

**VIA ELECTRONIC TRANSMISSION**

February 24, 2021

Shira Perlmutter  
Register of Copyrights and Director  
United States Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000

Dear Ms. Perlmutter:

I write you today in my capacity as Ranking Member of the Senate Judiciary Committee Subcommittee on Intellectual Property. As you well know, our creative economy leans heavily on the incentives that our copyright system provides to creators. That is why I spent much of the past year reviewing the state of our copyright law, particularly how the Digital Millennium Copyright Act has adapted to technological changes, and why I am currently working with stakeholders representing diverse interests to refine legislation that will deliver the most significant copyright reforms in a generation.

But one thing I heard from a range of stakeholders across the six hearings that my subcommittee held last year is that increasing copyright education among the general public could benefit everyone by helping individuals better understand the rights, limitations, and legal obligations created by our copyright system. To that end, I write to ask that the Copyright Office supplement its excellent educational materials and programs by developing new materials that help creators better understand the burgeoning DIY licensing markets, particularly in the area of music.

Today, musical artists can visit websites offering massive catalogs of beats for purchase or, at a lower rate, lease. These instrumental clearinghouses are particularly attractive to early-career singers who can combine beats with their vocals into a full song. Sometimes, those songs go viral and a new music star is born. This happened recently for a North Carolina singer named Caleb Hearn—but he soon discovered that having your song go viral might can trigger licensing terms that might strip an artist who leased music of control over the song.

In an age when Americans are bombarded daily by click-through license agreements—often so long that even the Chief Justice of the Supreme Court has said he doesn't always read them—it is easy to see how an independent artist might misunderstand the contract terms involved in DIY music licensing. Educational materials helping the public better understand the relationship between DIY music licensing and copyright would help creators better navigate the arrangements they enter.

Such educational materials would fit in nicely with the Copyright Office’s ongoing efforts to ensure that today’s music marketplace is a fair one. As I understand it, part of the Copyright Office’s work implementing the Music Modernization Act has included conducting over 50 outreach events, publishing numerous handouts and videos, and hosting an educational symposium. The Copyright Office’s recent guide entitled “How Songwriters, Composers, and Performers Get Paid” already serves as an important resource for musicians trying to earn a living from their creativity. I would like to see the Copyright Office augment its resources to provide additional materials useful for the DIY music community. By promoting a strong understanding of the basics of copyright law, the Copyright Office can help creators continue to do what they do best: create the new works that inspire generations of Americans and fuel the U.S. economy.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in blue ink that reads "Thom Tillis". The signature is fluid and cursive, with a long horizontal stroke underlining the name.

Thom Tillis  
United States Senator



The Register of Copyrights of the United States of America  
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000

The Honorable Thom Tillis  
Ranking Member, Subcommittee on Intellectual Property  
Senate Judiciary Committee  
113 Dirksen Senate Office Building  
Washington, D.C. 20510

December 6, 2021

Dear Senator Tillis,

Thank you for your letter of February 24, 2021, requesting that the Office develop new materials that help creators better understand the burgeoning DIY licensing markets, including educating creators about “beat stores,” those websites offering beats for “purchase” or “lease” to be integrated into new songs. The Copyright Office appreciates the opportunity to further our educational outreach activities to musicians and other creators in the music space, and I would like to update you about the status of our efforts to respond to your request.

We are in the process of finalizing a handout to inform creators about the underlying concepts of sampling, mashups, remixes, interpolations, and cover recordings, with a focus on how each of these activities might implicate other creators’ exclusive rights. With that background, and without giving any legal advice, the handout identifies important considerations for creators who are considering purchasing or licensing beats, including highlighting common beat store contract terms.

Our design team is in the process of formatting the draft, which we expect to be finalized this week. Once completed, we will include the handout on our MMA Educational Materials page (<https://www.copyright.gov/music-modernization/educational-materials/>), where we will be able to promote it during our various outreach events along with other information on copyright for musicians, musicians’ payment streams, and related topics. We will be sure to provide your office with a copy of these materials as soon as the handout is completed.

As always, we look forward to continuing to provide assistance to the work of the Subcommittee and educational materials relevant to all of the Copyright Office’s stakeholders. If my staff and I may be of service with respect to any other matters, please do not hesitate to contact me.

Sincerely,

Shira Perlmutter  
Register of Copyrights and Director,  
United States Copyright Office