think the toothpaste is going back in the tube,

16 where we only have the, you know, handful of

17 major rightsholders, and there's a barrier around

18 individual creators.

19   And so I feel like it's a combination

20 of things where, you know, a lot of discussion

21 today about education of the artistic and

22 creative community. I think that's absolutely

1   key.

2   I also think that some of the portals

3   and some of the claiming systems that we've had

4   have been extraordinarily cumbersome for small to

5   mid-size publishers, as well as individual

6   writers. And we have to really accommodate this

7   new reality of what makes up our ecosystem.

8   MR. SLOAN: You keep anticipating my

9   questions. So let's talk about that.

10   First, maybe we can talk about -- I

11   don't know if maybe Ed or Jay want to talk about

12   this, but are there particular, you know, genres

13   or vintages, or creator groups in particular that

14   pose a particular kind of challenge for getting

15   the data that's needed for successfully matching,

16   and how can we address that?

17   MR. ARROW: I'd say generally

18   speaking, the more writers on a song, the more

19   complicated it is, right, because the more people

20   you have that have to agree to something.

21   Someone earlier on a panel described,

22   one of the writers described a process in which

1   songs are often written today. I say they're not

2   written, they're evolved, right?

3   It used to be two or three writers in

4   a room would sit together, write a song, walk out

5   of the room having agreed that each one has, you

6   know, 50 percent or a third.

7   And today, often two or three writers

8   get together, maybe they put a track together.

9   Then that goes to someone else who adds some kind

10   of a topline vocal, then maybe it goes to a

11   producer who adds something else, and by the time

12   -- and then an artist does something to it, and

13   then by the time it's released, nobody really

14   knows who's going to claim what.

15   MR. RASO: Or all five of those are

16   released, and they all --

17   (Simultaneous speaking.)

18   MR. ARROW: And they're all released

19   because Jay's in a hurry. You don't want your

20   marketing people angry with you. So --

21   MR. RASO: Beyonce wants the song out

22   tomorrow.

1   MR. ARROW: Right. No, look. No,

2   it's understandable.

3   Actually, in a way, we do too because,

4   right, if you don't hit your targets and it's

5   released late, we're not going to make any money

6   together.

7   MR. GRESS: We just call you, and you

8   clear it, splits to come later, you know.

9   MR. ARROW: Right, absolutely. And you

10   know, and again, hopefully we can get those

11   splits, you know, within a relatively short

12   period of time, and as HFA and MRI will -- sorry,

13   not MRI, Music Reports will tell you that they

14   rerun.

15   So if we don't get these shares in

16   fast enough for the first time they're going to

17   make a payment for that, for those streams, but

18   we get it in, say, three months later, they'll

19   rerun those streams against what we've submitted

20   and make the match at that point, and pay us.

21   So, the big risk is more when you

22   never get it in, right? So if you have a three-

1 year period to get your shares in, after which

2 there's going to be a distribution of unmatched,

3 right, then you're subject to a market share

4 distribution, and that's less desirable.

5   MR. GRESS: Yeah, all I can add is

6 that, you know, for an example, my department

7 recently was asked by one of our labels to assess

8 some of the top Billboard songs for clearance,

9 how easy would these be to clear for videos and

10 covers. So we'd need to go clear. And when we

11 did that assessment, it was mind-blowing. All of

12 the top songs were 12, 15 songwriters, 17

13 songwriters. It was just mind-blowing.

14   And so I would say pop music is

15 probably one where it's becoming much more

16 collaborative, you know, and expanded.

17   MR. ARROW: Yeah, it used to be pretty

18 much just in rap and hip-hop, and now it's

19 expanded into pop because I think those songs are

20 written in the same way now, using the same

21 methodology that was established in rap and

22 hip-hop back in the day.

1   MR. COLITRE: Right, there's a lot

2   more sampling in pop music than there used to be,

3   right.

4   MR. ARROW: But it's not just samples.

5   Samples actually are often cleared prior to

6   release. The record companies are really good at

7   getting that done.

8   MR. COLITRE: No, but just in terms of

9   managing the database problem. We often

10   demonstrate the song Grillz by Nelly, which has

11   17 writers and 23 music publishers. Yeah, figure

12   that one out.

13   It's a very complicated situation, and

14   we've done an analysis. You can Google Music

15   Reports and number of composers, and you'll find

16   the report that we put out a few years ago where

17   we analyzed the hits of many decades, and

18   discovered that indeed the number of songwriters

19   and the number of publishers on works is

20   increasing year over year over year.

21   MR. ARROW: When I first got into the

22   business, virtually every song in the catalog

1   that I worked for at that time had two writers on

2   it, and a few of them had three.

3   And then one day a song was delivered

4   that had four, and I remember my boss saying oh,

5   it's a California hot tub party.

6   MR. COLITRE: But to correct something

7   that Vickie said earlier, this fragmentation

8   doesn't exist solely on the musical composition

9   side.

10   It's traditionally only on the musical

11   composition side, but increasingly, this is going

12   to be an issue for the sound recording side of

13   things, as well.

14   Not only do companies like STEM allow

15   for multiple owners of a recording to share

16   ownership of the master recording and to account

17   that amongst themselves, but we're beginning to

18   see new markets for even sub parts of songs, like

19   stems, through platforms like Splice and

20   Tracklib. So --

21   MR. SLOAN: Do you want to maybe take

22   one second and just explain what a stem is for

1   people who might not --

2   MR. COLITRE: Oh, a stem is a

3   component of a song. For instance, just the drum

4   track, or just the horn track, et cetera.

5   And these things can now be separated

6   and marketed, either because you have the

7   original master tapes and can separate them, I

8   understand there's now technology that can

9   deconstruct them into their component parts and

10   separate them and sell them that way.

11   A perfect example, I guess, would be

12   Old Town Road had a banjo part in it that had

13   been taken from a Nine Inch Nails song, and then

14   re-purposed through a library sold by, I think a

15   Dutch kid or a Belgian kid, and you know, that

16   circulated back into Lil Nas X's hands, got into

17   his track, and before he knew it, he had this

18   monster hit on his hands and needed to go and

19   find out, oh wait, that wasn't actually on a free

20   library, it belongs to Nine Inch Nails, it

21   belongs to Trent Reznor.

22   MR. SLOAN: Thanks.

1   As was alluded to earlier, claiming

2   portals are part of this process, and since most

3   of you are part of companies that have claiming

4   portals, I want to get a sense of how they're

5   working in terms of matching and reducing the

6   unclaimed funds, you know, in particular, what

7   your experience has been. I'd also like to --

8   MR. RASO: Well, I mean, I'd say, I

9   mean, they get a lot of use. I don't think the

10   revenue's particularly high because it's a lot of

11   long tail stuff that's going.

12   And usually the way we work with the

13   bigger companies is they send us a huge file of,

14   these are ISRCs that we think are a match, and so

15   it's done in a bulk fashion.

16   The one by one is pretty much long

17   tail, so someone might go in and grab -- you

18   know, these are the 50 songs I control and these

19   are the sound recordings I know. And it's a

20   couple dollars. So, yeah.

21   So, I mean, the volume from a matching

22   point of view is high. The revenue is generally

1 | not. That's not the user. Yeah.

2 | MR. SLOAN: Does anyone have anything

3 | to add to portals?

4 | MS. LIEBERMAN: Yeah, so SoundExchange,

5 | we launched MDX about a year ago. We don't have

6 | revenue in the portal.

7 | This is about getting data exchanged

8 | between the record label and the music publisher

9 | before the release. But just in the past year,

10 | we've seen great adoption.

11 | We have all the major record labels

12 | and music publishers using the site. We have

13 | about 300 labels and 500 publishers registered.

14 | So we're seeing really good adoption

15 | trends there, and I think we have about 2,000-ish

16 | works a month where we're getting split

17 | information cycling through the site.

18 | So just in terms of adoption in the

19 | industry, it's been going really well.

20 | MR. COLITRE: I'd just like to add

21 | that, you know, Music Reports created the first

22 | electronic portal for mechanical licensing that

1   I'm aware of.

2   In 2009, we had been serving the

3   on-demand streaming industry for several years

4   already, but there was no royalty rate set yet by

5   the CRB.

6   So we recorded all of the usage and

7   held it in abeyance, except for the voluntary

8   licenses that we had been accounting, you know,

9   from the very beginning of those services.

10   But everyone that was licensed under

11   115 needed to get paid in 2009 all of a sudden.

12   So we built a web infrastructure, it's

13   musicreports.com, and every publisher has a free

14   account there.

15   All they had to do is log in, and they

16   can see every license that's ever been issued

17   against their catalog, all their catalog as we

18   show it in the Songdex registry, the history of

19   all statements that have been paid to them, they

20   can set their payment preferences, et cetera.

21   I think there are 150,000 publishing

22   administrators that use that portal now,

1 representing 350,000 distinct catalogs of musical

2 compositions.

3   And they receive payments through that

4 system for mechanical rights, but also for other

5 types of rights in some cases, where we service

6 companies that need, you know, UGC rights, or

7 video rights, or education rights, that kind of

8 thing.

9   MR. SLOAN: Vickie, you had mentioned

10 that you thought some of the portals might be

11 difficult to use for some of like, a less

12 sophisticated DIY user.

13   Do you want to maybe speak to that a

14 little more?

15   MS. NAUMAN: Yeah, I mean, I think

16 that, we have what, like 130,000 publishers in

17 the U.S.? Something along those lines.

18   If you go down to the, you know, the

19 self, songwriters who are self-published. So, we

20 have such a wide mix, it's a huge tent.

21   And there is in general I think a lack

22 of tools for the mid-level to small publishers

1 out there, and I do feel like, you know, building

2 out the MLC will hopefully open up more tools for

3 that cross-section.

4 They can't all afford the software

5 that the bigger publishers use. So, they're

6 working with spreadsheets, and they're working

7 with really a lack of information.

8 And so, if you think about if you're

9 a composer and you go into a portal and then you

10 have to click through, and you say oh, you know,

11 that looks like my song, but I should listen to

12 it.

13 You know, you have to listen, and then

14 you can log it, and --

15 MR. RASO: Well, I guess I don't know

16 how to make that simpler than you could search by

17 song title or your name, and listen to it.

18 Right?

19 I don't know. It's just it's a high

20 volume. That's the challenge. Like, we can't

21 make the problem simpler because, you know, we --

22 MS. NAUMAN: Well, I think the problem

1   would be simpler if we had more proactive

2   registration and more active registration out in

3   the community.

4   MR. RASO: And they want to be in the

5   claiming portal. Yeah.

6   MS. NAUMAN: Right, exactly. And so,

7   then we start cleaning that up, you know, people

8   put that information in once, and then it just

9   continues to improve over time.

10   And I think we should --- you know, I

11 think we should have a goal with these claiming

12 portals that, you know, we're trying to reduce

13 them so that we don't have to do this.

14   Because, you know, what ends up

15 happening is kind of the same thing as the

16 unattributed royalties, is it's too labor

17 intensive, everyone's told there's not that much

18 money in there, there's too much time, and so

19 people don't bother.

20   And then, you know, the money just

21 ends up getting settled by market share anyway.

22   MR. RASO: And to Bill's point though,

1 I don't think there is a technology shortage

2 here, right?

3 There's actually a lot of good

4 solutions, it's just it's driving everyone to a

5 single point, and with the knowledge of how to

6 use them.

7 I mean, there -- the law drives some

8 of the complexity about what you need to know

9 about your copyrights, or that you need to know

10 the difference so that you sign up for a PRO

11 versus mechanicals, versus -- right?

12 You know, I wrote a song and I'm 16,

13 and you know, there's a lot of responsibility

14 when the gatekeepers go away.

15 So there's a pro and con of both ways,

16 so now it's really I think mostly about education

17 and the support for that.

18 MR. COLITRE: I agree with everything

19 you said, but I just want to point out that --

20 MR. RASO: I hear a but.

21 MR. COLITRE: Well, just to go back to

22 Alisa's comment earlier about this being a very,

1   very narrow thing that we're talking about today.

2   We're talking about U.S. mechanical rights

3   administration for on-demand streaming companies.

4   And the same group of publishers that

5   needs to manage this set of their publishing

6   information needs to manage that across

7   performance rights, and synchronization rights,

8   and print rights in every territory of the world,

9   and they need to find systems that are holistic

10   and work for them.

11   And so while it would be lovely to say

12   that everybody shall use one portal that exists

13   worldwide, and everyone shall use it, that's just

14   not reality.

15   And so, while it's important -- and I

16   absolutely am 100 percent behind the educational

17   effort that's the essence of the MMA, in my view,

18   to get everyone focused on sending their data to

19   the mechanical licensing collective so they can

20   solve this part of their problem, we should not

21   confuse them into believing that they don't have

22   other obligations to look out for.

1   MS. NAUMAN: Well yeah, and we also

2   need to have interoperability of all these silos

3   all over the world.

4   And we're starting to see things

5   around data sharing that I think would have been

6   heresy, you know, even five years ago.

7   You know, the PPL initiative, where

8   they're, you know, aggregating a data exchange.

9   And this is because, I think the, you

10   know, the industry in general is saying wow,

11   okay, you know, we're losing revenue, we are not

12   able to deliver the metadata that enables the

13   user to find what they're looking for, and we're

14   just not able to serve this mass explosion of

15   creators.

16   And so, I don't think that it's

17   conceivable that the MLC is going to be, you

18   know, an organization that can solve all of this,

19   but I think it will go exponentially further if

20   we have interoperability and systems that will be

21   a layer between the MLC and others around the

22   world.

1   MR. RASO: There will be an ecosystem

2   that grows around this, right?

3   There is going to be companies, and

4   there are some now, where you register your

5   compositions with them, and their job is to

6   deliver the data to the multiple -- it's not just

7   going to be the MLC, it's going to be PROs, it's

8   going to be lyric services and tablature

9   services, and whatever else gets invented as I'm

10   speaking, of how rights of a song are going to

11   get exploited.

12   So, there is still going to be, you

13   know, a support. I mean, HFA's been around for 90

14   years, and we don't just do digital, we do

15   physical product, we do, you know, all the

16   different things that, you know, that even Bill

17   was talking about.

18   You try to make it as simple and

19   one-stop shop as possible for somebody, so they,

20   you know, they can focus on their art and not,

21   you know, getting a publishing deal, or getting

22   a, you know --

1   MR. SLOAN: We're nearly out of time.

2   MR. RASO: I'm sorry, I'll stop there.

3   MR. SLOAN: No, it's no problem. I

4   just want to make sure we come back quickly to

5   MDX since we didn't get to really talk about it

6   that much.

7   If Ali wanted to expand on it, or if

8   Ed or Jay want to talk about their experience

9   using it, coming from a publisher and a label,

10 and sharing their back and forth?

11   MS. LIEBERMAN: Yeah. Maybe I can

12 just explain it at a high level, and then if Jay

13 and Ed want to maybe speak to how it's working in

14 practice.

15   So, you know, and I apologize that I

16 lost people with all these acronyms, so I'll try

17 to make this as clear as possible.

18   So, let's say a month before a release

19 is going to enter the market, Jay's team will

20 send all of the recording data to MDX.

21   So, ISRCs, artists, track titles,

22 product information, release date, here are all

1 the writers we know about, here are some of the

2 publishers we know about. So all of that

3 information will come to MDX in a message.

4 MDX will then take that information

5 and parse it, and say okay, this needs to go to

6 UMPG and their team for publishing splits, this

7 needs to go to Kobalt and their team for

8 publishing splits.

9 So then, UMPG and Kobalt will log in

10 to MDX and provide their splits based on the

11 recording data and the publishing data that the

12 label knows about at the time before the release.

13 So then when those publishers provide

14 their splits, we're messaging that information

15 back to the label to say here are the shares,

16 here is how you can go about getting a license,

17 and then just kind of completing that exchange of

18 data.

19 And we're now working on LODs and

20 trying to simplify and standardize that process,

21 so that when catalogs change hands, rather than

22 publishers, you know, shotgun blasting emails to

1   50 different licensees, saying "hey, I've just

2   acquired this catalog," they can do that in MDX.

3   And at that point, it's targeted

4   messages to the interested parties, saying rights

5   have changed hands. So --

6   MR. SLOAN: Sorry, can you just say

7   what an LOD is?

8   MS. LIEBERMAN: Oh yeah, a letter of

9   direction.

10   MR. SLOAN: Thank you.

11   MS. LIEBERMAN: So, when a publisher

12   acquires a new catalog or there's a new

13   administration deal, a letter of direction is

14   sent to interested parties saying, please start

15   paying us for this publishing catalog and these

16   shares.

17   MR. GRESS: I'll just add from the

18   label perspective, we're pretty happy with it.

19   It was really an effort to kill email once and

20   for all. But as I mentioned earlier, the labels

21   clear directly work by work, share by share, and

22   it was traditionally -- much of it was via email

1   and waiting for the response, and so a whole

2   process, an unstructured process.

3   And MDX was the great way. We also,

4   it's a collaboration between the publishers and

5   the labels to create a portal to communicate and

6   to structure that.

7   We used DDEX as well, which I'll just

8   mention is another successful collaboration in

9   the industry between publishers and labels.

10   For the licensing working group was

11 trying to attack that issue and create standards,

12 and as Mark said, a choreography for how to share

13 license and share information.

14   So MDX allowed us to get that into

15 reality.

16   And the benefits of it, it doesn't

17 solve the problem of timing and all the issues of

18 data itself, but it gives a platform that shows

19 transparently what is going on, and it allows us

20 to not say "oh, I need to send a follow-up

21 email," or do this.

22   So, and it gives some metrics that are

1 very interesting, as well, so you know, in that

2 regard, you cannot help but think it's an

3 improvement and a move forward.

4   MR. ARROW: Yeah, I think it's great

5 for record companies and it's good for

6 publishers. It's great for record companies

7 because as Jay pointed out, before you had MDX,

8 they had to send an email to every single

9 publisher on a composition. Now MDX does that for

10 them, so it's one point of entry for them, and it

11 goes out.

12   For publishers, it's good because, it

13 -- the first thing is -- one point of entry for

14 those labels that use MDX. Not all labels use

15 it, so we're still doing emails with those other

16 labels.

17   But it gives us a place where we can

18 go for those labels who use MDX and immediately

19 know the status of any license, and that's -- or

20 status of any clearance, and that's really nice.

21   And what I love about it is that it

22 does result in this back end database of a match

1   between a sound recording and a musical

2   composition that you know is authoritative, and

3   it has all of the associated metadata.

4   And unfortunately, it's only working

5   obviously with respect to those labels and

6   publishers that are using it, and for new

7   compositions, but it's a great start.

8   MS. LIEBERMAN: Yeah, what's really

9   beneficial to publishers, which is what we've

10   heard, is because we're storing local work IDs

11   that the publishers have, in addition to ISWCs,

12   and --

13   MR. GRESS: And the labels have their

14   own work IDs.

15   MS. LIEBERMAN: And the labels have

16   their own work IDs, which --

17   (Simultaneous speaking.)

18   MS. ARROW: We all have our own work

19   IDs.

20   MS. LIEBERMAN: Yes, you have all the

21   identifiers in MDX, so --

22   MR. GRESS: We map these things by

1   doing it as we wait.

2   (Simultaneous speaking.)

3   MS. LIEBERMAN: Yeah, give us all the

4   IDs.

5   MR. SLOAN: We're about five minutes

6   over on time now.

7   MS. LIEBERMAN: Oh, one thing I will

8   say, so you can search any of these identifiers

9   in MDX and what's returned to you is all of the

10   recording data for that work, all of the writers,

11   all of the original publishers that were

12   provided, all of the splits, all of the product

13   information, the release date, all of the ISRCs.

14   It's all there for you in one place,

15   so just having that sort of centralized and

16   aggregated in one place has been very beneficial.

17   MR. SLOAN: Great, thank you all.

18   MS. ROSENBAUM: Sorry.

19   MR. SLOAN: Oh, sorry. Sarah, I'll

20   give you the last word.

21   MS. ROSENBAUM: One sentence. The most

22   promising thing I heard on this panel today was

1   that ISWCs as a work identifier are going to be

2   made available sooner, and so I'd just put out

3   there that I hope that there's a plan also for

4   reaching self-published and smaller, you know,

5   independent copyright owners, and giving them

6   that same opportunity to access that identifier

7   at an earlier point in the process, so.

8   MR. SLOAN: Great, thank you. I just

9   want to thank all our panelists.

10   (Whereupon, the above-entitled matter

11   went off the record at 3:20 p.m. and resumed at

12   3:46 p.m.)

13   MR. RILEY: Thank you, everyone. My

14   name is John Riley. I'm an Assistant General

15   Counsel at the Copyright Office. This panel is

16   going to discuss perspectives on the most

17   effective ways to communicate to creators

18   regarding the MLC and claiming unclaimed

19   royalties. I'm very excited to have you all here

20   on this panel today.

21   As with the other panels, we're going

22   to do a very brief introduction of where

1 everyone's from, and if you want more

2 information, these bios are in the back of our

3 program today.

4 So on my left this is Mark Eisenberg.

5 He's the Senior Vice President and Head of Global

6 Content Partnerships at SoundCloud. To his left

7 is Dae Bogan. Dae is the founder of Tune

8 Registry, which was purchased by the music

9 payment and workflow management company, Jammber,

10 and he currently serves as a Senior Vice

11 President of Global Music Rights there.

12 Linda Bloss-Baum is the Senior

13 Director for Artists and Industry Relations at

14 Sound Exchange. On her left is Todd Dulper; Todd

15 is the Senior Director of Advocacy and Public

16 Policy for the Recording Academy. Next to Todd

17 is Kevin Erickson, Director of the Future of

18 Music Coalition.

19 Kimberly Tignor is the Executive

20 Director for the Institute of Intellectual

21 Property and Social Justice and is the founder of

22 Take Creative Control.

1   At the end of our dais here is

2   Jennifer Turnbow, the Senior Director of

3   Operations for the National Songwriters

4   Association International, or NSAI. NSAI is the

5   non-voting member of the MLC Board representing

6   the nationally-recognized non-profit trade

7   association whose primary mission is advocacy on

8   behalf of songwriters in the United States.

9   Thank you all for being here today.

10   All right. For those of us who were

11   here earlier, I want to start us off -- David

12   Hughes said earlier today that the further you

13   get from the source, the less likely the data is

14   accurate. So let's talk a little bit more about

15   reaching out to the source for creators

16   themselves.

17   I want Mark to start us off here, and

18   maybe add on after he answers, but I'm curious as

19   to what are some misconceptions you hear from

20   independent musicians with respect to copyright

21   credits and being paid. What don't they

22   understand?

1   MR. EISENBERG: Well, let me take a

2   step back and talk about the SoundCloud creator

3   community generally. We serve as a community

4   that's about over 20 million in size, and out of

5   those 20 million creators, about 10 million

6   creators get heard every month. So it's a really

7   long tail, but there are plays from millions and

8   millions of bedroom creators every month.

9   Our community really transcends from

10   the bedroom creator to the hobbyist to the

11   established superstar. So the established

12   superstar will typically have an administrator or

13   publishing company representing them, and they

14   don't have to do anything except create.

15   But the DIY creator, that is the

16   responsibility of the DIY creator to really

17   metadata tag his or her songs, recordings, and to

18   get the information into the system so that

19   ultimately, they can get paid. And the

20   information is pretty lacking out there as to

21   what the identifiers are, where to even put the

22   information, how to claim it after the fact if

1   they forgot to put it in or didn't know the

2   information at the time it was uploaded to the

3   site.

4   So from an educational standpoint I

5   think it's incumbent upon all of us as services

6   and as an industry to really get to the artist

7   community to explain exactly what the nature of

8   copyright is because some of the creators don't

9   actually understand the difference between a

10   musical work and a sound recording copyright, let

11   alone public performance and mechanical, let

12   alone international versus U.S.

13   So just a myriad of sort of this cloud

14   that they don't really understand, and as a

15   service to the community I think we all need both

16   institutions, and as businesses to really allow

17   them to understand the process better.

18   MR. RILEY: Now, you said that you had

19   kind of the DIY creators as well as kind of the

20   more experienced musicians on your service, which

21   is great. What do you think -- is there a point

22   as they become more established where it's a

1 learning curve for them? Do they know very

2 little or nothing, and do they get that

3 information as they kind of progress in their

4 careers?

5   MR. EISENBERG: Yes. So it's really

6 that they become more business savvy as they

7 become a business person. So people initially

8 start as a creator because it's either a hobby or

9 a passion or just a love and ultimately, music

10 can turn into a business.

11   It doesn't have to be a mega-hit.

12 We've created little Lil Tecca, Lil Nas X, Post

13 Malone, Billie Eilish, they all started on

14 SoundCloud. Maybe they had dreams of becoming

15 who they are today, but probably not. Probably

16 they just wanted to make music, so they weren't

17 thinking about ISWCs and IPIs and ISRCs at the

18 time they were creating or honing their craft.

19   But as their craft matured, they all

20 of a sudden had to go back and figure out, well,

21 how do I actually monetize this? Who will put

22 the metadata together so that I can ultimately

1   claim my value?

2   MR. RILEY: So let me ask Todd; you've

3   talked to a lot of creators. Anyone who has been

4   on the Internet sees on YouTube, no copyright

5   intended, right? There's a lot of misconceptions

6   out there. Is there, in your experience, kind of

7   a spectrum or different pockets of communities

8   that have more or less information on copyright

9   and credits, or more?

10   MR. DUPLER: Sure, absolutely. I

11   think there is a spectrum of -- especially for

12   many of us who work with membership

13   organizations, there are people that lean in and

14   want to get really engaged and involved, and then

15   there's people that have never been exposed to a

16   lot of this information.

17   I think what we've discovered is that

18   as people start to learn a little bit when they

19   get this deep, and they want to go this deep, and

20   they want to learn more and more once they get

21   that first taste of -- because information is

22   power. I think the more artists know about their

1   rights, the more they feel empowered to stick up

2   for themselves and protect their rights.

3   So I think one of the things that has

4   been talked about a lot throughout the day is

5   that the more information that songwriters have

6   and the easier we make it for them to act on that

7   information, the more successful this project is

8   going to be.

9   I know Ivan did such a great job of

10 talking about this earlier, but our producers and

11 engineers wing at the Recording Academy, which is

12 made up specifically of the studio professionals

13 in our membership; thousands of producers,

14 engineers, and audio professionals, have thought

15 for years about the issue of credits and metadata

16 and making sure there is accurate credits for a

17 host of reasons.

18   The first is making sure all the

19 creative participants are paid properly, but it

20 goes beyond that. We think credits is good for

21 consumers and music fans, to be able to learn

22 more about their favorite music.

1   We think, from an Academy perspective,

2   if you want to be a member, or if you want to be

3   eligible to be nominated for an award, your

4   credits have to be reliable on that track as

5   well.

6   So they've worked very hard to

7   establish best practices for collecting data

8   because again, as has been discussed, getting at

9   the source of creation is going to be the best

10   time to collect that data.

11   So equipping producers and engineers

12   in the studio to collect data, to submit it with

13   the track when it's finished so all of that is

14   there at the beginning, something that our P&E

15   wing has been working on as a long-term project,

16   they've created a guideline for the kind of data

17   that producers should be working to collect.

18   That informs DDEX as they were

19   developing the RIN standard. The Recording

20   Academy is a member of DDEX, and I think we're

21   the only participant --- only member of DDEX that

22   does represent that full creative spectrum of

1   actual creators. I know many people here

2   probably know Maureen Droney, who is the director

3   of our P&E wing, has been very active in the DDEX

4   community, working on these issues on behalf of

5   our producers and engineers.

6   MR. RILEY: So is there a way to kind

7   of quantify how many people in the DIY groups out

8   there who know what a RIN is? Is that something

9   that's true anywhere?

10   MR. DUPLER: No, I mean, like I said,

11   there are tiers of people. I think the studio

12   professionals, the guys that deal with the tech,

13   that are the producers and engineers, I think

14   it's more common there. But I think, right, the

15   everyday songwriter and artist probably doesn't;

16   that's fair.

17   MR. RILEY: Let me ask Kevin, then,

18   because I know that Future of Music does a lot of

19   educational outreach, and a couple of things I

20   want you to kind of tell us about, one is, I

21   noticed on your website you have a lot of quizzes

22   for the community to see how much they know

1 about, in essence, music and copyright.

2 Another thing is, I want you to tell

3 us about your experience during the MMA, talking

4 to not only creators, but to members of Congress

5 and their staff, and educating them about the

6 differences between sound recording, music works,

7 and the rest.

8 MR. ERICKSON: Oh, you want me to talk

9 about the puppets.

10 MR. RILEY: I want you to talk about

11 the puppets.

12 MR. ERICKSON: I did do a puppet show;

13 I think it was for an Internet caucus event. The

14 process of explaining the music licensing system

15 became so repetitive, and there were so many

16 congressional staffers that were like, "can you

17 explain it to me like I'm five?"

18 So eventually I just got on eBay and

19 bought some puppets --- some hand puppets. This

20 is Sally the songwriter, and this is Ricky the

21 Recording Artist, and they're different people,

22 and they partner with the record -- and it

1   worked.

2   It might be a little juvenile for

3   explaining that stuff to artists, but Congress

4   needs a different --

5   (Laughter.)

6   MR. ERICKSON: It's just because they

7   have so much -- staffers are bombarded with so

8   much information, they need to be able to capture

9   it quickly and visually. But you need to

10   experiment. You need to play with a bunch of

11   different kinds of methods of information

12   communication, because different people have

13   different learning styles; different artists have

14   different vocabularies; different communities

15   have different standards of how they transmit

16   information, and they participate in different

17   kinds of communities.

18   So to be able to effectively

19   communicate to the artist population you have to

20   be able to speak in a multitude of voices. And

21   so, it can't just be one organization; it's got

22   to be a whole bunch of different organizations

1   working together in tandem.

2   MR. RILEY: Well, I think on your left

3   we've got a couple of those organizations right

4   now. I want to kind of get a little bit to your

5   experiences because there seems to be an

6   understanding that the Nashville community is

7   relatively very well educated on music, music

8   policy and, frankly, the law. Can you tell me a

9   little bit about your understanding of why that

10   might be?

11   MS. TURNBOW: Yes. I mean, I

12   definitely think that's true to an extent.

13   Nashville is kind of a unicorn in the music

14   industry because really, most of the commerce of

15   music from writing the song to pitching it to the

16   artist to the record label, doing what they do

17   with it, and the producer being involved and

18   actually going in and cutting the record, all

19   really happens on about three streets in

20   Nashville.

21   And Nashville is really a community

22   where -- I've spent some time in L.A., and there

1   are times that I drive an hour and half from one

2   music industry company to another. So I think

3   there's just less opportunity in other cities and

4   other communities for all of these different

5   elements at the creative process to come together

6   and be talking about issues like this. Nashville

7   is just kind of unique in that way.

8   But I also think that the publishers

9   and the record labels have also really encouraged

10   their writers and their artists to get more

11   involved in that and to not just rely on them to

12   do everything.

13   MR. RILEY: And so is there anything

14   about -- I know Nashville has more than just

15   country music, of course -- but is there anything

16   about country music? Maybe it has less samples

17   or fewer writers. We heard before there are

18   several writers on some contracts, for example.

19   Is there anything about the community other than

20   the physical proximity?

21   MS. TURNBOW: Yes. I think for the

22   most part, everybody knows everybody, so I mean,

1   that's part of it. Even if you only wrote with

2   this guy the one time that you made this one

3   song, you know him, and everybody you know knows

4   him.

5   So it's not like they get -- this

6   other writer gets sort of lost in the ether;

7   plus, there's a lot fewer writers. It's pretty

8   unusual for more than four writers to be on a

9   country song.

10   MR. RILEY: Understanding that,

11   though, is there anything we can take away from

12   the strength of all of that you've said from

13   Nashville and kind of broadcast it across the

14   country as we educate other creators? Because it

15   sounds like it's a very tight-knit community, but

16   that might be hard to replicate. Are there any

17   lessons learned from Nashville that we could --

18   MS. TURNBOW: Yes, I think that is

19   hard to replicate, but I do think that it's

20   important to talk about that writers have to be

21   concerned about more than just the creative

22   process and the writing room.

1   You do have to get each other's

2   information and know what the split is on the

3   song before you walk out the door because that

4   stuff gets lost really, really quickly if it's

5   not understood ahead of time and written down in

6   some cases.

7   And so I think that is probably the

8   biggest thing that I would take away from

9   Nashville -- however it is that you're writing

10   it, get all of that out clear to start with

11   because I feel like that's where a lot of the

12   holdup comes in.

13   MR. DUPLER: I think one thing came on

14   that too; I think the word community that you

15   said is a real key one. And I think one of the

16   strengths of Nashville is that it's a community,

17   and so I think finding where that sense of

18   community exists across the music spectrum.

19   So whether you're a member of the

20   Recording Academy or a member of NSAI, you're a

21   member --- you work with FMC or any of the other

22   artist organizations, those are communities that

1   exist in those contexts as well, and I think that

2   provides a platform for us to do the kind of

3   education and outreach that's necessary for this

4   to succeed.

5   MR. RILEY: Well, that's a good lead-

6   in to a question to Kim. You've done a lot of

7   work to empower historically-disadvantaged and

8   excluded groups. What would your messaging be to

9   these groups with respect to getting their works

10   identified and matched in the MLC database?

11   MS. TIGNOR: I feel like you started

12   to touch on it, the idea of community and the

13   idea when you're asking specifically, what's

14   happening in Nashville? We approach it with

15   treating each activation that we do in different

16   cities. We find creative centers.

17   But we understand that the creative

18   community they each have their own flow; they

19   each have their own rhythm, and there are

20   different ways to communicate a same message to

21   them in a way that will resonate with them.

22   I think that as far as -- you know, I

1 have to tell you, my background is civil rights.

2 I come from a large traditional civil rights

3 organization prior to joining the intellectual

4 property community and my current think tank.

5 And so when we think about outreach,

6 and when we think about organizing we really do -

7 - I mean, the first premise is, the folks that

8 we're trying to touch; who is the most

9 vulnerable? Who is it that's going to be the

10 most difficult? Let's put that at the center,

11 right, and then everybody else will get touched.

12 And what we're seeing -- and I feel

13 like this is the theme that's been going on all

14 day today, right, we've been touching at it, and

15 we started to hear about it -- we're seeing this

16 influx of diverse creators coming in, but then we

17 have to think about the different ways to touch

18 these diverse creators.

19 They --- where do they live? Where do

20 they create? How do they create, and who are

21 they listening to? And then figuring out who

22 those folks are and bringing them in, in the

1   beginning. Not this --- I think we all have a --

2   In D.C. -- I'm going to own it; I'm

3   D.C. -- we have this habit of creating a formula

4   for doing something, and then we just retrofit

5   everyone into that everywhere we go. But the

6   most powerful way and the most effective way to

7   outreach and bring folks in is to bring those --

8   I call them "village elders," although a lot of

9   them are not elders, but it's the people that

10   folks are listening to.

11   Bring them in; have their input baked

12   in from the beginning as to how you build these

13   brain trusts and these activations and talk about

14   these issues in a way that very much resonate

15   with them.

16   MR. RILEY: And in terms of the

17   different communities, are there anything -- I

18   appreciate what you're saying, that there a lot

19   of differences -- in terms of being effective

20   communicators, I think we try to look to

21   commonalities so we can make things efficient.

22   Are there any good lessons learned

1   that we -- from different groups, whether they're

2   different genres, different regions, different

3   parts of these communities that are

4   commonalities?

5   MS. TIGNOR: I would say that one

6   commonality that we've found is that in a lot of

7   these communities -- I'm going to go back again

8   to my village elder -- but basically the folks -

9   --- who have been the most fantastic partners.

10   We were just talking about one

11   colleague that we had in common, a friend of mine

12   who basically they can beautifully bridge both

13   the creative and the more policy or

14   administrative discussions.

15   As far as the most successful

16   partnerships that we've built in like local or --

17   in the beginning, it would be a lot of producers,

18   a lot of managers, DJs; folks that are those

19   creative entrepreneurs that are ready and have a

20   real appetite for these conversations and that

21   can really point out things.

22   I will fully own that law school

1   basically pounced and pounded the last bit of

2   creative juice I have in me, so I just have to

3   spend the rest of my life being happy supporting

4   and lifting up the creatives because I just don't

5   have it in me, but I love it.

6   But it's to say that there are a lot

7   of blind spots, a lot of things that I don't see.

8   Even --- I was listening to the panel before us.

9   It was clear that the intent to try to build a

10   system and an interface that was very easy for

11   folks to work with, and I know that's where

12   everybody's going, and that's where they're

13   headed.

14   But to me, I'm thinking, well, I take

15   for granted often what is very easy for me may

16   not necessarily be easy for someone else who uses

17   a totally different side of their brain than I

18   do. So for me to try to talk about issues in a

19   way that is comfortable for me may not resonate

20   with another -- someone who is more creative.

21   So it's just constantly keeping that

22   in mind and really leaning on the talents of

1   folks that very quickly can identify those blind

2   spots and just say, "no, that's going to go right

3   here. Let's get this conversation down here."MS.

4   TURNBOW: I agree with all of that. I do want to

5   mention though, make no mistake that creating

6   communities with the folks that we need to reach

7   the worst in this process will be Herculean,

8   mostly because these are the folks that feel like

9   the traditional music system has failed them.

10   They take a lot of pride in being

11   independent and not being joiners. So grabbing

12   them and making them a joiner in a community and

13   trying to create trust with them is a Herculean

14   effort.

15   MR. RILEY: I think we'll talk a

16   little bit more about trust in a second, but

17   that's a very important point. I don't want it

18   to go too far without talking today because I

19   think TuneRegistry is an all-in-one important

20   music and rights metadata management platform

21   that was created to serve some of these issues.

22   Dae, could you tell us a little bit

1   about the gap that your business was created to

2   fill and how you can convince those DIY

3   songwriters that they need to effectively manage

4   their metadata?

5   MR. BOGAN: Actually this is a really

6   good piggyback off what you were just saying;

7   independent artists who want to remain

8   independent and feel that they have some

9   participation in kind of the music ecosystem

10   without giving up their rights or without giving

11   away a chunk of their potential royalties until

12   they feel that they're in a place where they want

13   to do that.

14   So TuneRegistry kind of came about

15   when I was managing independent artists and

16   working with artists who would collaborate and do

17   co-write song with established songwriters who

18   had publishers, where these co-writers did not

19   have publishers but also were not ready to get a

20   publishing deal either. They didn't want to yet,

21   or just simply we're going to get signed.

22   So we have this long tail that

1 everyone is familiar with which come to DIY

2 artists and that are releasing music, but they

3 tend to be underserved in a lot of ways. A lot

4 of that comes from access to the tools and

5 resources to properly administer their

6 catalogues.

7   So I built TuneRegistry as this easy-

8 to-use, very affordable, low entry-point way of

9 making sure that if you write a song in your

10 bedroom, and you're going to put it up on

11 SoundCloud or use DistroKid and put it up on

12 Spotify, that you can still make sure your

13 collecting your mechanical royalties and your

14 performance royalties without getting a publisher

15 who is going to do that for you.

16   And as artists are becoming more aware

17 -- one thing I've heard a few times throughout

18 this symposium, and I kind of just hear in

19 general is that there's not information out

20 there, and people are confused. But the reality

21 is, there's a ton of information out there -- I

22 mean, Future of Music Coalition, myself, I've put

1   out content; Iwrote an e-book for a Creative

2   Future which a lot of artists who have come to us

3   have said, Oh, I've got this e-book. I've

4   learned about the difference between a song and a

5   recording and the splits, and therefore now I

6   want to be more active.

7   So there's a lot of information out

8   there, just a ton of great bloggers who put out

9   posts every single week about the music industry.

10   But where I saw the gap was really in the tools.

11   It was mentioned maybe in the last

12   panel in regards to the cost of the tools. If

13   you're an independent songwriter, if you're Lil

14   Nas X, and you get a hit, and you don't have a

15   major publisher, you're not going to go buy a

16   $20,000 administration software to administer

17   that one song. But at the same time, you need

18   still need to administer that song because you're

19   going to generate $20,000 in performance and

20   mechanical royalties.

21   So there was this huge gap between,

22   okay, there's long tail, and the catalogue isn't

1   really generating a lot revenue from an

2   individual song standpoint.

3   And then you have the one percent, the

4   one in 99 percent we heard earlier from Bill, and

5   the one percent that is generating the revenue,

6   and therefore the teams around those copyrights

7   can afford the expensive software and then the

8   relationships and the industry relations, people

9   that go out and maintain those relationships; but

10 what about the other 99 percent?

11   So that's really where we try to serve

12 is that 99 percent -- they still deserve to have

13 access to the tools to unlock their royalties.

14   MR. RILEY: And other than on

15 SoundCloud, where do you find these people?

16   MR. BOGAN: Well, they actually find

17 us. TuneRegistry, we haven't spent a dollar on

18 marketing in over a year and a half, and we have

19 clients from 40 countries. We have artists in

20 Turkey; who all they do is arrangements. And we

21 have veteran producers in Australia who want to

22 administer their own rights in the United States.

1   So there's artists and songwriters not

2   only in the United States, because MLC is not a

3   U.S.-only organization. It's the U.S.

4   administrator in the U.S. but representing,

5   obviously, songwriters from around the world.

6   And I think everyone that's been on

7   the panel and everyone that's up here have

8   members from around the world. It's not just the

9   Nashville songwriter; it's also the songwriter in

10 Amsterdam or the songwriter in Czech Republic or

11 wherever.

12   So we've been able to help these

13 independent, long tail songwriters in any

14 territory administer in the United States so they

15 can collect their performance royalties, they can

16 collect their mechanical royalties, and they can

17 set up properly to do that until such time that

18 they're ready to go to a publisher.

19   Then they can present to a publisher,

20 here's my royalty statements for the last two

21 years, and I actually know my value because I've

22 been able to collect those things, as opposed to

1 saying, "okay, I've never collected anything" and

2 the publishers are going to go collect it. And

3 then they'll try and go back two years and try to

4 dig through any unclaimed royalties.

5   They come through a number of sources,

6 and like I said, there's information out there.

7 We have blog posts we do webinars. We do e-

8 books, podcasts, and all these kinds of

9 informational, free education stuff. There's

10 actually someone in the audience whom I actually

11 just met today who came to us because he read an

12 article that we wrote in regards to sound

13 recording versus composition and learned about

14 that, and then signed up.

15   And actually we ended up learning from

16 that person which is in the audience that we had

17 to fix our IPI --- it was either IPI or ISWC; we

18 had to fix one of our fields, not because we

19 didn't have the information right, but because

20 they were assigned from a different territory,

21 and there was a little bit of difference. So we

22 learn, and we adjust as well.

1   So I think it's a really great

2   relationship to be able to work with the DIY and

3   independent artists from all over and learn about

4   certain nuances in their territories that

5   ultimately affects their rights or their access

6   to their rights here in the United States.

7   MR. RILEY: Okay, thank you. Saving

8   the best for last. So, Linda, SoundExchange is

9   probably the closest parallel to the MLC in that

10   it was once also a new organization that had to

11   go out and educate creators about a new

12   collective designated by the government to

13   collect and distribute the royalties.

14   Can you talk about your experiences in

15   reaching out to performers to get them to sign up

16   with your company and how that might translate to

17   what we're doing here?

18   MS. BLOSS-BAUM: Sure. We have been

19   at this for almost 20 years now, and have kind of

20   learned our lessons -- for what works and what

21   doesn't and what is tried and true.

22   And again, one benefit I think the MLC

1   does have is that this has been done before in

2   things like government, regulated, music co-op is

3   not such a scary term to those that have come to

4   become familiar with the digital streaming.

5   Remember when SoundExchange started

6   digital music was brand new; so you were trying

7   to educate folks that were very used to round

8   pieces of plastic as being the distribution

9   method for music that this new method was going

10 to have to be trusted.

11   And it sounds easy, particularly

12 because SoundExchange, at its outset and still to

13 this day receives all of its licensee information

14 from the licensee. So every month we get a log

15 from the folks that use the statutory 114 license

16 and say, "these are all the songs I've played

17 this month, and this is the check that's

18 commensurate with all of these songs."

19   And then we have the pleasure, the

20 honor, to go out and say, "hi, I'm Linda, and I

21 have money for you." We actually have to track

22 these folks down.

1   There is much more familiarity today

2   than there was even 10 years ago when this

3   started, and people are generally familiar with

4   what SoundExchange is, but that didn't come easy.

5   People definitely had to learn those lessons.

6   It was interesting because you

7   mentioned the word trust, and I wrote the word

8   trust in giant capital letters here during some

9   of the earlier comments, but you really have to

10   trust the person that you're turning over your

11   very personal information to. So whether it's

12   all the metadata for your song or it's your

13   driver's license, your bank account number; I

14   mean, all those things have to be trusted.

15   So as nice as people might think I am

16   when I walk up to them and say, "hi, I'm Linda, I

17   have money for you. Just give me your bank

18   account, and can I have your license for a

19   minute?" I'm not going to copy that. There is

20   definitely -- there was a bit of mistrust.

21   What we have found over the years, and

22   it is as true today as it was 20 years ago, and

1   it will probably be this way forever and all time

2   is, you have to trust the person that's telling

3   you about this new revenue stream.

4   You know, all of us can come from

5   Washington in our fancy clothes, and we can try

6   to talk the nomenclature of any area, whether

7   it's in the different genres of music, but when

8   it comes right down to it, if it's a buddy of

9   yours or somebody from a band that you have

10   played with or somebody you went to music school

11   with, that's going to be the person that you

12   trust.

13   If they say, "hey this thing

14   SoundExchange, you've really got to sign up for

15   that. It's amazing. There's checks that come

16   every month." And they really are doing a lot of

17   the work for us. So we have found that having

18   those kinds of trusted agents spread the word of

19   what we're doing is really one of the most

20   effective tools. My best example of that is

21   probably what we do every March in Austin, Texas

22   at South by Southwest. We run a match of all of

1   the unclaimed money against all of the bands that

2   are performing in Austin over the course of those

3   two weeks, and believe it or not, there's still

4   hundreds of bands that have not registered for

5   SoundExchange. The number is a lot less than it

6   used to be. It used to be five, six, 700 bands.

7   I think last year it was about 108 if I'm getting

8   that right.

9   But we make banners. We hang them all

10   over Austin. Now in the age of people having

11   cameras on their phones, their buddies are like,

12   hey, man, your name is on that banner. They say

13   they have money for you. You better show up at

14   the artists' lounge tomorrow afternoon. And lo

15   and behold, that's how we find people.

16   Somebody who knows them is telling

17   them that they need to trust us. That's where

18   we've really had the most success. It's going to

19   where the artists are.

20   And I just want to expand on something

21   that was mentioned earlier; it's not one size

22   fits all, at all. Roseanne earlier was talking

1 about how different the music business is for her

2 son than it was for her. Those messages have to

3 be carefully tailored to a mother and a son and a

4 grandson. And different genres --

5   I've been in Miami this whole week,

6 and speaking to artists down in Miami is

7 completely different than speaking to artists in

8 Nashville, Tennessee, mostly because a lot of

9 them speak a completely different language in

10 Spanish.

11   But there's a completely different way

12 of doing business within the industry, and that's

13 why SoundExchange has had a lot of success by --

14 my team is made up of various participants that

15 can actually get into those communities with that

16 trust and speak that language, because what is

17 true in L.A. and New York is not going to be true

18 in Nashville or Miami or Austin or in other music

19 centers.

20   MR. DUPLER: I think that's a really

21 key point. The Recording Academy is made up of

22 12 chapters that span the entire country. We

1   have 22,000 members that are all actual

2   songwriters, composers, musicians, artists,

3   producers, engineers, so the peers that we've

4   been talking about that need to do that

5   communication.

6   Yeah, our Florida chapter is very

7   different than our San Francisco chapter. Ivan,

8   who is here from our Philadelphia chapter, which

9   is very different than our Nashville or our

10   Memphis chapter.

11   So I think finding -- again, that's

12   where you get to the trust issue. Through a

13   network like that you have peers talking to peers

14   from their local community that have credibility,

15   that have trust and then can reach the people

16   that haven't been reached before. I think that's

17   a tremendous opportunity for us, but also a

18   responsibility.

19   MR. RILEY: Thank you. So coming back

20   to Linda, I've a question; when SoundExchange

21   started doing this, was there a government edict

22   -- you must go out and educate and outreach for

1   performers as there is for songwriters?

2   MS. BLOSS-BAUM: Definitely to make

3   sure that this was going to work, I don't think

4   it was written out as explicitly as it has been

5   with the MLC but absolutely, we understood at the

6   time that if we didn't get people paid, that was

7   just going to be a lot of services paying a lot

8   of money into some account that was just going to

9   sit there.

10   So it took a while. We have a great

11   chart on our website that shows our payments over

12   time. The first year we were at this I think we

13   paid out $20 million, and last year we paid out

14   almost a billion dollars. So that number has

15   gone up quite a bit. It took a long time to get

16   people into the system. It is something some

17   people in this room will be familiar with. The

18   history that we don't want to sit on money for

19   too long; it's not a good day for us to have a

20   lot of money paid in, but not paid out.

21   So not so much a government edict, but

22   we understood that the success of the system was

1   going to be based on people being educated about

2   it and trusting that when somebody says they're

3   calling from SoundExchange, and they have money

4   for you, that it's the real deal, and that that

5   organization has their interests in mind, which

6   is absolutely what we do.

7   MR. RILEY: So I think John alluded to

8   that in an earlier panel, that it was very hard,

9   at least initially. Here we have a different

10   kind of situation where the Copyright Office is a

11   part of this education and outreach. Does that

12   help legitimize outreach for songwriters in the

13   context of the MLC?

14   MS. BLOSS-BAUM: I think it does.

15   You've got the seal and the government behind

16   you. That being said, a lot of people don't

17   trust the government. A lot of people don't want

18   the government in their business.

19   And having that backing I think will

20   help legitimize the operation, but again, you

21   have to put the language in terms that people can

22   understand. I was laughing, not laughing -- nut,

1   I was noting the way one of your earlier

2   questions was worded: How do we let these people

3   know that they have to effectively manage their

4   metadata?

5   I mean, I can guarantee you that no

6   songwriter wakes up in the morning and says to

7   themselves, I have to effectively manage my

8   metadata today. That's just not what they're

9   thinking about when they're writing their songs.

10   MR. RILEY: Except for probably the

11   three we had earlier today.

12   MS. BLOSS-BAUM: Right. Well, there's

13   three; your job is started. But it's really

14   putting it in terms -- that Jen was saying

15   before about the NSAI; I could help you

16   understand how to speak to these people, what is

17   happening in those writers' rooms, and the

18   writers' rooms in Nashville are very different

19   from studios out in L.A.

20   So I think having the government there

21   is important, but it's really incumbent on the

22   Copyright Office and on all of us to make sure

1   that the right messengers are the ones delivering

2   the words that they are hear.

3   MR. RILEY: So I want to expand on

4   that a little bit at the end of our panel here.

5   Kevin, how do you get songwriters to trust?

6   MR. ERICKSON: Oh, boy. You have to

7   be clear-eyed about the source of the mistrust

8   and take it really seriously and treat it sort of

9   non-defensively. There is a lot of different

10   sources; some of it is, government is scary, and

11   the process of putting together legislation is

12   scary.

13   There's a sense that a lot of the

14   changes in the big-picture business model are

15   happening without really inviting a lot of input

16   from creators directly, and they're driven, sort

17   of, more by the needs of this big business and

18   private equity.

19   So we have to take that kind of stuff

20   seriously and then optimize for trust at every

21   stage of the process; to optimize for trust in

22   system design, meaning like, if you're designing

1 your portal, involve creators in the design of

2 the portal while it's being built, not just in

3 the messaging out afterwards because by getting

4 that direct feedback from them at the design

5 stage, then you know that you've got a system

6 that's accessible to them.

7 Make sure that you're involving

8 diverse creators from different backgrounds

9 working in different genres, working with

10 different kinds of career models. Crucially, you

11 should pay them for that work because even the

12 process of entering your own metadata is

13 generally uncompensated labor.

14 But the process of focus group and

15 consulting is also like labor; if you don't pay

16 them, then you get a self-selected group of

17 people who can afford to spend the time on that

18 kind of stuff, so it's not representative of the

19 whole population that you're trying to serve.

20 Those are some of the considerations I think

21 about.

22 MS. TIGNOR: Could I add just one more

1   thing? Because I think the other point that we

2   should also -- or the other problem we should be

3   solving for is also not just trust, but also how

4   do we create the capacity to incentivize action

5   and execution?

6   By that I mean, when we have so many

7   diverse and new entries into the industry, and

8   you know we were talking about DIY creators, how

9   is it that we are -- and I think this is

10 especially true in marginalized or

11 disenfranchised communities, is that, you know,

12 just we've been culturalized to not necessarily

13 understand the power and value of our creative

14 works.

15   And what I see a lot is that -- and

16 this is not just in this specific industry, it's

17 in a number of industries, and we're seeing it

18 more and more and more as the creator economy

19 becomes a thing, right. But it's just the idea

20 of putting things out there and hoping something

21 will stick and not necessary understanding just

22 how powerful and valuable it is.

1   But I think the more and more we have

2   those conversations, and I think it's to your

3   point of just kind of lighting that fire of

4   interest and, you know, increasing the appetite

5   to learn more.

6   But I think the foundation really has

7   to be at the core of it that this is -- what

8   you're creating is valuable and incredibly

9   important. So let's make sure you're taking the

10   steps to make sure that we're able to find you

11   and access you and that you're actually a part of

12   this.

13   MR. EISENBERG: In regards to the DIY

14   community, I mean our industry over decades and

15   decades has been just mushroomed by complexity,

16   and that's creating silos to establish a legacy.

17   So every silo wants to have their legacy, and

18   we're in world now which is the complete opposite

19   which is, self-distributed creators, DIY

20   materials, and tools and services.

21   Creators can do this by themselves,

22   they don't need multiple, multiple databases

1   worldwide. They just need to put it into that

2   stream of commerce and then have someone else

3   push it out and radiate it out. So I think we

4   have to start with what is the most simple,

5   uncomplicated tool to give to a DIY creator and

6   then let the system push it out wherever --

7   whichever silo it has to go into.

8   MR. BOGAN: What I also want to add

9   because you just made me think about this is,

10   there are a couple of challenges, obviously, that

11   the creators have, not only the education part,

12   but even once they start to learn they become

13   overwhelmed because they start to learn that,

14   well, okay, I now have these two copyrights

15   because I'm the singer-songwriter, so I have the

16   sound recording and the composition.

17   But then I also now have learned that

18   I have these different rights that have to be

19   registered not only with MLC but with all the

20   other music rights organizations in the United

21   States, and that becomes more complicated.

22   Because I have to go to this organization and

1 create an account and register my song, and then

2 to this organization to do the same thing, and

3 then this organization.

4 And it becomes -- we did the math for

5 an average album of 14 tracks, there are 120

6 individual registrations across all the rights

7 organizations and the metadata services so that

8 the power of the metadata and DSPs and the

9 intermediaries that handle things like mechanical

10 licensing right now.

11 So if you look at all these

12 organizations, there's 120 registrations. So if

13 you're an independent artist with 14 tracks on an

14 average album, you have 120 registrations to do,

15 and that's overwhelming, right.

16 So that was part of the reason why we

17 created TuneRegistry, is to go to each of these

18 organizations and say hey, you have a membership

19 portal, but members aren't actually logging in

20 and registering their songs.

21 You have a dashboard already, but

22 they're not actually logging in to download their

1 statements. So how can we -- and you don't work

2 with each other because you're siloed. So how

3 can we work with all of you and aggregate this,

4 which is what TuneRegistry does, is one-stop

5 shop. I create my song once in TuneRegistry, and

6 then it gets to ASCAP and BMI and SESAC and Harry

7 Fox and Music Reports and SoundExchange, and then

8 all the metadata services under them, and

9 hopefully to the MLC.

10 And its not -- we're not in a place to

11 replace any of these organizations, we're simply

12 a conduit. How can we deliver --- we always say

13 we're kind of the Gmail of music rights. We want

14 to be able to deliver the registration in the

15 proper format in a timely manner and also we help

16 the artist understand each of the fields that

17 they're required to complete, to understand, you

18 know, the splits and kind of get involved with

19 some of the conflict resolutions and things like

20 that.

21 So a lot of artists have learned about

22 their IPI numbers and ISWCs and ISRCs and various

1   codes as a result of our platform, and then being

2   able to administer on both sides of the

3   copyrights in one place.

4   So it's not only the challenge of how

5   do we reach them and then educate them, but then

6   how do we, as an industry, simplify? Because

7   we're becoming more fragmented. With every new

8   organization that's a new place they have join

9   and manage, another account, another

10   relationship.

11   I always use the example of we started

12   with ASCAP in 1914, and then with BMI and SESAC

13   in the '30s, and then we introduced with the

14   Harry Fox Agency, and then we introduced

15   SoundExchange, and we introduced Music Reports as

16   an administrator on behalf of the DSPs, but also

17   working in between rightsholders. And now we

18   introduced in the last several years, GMR, and

19   now we're introducing MLC.

20   So it's like we're actually making it

21   more fragmented, more complicated, and therefore

22   creating more of a challenge for someone who is

1   already overwhelmed. So how do these

2   organizations simplify? And that means working

3   with the startups that are trying to help

4   simplify on behalf of the writers, independents,

5   DIYs.

6   And I know we're talking about DIYs,

7   but we don't only work with DIYs. We have quote

8   unquote legacy songwriters, songwriters who had

9   hits in the '70s, songwriters who had hits in the

10   '80s who are out of their label contract or out

11   of their publishing contract or about to be out

12   of their publishing contract who are now

13   representing themselves, and don't know how to do

14   this because the industry had always been, you

15   know, the publisher did all the work, you did

16   nothing but write your songs.

17   And that was great, that was how it

18   worked in the '60s and '70s and '80s and '90s,

19   but now those same songwriters are starting to

20   get their copyrights back, and some of them want

21   to keep their copyrights if they don't

22   renegotiate, and they become a part of the long

1 tail as well, but they still have their hits from

2 the '80s and '90s or '70s.

3 So we're seeing those types of clients

4 as well, and trying to help them understand, okay

5 well now you're responsible for this copyright.

6 There's no organization, you know, you're out of

7 your publishing contract, and no one's going to

8 do it.

9 So they need to know to come to the

10 MLC and to create an account and to register

11 songs, and they've never done it before, not with

12 their PRO, because their publisher had done it

13 for decades.

14 So that's another -- a whole different

15 conversation with a whole different group that's

16 also not tech savvy. They're not tech savvy like

17 the younger DIY artist might be tech savvy, and

18 they just need to learn how to use a tool and to

19 log in.

20 But you talk to someone who, all they

21 did was they wrote lyrics, and they worked in a

22 studio and they handed paper to a representative

1   at a publisher in the '70s and that was all they

2   did. And now they have an online portal, you

3   know, now we have 12 online portals.

4   MR. EISENBERG: Right. I think the

5   inputs is actually the easiest thing to solve,

6   particularly at the time of creation, because

7   that's -- you don't want to uproot the creative

8   process because when people are in the creative

9   mind, they don't want to deal with metadata. So

10 it might be before or after.

11   I think the interoperability, we've

12 basically DRM'd our metadata with all the

13 different silos in the world by design. That's

14 how copyright has been structured. That's what

15 needs to be really fixed. The inputs are

16 actually I think the easiest part.

17   MR. RILEY: Well, let me ask the panel

18 this. We've talked about the strength of word of

19 mouth. We've talked about artists in some ways

20 having the monetary incentive to go find the

21 people they need to talk to. If these are the

22 trees, how do we plant the seeds?

1   I think we heard about South by

2 Southwest, the Recording Academy's different

3 chapters, different organizations. What else can

4 we as a community do to reach out, even if --

5 understanding that different groups accept

6 messages in different ways.

7   Is it appearing at conferences? Is it

8 digital? Is it handouts? Is it schools for

9 music business? What other kind of ways can we

10 plant these seeds, I think is the question.

11   MR. DUPLER: It's all of the above.

12 But I think, one thing I wanted to touch on real

13 quick just on that building trust aspect and

14 validating that this is legitimate, I think one

15 thing I observed with SoundExchange is that

16 seeing that it actually works and is paying money

17 is going to be the best way to get songwriters'

18 trust, to see that it is actually doing what it

19 is supposed to do.

20   Because I think with SoundExchange,

21 once an artist starts getting that check and then

22 they talk about it like, I had no idea. This is

1   incredible. I'm getting free money in the mail,

2   but even though it's not free, but this check

3   that they didn't know they were supposed to be

4   getting.

5   Well then they become an evangelist

6   and a validator for SoundExchange that goes to

7   other artists and says, you really need to sign

8   up for this because like I didn't know, and now

9   I'm getting these checks. It's awesome, and you

10   need to do this too. And I think that's one of

11   the biggest successes of SoundExchange, and I

12   think that same thing, that potential is there

13   for the MLC.

14   At least in the early days, the

15   songwriters that are in the system that are

16   getting paid then evangelize to others that don't

17   know about it and say, this is -- you're going to

18   get a check. Here's mine, you need to do this

19   too. I think that's going to be a really

20   important piece of this.

21   But to the first question, I think, do

22   all of those things. Don't pick and choose. Be

1   where the songwriters are, be where the music

2   community is. Be where the representatives and

3   the managers and the lawyers, where all of it is,

4   whether it's South by Southwest or it's Music

5   Biz, ASCAP Expo, all of those places and all the

6   communities where music makers are.

7   MS. BLOSS-BAUM: One area we've had a

8   lot of success in getting a lot of those messages

9   and those evangelical comments is just finding

10 people right after they get their check for the

11 first time.

12   Whether it's getting on the phone with

13 them or being in a place with them in person, I

14 have a person on my team that all year long will

15 save all of those testimonials, whether they come

16 in by email or on the phone.

17   Then at the end of the year we have a

18 rolling highlight reel of, this one said this, or

19 this one used their SoundExchange check to get a

20 new van or put new strings on their guitar, or

21 you know, whatever anecdotal information that

22 they have. I mean, some people will buy a third

1   mansion, and some people will get a new pair of

2   sneakers for their kid.

3   But just sharing those messages from

4   those artists is just so much more powerful than

5   really anything that the government or any

6   company or organization can say.

7   But to be able to have an artist say,

8   I had an artist say to me earlier this year, oh

9   thank you so much, SoundExchange. You gave my

10   family Christmas last year. That's really

11   powerful, and to have other artists and

12   songwriters hear that, that should invoke a lot

13   of that trust.

14   MS. TURNBOW: Yes, I think ambassadors

15   in general is really important too. I mean, we

16   live in an age where influencers are everything,

17   you know, especially to the newer generation that

18   are a lot of this long tail that we have a hard

19   time getting to join and getting our arms around.

20   You know, they all look up to somebody

21   in this industry, and so to have those people out

22   there too saying, this is a legitimate thing, you

1   probably have money out here, is huge.

2   MR. RILEY: I will say that we heard

3   a little bit earlier, and I'm not trying to say

4   anything that in the aggregate, that the checks

5   coming from the MLC will not be substantial, but

6   relatively, SoundExchange, their payouts are very

7   large. In the last year, how much money did

8   SoundExchange give out?

9   MS. BLOSS-BAUM: In the aggregate, a

10   billion dollars, almost.

11   MR. RILEY: Right.

12   MS. BLOSS-BAUM: Just shy of that.

13   But I work on these accounts every single day,

14   and I see what some of these numbers are. Mark,

15   you can attest to this too. Not all of them are

16   huge influencers. These are checks for $30, $40,

17   $50. Our threshold is anything over $10. There

18   are some people who don't even make that

19   threshold. I have to tell them, I'm sorry, you're

20   only at $8. So there is a long tail, and these

21   organizations are going to have to figure out a

22   way to deal with that.

1   But it's keeping those messages in

2   check and not coming out with the six-figure

3   numbers and the seven-figure numbers all the time

4   I think will appeal to everybody to take part in

5   the system.

6   MR. RILEY: What about the other kind

7   of inducement, the credit, the cultural

8   satisfaction of seeing your name associated with

9   your work. I think, Todd, you had mentioned

10   before that you cannot be eligible for the

11   Grammys unless your information is out there, is

12   that right?

13   MR. DUPLER: Yes. I mean one, to be

14   a member of the Academy you have to have

15   demonstrable credits on released work. But if

16   you want to be nominated or recognized for your

17   work you have to be associated with that work as,

18   whether the songwriter or any other musical

19   participant.

20   If we don't know that you're the one

21   that did it, we can't -- you're not going to get

22   nominated for it. So I think having reliable

1   credits, like I said, even from a historical

2   cultural perspective, like knowing who worked on

3   a track when it was recorded, what studio it was

4   made in, I mean all of that stuff has

5   significance.

6   And again I think from a fan

7   perspective, if you think 20 or 30 years ago,

8   people used to sit and look at liner notes and

9   see, you know, who worked on their favorite song,

10   and the go find other stuff that those people

11   did. It encouraged music discovery which again

12   has a long tail that benefits music creators when

13   people go out and seek more music related to the

14   people that they like.

15   We did an initiative last month where

16   big artists posted on their social media accounts

17   using their social media platform all the credits

18   for some of their most popular works to give

19   credit to the people that often go unrecognized.

20   That's an initiative we're going to do every

21   year. But again, an example of using every tool

22   in the toolbox to educate people, to get the

1   information out.

2   So social media platforms from big

3   celebrities, from famous artists, is one tool in

4   the toolbox for educating people, but you use

5   every tool.

6   MR. RILEY: Yes. I think we've heard

7   earlier maybe for all the efforts we can do

8   today, one tweet from Pharrell will go a long

9   way.

10   MR. DUPLER: Doesn't hurt. And that's

11   something -- like right now we're in voting

12   season for the Academy. So how do we communicate

13   to our members the importance of voting for the

14   awards?

15   And again, we use every tool in the

16   toolbox. We're using emails, we're using social

17   media, we're using, you know, maybe text

18   messaging and all those different things. It's

19   finding the right special mix.

20   MS. TURNBOW: Well and you talked

21   about validation, there's plenty of these writers

22   and artists out there for whom a $10 check

1   associated with their song means as much as a

2    $10,000 check because it's validation that they

3   are an income-earning songwriter.

4   MR. RILEY: Is there anyone out there,

5   maybe they're doing a favor for a friend in

6   writing a riff for a song or maybe they're a

7   ghostwriter where they don't want credit? Does

8   that happen?

9   MR. BOGAN: As far as don't want

10   credit, I don't know if it's necessarily don't

11   want credit but rather the reason why they're

12   doing music is passion, and they haven't quite

13   gotten to the business part yet.

14   We see a lot of that when we have

15   collaborators, especially in EDM music. So we

16   have international EDM artists who are working

17   with small, 18-, 19-, 20-year-old creators all

18   over Europe, and they're just not subscribed to

19   the music industry as a business.

20   This is something that's cool, they

21   love Diplo, and they love Marshmello, and they

22   want to create their own sounds, and they just

1 started learning to produce. They want to put it

2 out there because they can put it on SoundCloud

3 in a matter of seconds, but they can also get it

4 onto Spotify via DistroKid or CD Baby, and they

5 just haven't gotten around to what credit even

6 means.

7   So, but they might collaborate with

8 someone who actually is involved in that, and

9 they go to register their stuff, and they

10 realize, oh wait, I need to have this other

11 person's information because I'm going to

12 register.

13   So I think there's a class of creators

14 that just haven't quite gotten into what the

15 business is around the music, and credit isn't

16 what they're really seeking. They want exposure,

17 and the idea of credit is not even -- it's

18 related, obviously, because exposure means you're

19 getting recognized. But they don't see it as

20 like the term credit.

21   They don't see it as I'm getting

22 credit for this. It's just, I want exposure. I

1   want people to hear this cool mix that I did, or

2   this song that I did.

3   MS. TIGNOR: And I think, I mean, it's

4   funny, just to piggyback on that point. So in

5   the clinics that we host, I would say about 80

6   percent of the folks that come and sit down -- so

7   what we do is, we let them sit down with

8   intellectual property attorneys for about 30

9   minutes, and they can talk to them about whatever

10   they want.

11   And one of the things that we see

12   after we kind of take a tally of everything that

13   happened is that a lot of times creators like to

14   create, and they like to collaborate. The

15   business side of the conversation comes

16   afterwards, if at all.

17   And a lot of times what we were seeing

18   is that one person -- it's when money comes in,

19   and when something kind of pops off in some way,

20   be it from followship or something else. But

21   that's when these questions of credit start to

22   come in where they weren't discussed in the

1   beginning, so there's confusion around that.

2   But it's usually something that kind

3   of triggers it, because again, it's a very

4   collaborative and creative community. That's the

5   side of it that they enjoy.

6   MR. RILEY: I think it -- the

7   Copyright Office came to one of your events,

8   which was very enlightening. I'm interested to,

9   maybe talk me through a little bit of how you put

10 those together, how you decide to reach out to

11 different people to invite them to come. Who you

12 get to speak, who you get as the attorneys, just

13 the process of an event like that.

14   MS. TIGNOR: Sure. So, what we do is

15 that we basically find communities, basically

16 communities of color that are in centers. We're

17 really big on going to where folks are, and we

18 are really intentional about creating very

19 creative spaces.

20   Because again, our whole core and what

21 we try to start at the Foundation is, we need to

22 make sure folks understand what intellectual

1 property is. We need to make sure they

2 understand the value of it, and we need to make

3 sure they understand what it means to be able to

4 share, protect, and monetize your creative works,

5 right.

6 So that is the spirit that we come

7 into it. We build a brain trust in that city

8 from word of mouth. I mean, it's really

9 sensational how these communities, just like you

10 said, everybody knows everybody, right, and you

11 can quickly figure out who it is that you need to

12 get on board. And that they will then suddenly

13 start bringing in this amazing community of other

14 creatives.

15 One example would be, a mutual friend

16 is Hollis. And literally opened the door, I mean

17 she introduced me to some of the most phenomenal

18 creative folks in the creative community in LA,

19 and we were able to -- we did our event in Nipsey

20 Hussle's incubator. So we had -- then what we do

21 is, we partner with local firms, Loeb & Loeb,

22 Arent Fox. We have some fantastic firms.

1   And, you guys, I want you to

2   understand, we had these firms come to Crenshaw

3   and reach out to the community. I mean, it was

4   fantastic. It's just, it was this super-creative

5   space, and what we did was, we create panels that

6   are a beautiful integration of both policy-

7   minded, legal-minded, and creative-minded folks

8   having conversations.

9   And that question when, that moment

10   when we all of a sudden, we start using our wonky

11   talk, and the person next to you who is more

12   creative was like, wait, wait what did you just

13   say? You know, just creating those moments where

14   folks can kind of break things down and talk

15   about things in ways that really resonate with

16   the different communities that we're trying to

17   reach.

18   And so it looks different in LA than

19   it does in Miami. It looks different in D.C.,

20   and it looks different in NYC because everybody

21   wants to talk about these issues in different

22   ways.

1   But for me what we've seen to be most

2   successful is to really partner with folks early

3   on so that it's just baked in. To me, I have

4   fallen on my face when I tried to just create

5   this master plan and then just do the same exact

6   thing in every space. It just has not worked for

7   me.

8   But when you really create those

9   organic and authentic spaces that are both

10   creative and then integrated with these more

11   substantive conversations, folks have an appetite

12   for it.

13   I think that you'll also see, you

14   know, to the point earlier about going to South

15   by Southwest, and you'll see like a lot of these

16   festivals are actually having additional days

17   tagged onto them for actual substantive

18   conversations. There's a creative appetite

19   that's developing where folks do want to have

20   these conversations.

21   And so just going a little further off

22   the beaten path, I mean I think South by

1 Southwest, that's a fantastic place to start, and

2 just being willing to show up in these places and

3 participate.

4 MR. RILEY: Todd, is there anything

5 that you want to say about your different

6 districts in terms of the Recording Academy and

7 how you get people to your events?

8 MR. DUPLER: Sure. I mean, so we --

9 again, just kind of what has already been said.

10 We tailor it --because each chapter is so unique,

11 and because they're run by the people that are

12 there, by our members that are local.

13 They key into what is interesting to

14 their local communities, and so whether we're

15 putting together a workshop or other kind of

16 showcase event where we bring people together in

17 the local studio space, or -- but it is going to

18 be something that is tailored to that community.

19 And so, I know we certainly intend to

20 do that with all of our chapters, and some of our

21 chapters even within the chapter are diverse --

22 our Chicago chapter covers the whole Midwest, so

1 they also reach Detroit, they reach Minneapolis

2 and those diverse communities. And our Memphis

3 chapter includes the whole Mississippi Delta and

4 New Orleans in Louisiana.

5   So we tailor events throughout those

6 communities to reach the people that are there

7 and their unique needs. The Pacific Northwest is

8 in Seattle, but they include Hawaii, and I'm

9 definitely pushing to do that workshop if we can

10 get there, but there is like a rich music

11 community in Hawaii that is very active, and so

12 using that apparatus to reach to every place

13 where there is people making music.

14   MR. RILEY: It's true. Senator Hirono

15 asked the Copyright Office a question about small

16 creators at the last hearing, so I believe it.

17 For Kevin and Linda, let's talk not about in-

18 person events for a second. Web presence, digital

19 outreach, what lessons learned can you share with

20 us? What is successful?

21   MS. BLOSS-BAUM: It's interesting when

22 I interview interns to come in and other folks to

1   come work in the department, I ask them how they

2   are at Internet stalking, because we do a fair

3   amount of that. And it's interesting, as much as

4   you think that people should be getting up and

5   thinking about how to manage their metadata and

6   how they can be making money, a lot of creators

7   just haven't gotten there yet.

8   So we use a lot of social media. We

9   use a lot of Instagram,Facebook. We will

10   subscribe to different services about whether

11   people have agents. We do just a lot of news

12   searches. We watch the charts, we see who's on

13   the chart and then we try to find that person

14   even before they have their first dime pay into

15   the system so we know where they are and to get

16   them into the umbrella so when that first service

17   reports that they're playing a song, if it's on

18   the chart, you know, hit-seekers, we look at that

19   all the time. These are folks nobody has ever

20   heard of, but Billie Eilish was on that list

21   about five years ago, and now here we are.

22   So we really try to use all the

1   resources we can, and if whether it's an intern

2   in our office in D.C. or we actually now have

3   regional reps in cities all over the country that

4   will report back in, hey, I heard this band out.

5   They had 30 people there, but they sound great.

6   It's kind of these little mini A&R chapters

7   around the country that will get us aware of who

8   may be having money come through our system for

9   them.

10   It's not really one specific way of

11   doing it, it's kind of like what you said before,

12   it's all of the above, but technology has

13   certainly made that easier. I do think the MLC

14   is better situated to do that here in 2019 than

15   SoundExchange was almost 20 years ago. We just

16   didn't have those tools available to us then.

17   MR. BOGAN: I just want to add to

18   that. So prior to TuneRegistry being acquired by

19   Jammber we didn't really spend, like I said, much

20   money on marketing. We did appearances at

21   conferences, but that was mostly me as a speaker.

22   So 90 percent of our songwriters and

1   small mom and pop publishers have come through

2   all of our digital efforts which is mostly

3   focused on content marketing. Very important,

4   very targeted, very timely articles, for example,

5   how to release a cover song legally, and that

6   Google search keeps, you know, people keep coming

7   through the article.

8   E-books, webinars, that also varies,

9   kind of specific, how to monetize your YouTube

10   and collect royalties on that. So things that

11   are, kind of, that are interesting to the target

12   audience and that can be disseminated digitally

13   so that it's not much cost. So most of it has

14   been creating content, and that content basically

15   being available 24/7 online and having traffic

16   come through that content in different formats.

17   And I would say Soundcloud-- sorry,

18   SoundExchange also does a really good job in

19   terms of your digital, social media specifically.

20   I really like the social media and the e-

21   newsletter, I get it. So the newsletter is really

22   great, the email newsletter coming through, it's

1   always pretty updated with information and

2   featuring different SoundExchange members.

3   So I think that's the most easy and

4   effective and cheapest route as far as doing

5   events in different cities as well.

6   MR. DUPLER: And I'll just say also

7   that I think there is a real hunger in the

8   creator community to get this information. When

9   the MMA passed, we saw just a tremendous amount

10   of engagement from songwriters and artists to

11   pass the Music Modernization Act, and they all

12   knew it was something that was important, that

13   was going to help them. So they were like, yes,

14   I'm going to do my part, whether it's making

15   phone calls, writing emails, purchasing

16   billboards in some cases.

17   But then once it got passed, a lot of

18   people were asking okay, so now what? It passed,

19   so what's supposed to happen? Wasn't something

20   supposed to happen? And they want to know what's

21   next and what that information is.

22   We hosted a town hall in Chicago

1 earlier this year. SoundExchange was there, and

2 it was standing room only, I mean it was packed

3 with over 200 people there.

4   Because -- and it was just an

5 educational session on what the MMA does and what

6 it's going to do, and people want that

7 information. So I think if we do make it

8 accessible and make it easier for them to get it,

9 it's going to be received.

10   MS. BLOSS-BAUM: That's right, I

11 remember from that, and somebody earlier today

12 had said, you need to tell them what it is, but

13 also how to do it, and I think that is something

14 in the education we really need to be very clear

15 on, kind of how to do this.

16   And Todd, I'm sure you've gotten the

17 same questions. I remember right after the MMA

18 passed, I had a producer ask me, so does the

19 check show up next month, or is it -- it doesn't

20 just show up out of the air, you have to do

21 something.

22   So you have to be very clear about how

1 they can participate, because they want to. But

2 this is what it is, and this is how you get into

3 the system.

4 MS. TURNBOW: Well, and I would say

5 that while it's incredibly important for the MLC

6 to have a really professional-looking, easy-to-

7 use website and social media accounts and

8 everything, it is as important, if not more, to

9 have partners like SoundCloud and TuneRegistry so

10 that we go to where these people are.

11 I mean we can't expect them to just

12 show up at our front door, we've got to go out

13 and knock on their front door, and this is where

14 they live.

15 MR. BOGAN: That's a great point. I

16 actually just thought about what we did with

17 Harry Fox. Actually we did an article -- for the

18 longest time, DIY artists would come to us and

19 say, we're not getting -- I don't know what

20 royalties collect. Once I learned about

21 royalties from Spotify, I learned about a

22 mechanical royalty, but I can't sign up for Harry

1 Fox and I don't have a publisher. And that was

2 misinformation, I mean for the longest time, for

3 years, you could create an online account. So

4 what I did was, we just basically created a blog

5 post and went through each field of the

6 registration form and explained each individual

7 field.

8   We started with a little kind of

9 opening introduction paragraph about collecting

10 royalties, mechanical royalties from your Spotify

11 streams as well as Apple Music and other

12 services. And then went through each individual

13 field and then sent that article to John, who

14 then proofread it, sent back notes, and then we

15 published that and sent the email out, and we've

16 had now dozens, if not hundreds, of artists, I

17 mean every single month we're now registering

18 hundreds of songs to HFA on behalf of these DIY

19 songwriters who previously thought they needed a

20 publisher to be able to do that.

21   And we started getting emails. I

22 remember my first one was Luke Rathborne, and I'm

1   only saying his name because he's already allowed

2   us to use this information. But he had millions

3   of Spotify streams and never collected any

4   mechanical royalties.

5   And then joined us, created an

6   account, and started getting his checks February

7   of this year for the first time and sending me

8   emails with screenshots like, oh my God, I'm

9   getting, you know, checks from Spotify. I never

10   knew that.

11   So that is going to happen with

12   artists signing up with the MLC. But we need to

13   have these resources and communities -- online

14   communities like SoundCloud and us who already

15   have an aggregate of songwriters and artists, but

16   that's a great example.

17   MR. ERICKSON: I want to point out

18   something helpful that SoundExchange does too,

19   which is that they employ musicians. So if you

20   call up the customer service line, odds are

21   pretty good you're going to get a musician from

22   here in the local D.C. scene as your customer

1   service rep. And that's just really helpful

2   because it means that they understand the

3   vocabulary, and they're easy to communicate with.

4   For me, I mean musicians are diverse.

5   You might not -- different kinds of musicians

6   might have different experiences, but I think it

7   would be similarly a good idea in setting up a

8   new system, rather than setting up a call center

9   of people who don't have experience in -- as

10   working in music, to try and hire from a pool of

11   people who have some direct investment to be

12   shepherding people through this process.

13   MS. BLOSS-BAUM: That's very true. I

14   sit right outside the call center, and I hear

15   them all day long saying, you know, well, they

16   just understand the process; how to do the fields

17   and it's actually, it's a wonderful place to

18   work. Thank you for the compliment.

19   This time of year you're tripping over

20   everybody's instruments in the hallway because

21   they all are gigging out at night. But that's

22   very true, they can really speak from the heart,

1   and they've gone through the process themselves

2   in many cases.

3   MS. TIGNOR: And I would say for

4   someone who can completely relate to -- we are

5   constantly trying to create opportunities to talk

6   about intellectual property. And one of the

7   things that we are always looking for are pop

8   culture teachable moments. So, when you have

9   Chance the Rapper doing an interview, and then

10   suddenly he just goes off and talks about how

11   complicated copyright law is, well, there is our

12   teachable moment.

13   So we sweep in and try to do cute

14   little social media and things like that, and

15   it's just to say -- or when Cardi B is on a

16   billboard, and they're talking about -- and it's

17   a picture of her, and what's going on with your

18   intellectual property. Just little random

19   moments that have somehow pierced the

20   consciousness of pop culture and just turning

21   that into a teachable moment I think is an

22   extremely effective way too.

1   MR. RILEY: And Mark I wanted to give

2   you an opportunity to respond about the

3   suggestion that, you know, it's very important to

4   partner services and creators, and that value --

5   I'm sure it's a point of pride to hear that these

6   very successful artists started out on your

7   service.

8   MR. EISENBERG: Yes. I mean

9   SoundCloud, we want to give tools and services to

10   our creators to be successful. So like I said

11   before, a lot of creators start out as hobbyists

12   and they're putting their works into the stream

13   of commerce, not thinking it's commerce. Then

14   ultimately it becomes a hit, and then they're

15   chasing the tail.

16   So we're trying to educate them just

17   as much about SoundCloud as a platform, but about

18   the intellectual property that's underneath it as

19   well.

20   MR. RILEY: Well, that's great. I

21   think we're running a little low on time. Why

22   don't we just go through and see if anybody has

1   any final thoughts on educating creators?

2   MR. BOGAN: Again I would just say

3   making sure, to your point earlier, that the

4   messaging -- so I'm an educator. I teach at

5   UCLA, and I know that I write very technical.

6   And I've had even my co-founders, who are

7   lawyers, tell me like, okay, that's way too

8   technical. You need to kind of scale that

9   language back in terms of making it palatable.

10   And once we've started doing that and started

11   hearing from artists saying, "oh, I learned more

12   about this because of that article or that e-

13   book."

14   So I think the messaging, the wording,

15   you know, like you said, we're not going to say,

16   I want to manage my metadata effectively, right?

17   I would write that.

18   So I think the copyright, I mean

19   you're the Copyright Office, but making sure

20   there's a copywriter who can write to that

21   audience, not only to -- again, kind of back to

22   my point earlier -- not only to U.S. artists, but

1   the fact that there's international. We get

2   inquiries that come into our in box in multiple

3   languages and unfortunately, we only do support

4   in English at TuneRegistry, but Jammber has

5   multiple languages.

6   But we have people come in and say,

7   hey, we want to do this. One of our biggest

8   clients is in the Dominican Republic, and they've

9   put out -- they've registered thousands of

10   Spanish-language tracks to our system into the

11   U.S. rights organizations.

12   So making sure that we have multi-

13   language support, making sure that the messaging

14   is at a level that they understand, that it's

15   easy to kind of, you know, swallow.

16   MR. DUPLER: Yes, I would just say for

17   the Academy, we're excited about the opportunity

18   and ready to do our part. And again, I think

19   it's on two fronts. I think one, once the portal

20   is established, of getting that out to

21   songwriters, but also on the front end, getting

22   those credits and data there at the very

1   beginning so that you don't have to deal with the

2   unclaimed royalties later on in the chain. So I

3   think focusing on both of those issues is the key

4   to success.

5   MR. ERICKSON: There's a phrase that

6   comes, I think, from the disability justice

7   movement, but it's broadly applicable: nothing

8   about us without us. Just involving creators in

9   the process at every stage.

10   And I think in terms of creating

11   educational materials, you can have fun with it.

12   Let's hire a bunch of songwriters to write songs

13   about entering their metadata in --

14   MS. TIGNOR: And puppet shows.

15   (Laughter.)

16   MR. BOGAN: Pharrell would do it.

17   MR. ERICKSON: We can do more

18   puppets.MS. TIGNOR: I would say keep showing up.

19   With our event in the Copyright Office, like

20   having representatives there, we had great

21   feedback from that. Folks really appreciated it.

22   It kind of removed this veil and this cloud of

1   mystery from -- like, I know there's an office

2   out there. I know that stuff happens, but to

3   actually have you guys in the community and in

4   these spaces is really valuable.

5   And then, I mean I have to tell you

6   about one conversation that happened as a result

7   with one of the folks that was there, is that a

8   creative that was there pointed out, they were

9   like, well do you have any of these materials in

10   Spanish? They didn't have any there, but sure

11   enough -- and I was on the email thread -- they

12   stayed in contact with each other. And she just

13   called me and was telling me oh, I got my box

14   from the Copyright Office. I have an event next

15   week, and I'm going to be sharing it with

16   everyone. So it's just, I think when you show up

17   in the community it really does create this

18   feeling of access and making things a little more

19   tangible.

20   MR. RILEY: I appreciate that.

21   MS. TURNBOW: Yes, I mean I would just

22   say we have to really keep up our appetite to

1 educate. I think there's a real appetite right

2 now to educate, and I think that will continue

3 through January 1, 2021.

4   But it is bound to start to waver

5 some, and it's going to be really necessary to

6 continue education at this same level for several

7 years to really establish the MLC.

8   MR. RILEY: Well I'll take the

9 opportunity to say the last word here. Thank you

10 all for coming. I totally believe you, Todd,

11 when you said you had standing room only. We set

12 the number of chairs in this room as the same

13 number for the 512 hearing, and we had to add 20.

14 So there's a great interest in music education,

15 data, and everything we talked about today. I

16 appreciate you all coming here.

17   We will do the audience participation

18 portion next, so if people are interested in

19 doing that and have signed up, please come to the

20 right of the stage, and thank you all very much

21 one more time.

22   (Applause.)

1   MR. RILEY: So we have our first

2   speaker coming up right now.

3   MS. CORTON: Hi, my name is Monica

4   Corton and I own Monica Corton Consulting, but

5   for the last 30 years I've been in music

6   publishing. And I have three questions, they're

7   rather complex, but I'm just going to do it.

8   If you acknowledge that on January 1,

9   2021 you're launching version 1 of the MLC

10   Licensing Solution, and you're going to have a

11   lot of money to distribute for claimed songs and

12   deal with the bulk of the royalties that will be

13   due plus all of those unpaid NOIs sitting at the

14   Copyright Office for the last two or three years,

15   how come there is not going to be more than three

16   years being given to sort out the unclaimed works

17   before they are thrown into the account that will

18   largely be distributed to the majors, Kobalt, and

19   BMG who collectively own the biggest share and

20   the market share?

21   Second question: I'm confused as to

22   how you are going to source the original MLC

1 database. When Alisa was talking it sounded like

2 you were going to take everyone's CWR and upload

3 that freshly, which would be great because

4 copyright data is constantly being updated.

5 But Ed Arrow said that the great thing

6 about picking HFA is you're using their database

7 and just augmenting it with newly-written songs

8 that are uploaded.

9 The third question, which had to do

10 with Panel 4 and matching works: you accurately

11 explained the complexities of getting the

12 publishing data correct. How is HFA and ConsenSys

13 going to get it done better than HFA's current

14 system, which definitely has issues, because

15 under their administration they caused a $30

16 million settlement with the NMPA over Spotify

17 royalties and a $30 million class action lawsuit

18 that also was in connection with Spotify, and

19 Spotify was the only large DSP that HFA

20 represented?

21 MR. RILEY: Thank you.

22 MR. SANDERS: Hi, some of you guys

1 know me. I'm Charlie Sanders, I'm Outside

2 Counsel to the Songwriters Guild of America. I

3 also teach at NYU. I am Chairman of the Board of

4 the National Music Council of the United States,

5 and former studio musician and counsel to NMPA

6 and I've served for two terms as the New York

7 governor with NARAS.

8   A little bit of audience participation

9 if you want, because I'm going to ask the

10 questions to you. I thought today was great

11 because it was billed as a kickoff. And what we

12 needed was a kickoff to some very, very crucial

13 issues that are going to be worth hundreds of

14 millions of dollars to all of us.

15   And we need to cooperate, we need to

16 show up as all of you guys did, but we also need

17 to have some serious, hard conversations, and

18 today was not about serious, hard conversations.

19   I always try to be brief, and I'm

20 going to be brief, but there are three points

21 that I want to bring up. Maybe you'll agree with

22 me, and maybe you won't.

1   The first one was, we spent the day

2   talking about unmatched. Not a single person

3   asked the question, how much money is out there?

4   We've been asking this question for five years

5   now. It would not be difficult for those

6   companies that are holding this money to --

7   whatever trade secret protection they may need to

8   figure out a way to tell us how much of the

9   unmatched money is out there, and I didn't hear a

10   word about it today.

11   I'm hoping -- do you guys -- is there

12   anybody in this room who doesn't feel like we

13   deserve to know that information now? Okay. And

14   if Alisa says so, I believe it. I want to finish

15   that point by just saying, yes, a lot of people

16   are happy when they get a $10 check, but not

17   after a $10,000 from the last panel.

18   In terms of the hour-long discussions

19   that were had today about the database, not a

20   single person mentioned the fact that the Act

21   itself does not include songwriter name data as

22   one of the key data points. We had a panel of

1   creators up here who, when I spoke to them after

2   the panel, were unaware of that.

3   That's not an honest discussion about

4   the things that we need to be talking about. The

5   Copyright Office is given the authority to

6   correct that without any problem. The Songwriters

7   Guild made sure to hone in on that in its last

8   round of comments, and we are very hopeful that

9   the Copyright Office is going to be able to,

10   through discussion and whatever else needs to be

11   done, to make sure that the database is complete.

12   But we can't ignore that issue because

13   it was raised often during the legislative

14   process, and it was never addressed.

15   And the third, I want to thank -- my

16   colleague, Ashley, is going to be discussing a

17   couple of things with you, but I just want to

18   mention that there are a lot of sources of

19   information out there coming from the independent

20   creator community. The Trichordist is out there,

21   Digital Music News is out there, and they are

22   reporting on issues that we all need to follow.

1   Most of those issues involve oversight

2   by the government, and the Songwriters Guild of

3   America -- and I'm only speaking today on behalf

4   of SGA -- is highly confident that the Copyright

5   Office is the correct place for the oversight to

6   take place, and that we simply want to repeat

7   over and over and over again that there are

8   built-in conflicts of interest in this law. We

9   knew it when it was enacted, and the folks who

10   enacted it gave the authority, expansive as it

11   is, to the Copyright Office to keep an eye on

12   what's going on.

13   It is imperative in a situation like

14   this where we do not have a balanced board of

15   directors, unlike SoundExchange, that the rights

16   of creators are protected by the government

17   agencies that have been given the authority to do

18   so.

19   So I'm just going to end with that.

20   Terrific kickoff, and we certainly look forward

21   to many, many more opportunities to discuss these

22   harder issues that need to be addressed. Thanks.

1   MR. RILEY: Thank you, Charlie. Next

2   up?

3   MR. IRWIN: Hi, everyone. My name is

4   Ashley Irwin. I am a working composer,

5   songwriter, a music producer. I'm also president

6   of the Society of Composers and Lyricists which

7   is your 879th acronym today. We are known as the

8   SCL.

9   So all I wanted to say was, or I'll

10   pose the question that -- well, let me just

11   expand on that one a little bit more. We are

12   primarily an organization, or the organization of

13   which I am president, the composers and

14   songwriters who work in the audio-visual space,

15   film, television, video games, that sort of

16   thing.

17   We have a membership of over 1,600,

18   and most of the professional songwriters and

19   composers -- well, virtually all of the

20   professional songwriters and film composers you

21   know are our members.

22   The thing I wanted to address was the

1 fact that one of the great sort of hopes we had

2 for the MLC was the inclusion of David Lowery as

3 an independent voice on behalf of, as Charlie

4 said, an unbalanced board.

5 David's obviously stepped down and

6 given as his reason for doing so, the bandwidth

7 was too much for him to cope with. And since

8 that time, to the best of my knowledge, no

9 replacement has been put forward. I'm not sure

10 how that replacement is going to be chosen, but I

11 think it would be really nice if the creative

12 community was involved in that choice. So that's

13 basically all I wanted to say as my question. If

14 we know who that replacement is, could we please

15 advertise it to the community? If not, can we

16 please be involved in the choice? That's it.

17 MR. RILEY: Thank you, Ashley. Next?

18 MR. PEACE: My name is Leon Peace, and

19 I'm unaffiliated. I want to begin with first an

20 admission that I did not expect to be asking my

21 question from up here, I planned on asking it

22 from down there. However.

1   I'm a tax lawyer and lobbyist here in

2   Washington D.C. I've recently been working with

3   the tech industry, and I'm a former musician. A

4   hundred years ago when I was a kid I played with

5   some people in New York and had a record.

6   But my question now is dealing with

7   the advent of this artificial intelligence and

8   quantum computing. And I'd like to ask the

9   experts, how will artificial intelligence and the

10   emerging quantum computing help with the

11   identification of content for royalty payment

12   purposes, A?

13   And the part B is, theoretically, how

14   would it help expedite getting the payments to

15   the artists? So, short and sweet. Thank you.

16   MR. RILEY: Thank you. And our last

17   speaker.

18   MS. SHOCKED: I'm Michelle Shocked.

19   I brought my visual aid, my Harry Fox and MRI

20   NOIs and the checks for the micro pennies, and my

21   deep, abiding cynicism that despite the Copyright

22   Office's best efforts, that this conversation

1   today, this kickoff has not been in good faith

2   whatsoever.

3   My cynicism for that is that I have

4   personally been a target of quarantine, of

5   censorship, of silence and dissent, but that's

6   just me personally.

7   I'm a member of an artists' rights

8   community, and I've seen over and over again

9   where the uncomfortable questions, the impolitic

10   questions, are pushed aside for the agenda that

11   is to make this work, as David Israelite put it,

12   at all costs.

13   This was legislation designed to pass,

14   so they took all the uncomfortable questions and

15   put them aside so that we could achieve

16   consensus. This is not consensus.

17   This is propaganda, and the panels

18   that I've seen speaking today have left me with

19   one simple question: how much money do you guys

20   owe me? I don't think I'm going to get an answer.

21   There's a lot of concern with the

22   Harry Fox and ConsenSys vendors that are being

1   put here. I wish I had prepared words for you

2   right now. All I can tell you is that there's a

3   party game as I look out, and I'm reminded of it.

4   It's called musical chairs, that we think it's

5   over who wins the last chair, but that's now how

6   the game is played.

7   The game is played when you keep the

8   music going as long as possible because once the

9   music stops, the game is over. I'm speaking from

10 my heart as a songwriter. I cannot participate

11 in the Spotify or the Napster settlements because

12 not only were my songs, my mechanicals infringed,

13 but my masters. And if I take the settlement on

14 the mechanicals, I have no claims left on the

15 masters.

16   Please look inside your conscience and

17 be prepared for people like me who are angry, who

18 are bitter, who are cynical, because we've been

19 cheated. I'm not the only one. And let's really

20 have the hard conversations as this thing

21 proceeds. Thank you.

22   (Applause.)

1   MR. RILEY: Thank you very much, and

2   thank you all for coming today. I wanted to

3   remind you of three things before we leave.

4   First, we have all our educational materials on

5   our website at copyright.gov/music-modernization.

6   We will be filling that out with more educational

7   materials in the new year.

8   Second, this is the kickoff for the

9   policy study. If you are interested in submitting

10   comments to the policy study or participating in

11   a future roundtable, please look to our website

12   in the next year.

13   And finally, we do have one other item

14   of note. If you are interested in the rulemakings

15   associated with the MMA, December 20th is the

16   final time for the NOI reply comments to be due.

17   Those are due at five o'clock on the 20th.

18   And thank one more time for all coming

19   today. Appreciate it.

20   (Applause.)

21   (Whereupon, the above-entitled matter

22   went off the record at 5:22 p.m.)

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