

# LATHAM & WATKINS LLP

July 13, 2020

**VIA EMAIL**

Regan Smith  
General Counsel and Associate Register of Copyrights  
U.S. Copyright Office  
101 Independence Ave. SE  
Washington, D.C. 20559-6000  
regans@copyright.gov

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Re: DLC's Response to the Copyright Office's June 30, 2020 Letter

Dear Ms. Smith,

I write on behalf of Digital Licensee Coordinator, Inc. ("DLC") in response to the letter of June 30, 2020 from the Copyright Office (the "Office"). In that letter, the Office asks DLC and the mechanical licensing collective ("MLC") a number of specific questions regarding the topic of metadata in connection with the Office's ongoing rulemaking proceeding to implement usage reports and related issues under the Music Modernization Act ("MMA").<sup>1</sup>

As the responses below reflect, there is a wide variety of behaviors and practices among digital music providers ("DMPs") with respect to the altering of metadata. Many DMPs do not alter metadata at all; others do it infrequently; others do it somewhat more frequently as part of a regular practice of cleanup and data hygiene. The results are similarly varied for blank data—which most DMPs leave blank, but which some DMPs fill in (and/or *must* fill in) to complete their data ingestion processes. Overall, this highly diverse set of approaches makes *ex ante*, one-size-fits-all regulation a poor fit for this issue, particularly given the limited time remaining before the license availability date ("LAD").

More urgently, DLC must emphasize that time is fast running out to finalize reporting requirements so that DMP engineers can build the necessary pathways and protocols by the LAD. A great deal of technological work remains to be done—indeed, to be begun—and the design parameters have not yet been locked. For at least one major DMP, it is already too late to report unaltered metadata by the LAD. For others, it *will* be too late if the requirements are not finalized in a published rule by the end of this month; too late to build new capabilities to address unaltered metadata, and perhaps too late to address other critical functionality that will be far more important to the success of the blanket license and the MLC.

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<sup>1</sup> 85 Fed. Reg. 22,518 (Apr. 22, 2020); Docket No. 2020-5.

Given the long technological road that remains to be traveled, the MLC's continued insistence on regulating the nuances of highly variegated metadata practices reflects a failure of prioritization. The priority should be to get a solid infrastructure for DMP-to-MLC reporting fully built well in advance of the LAD—not as an 11<sup>th</sup> hour item. Hairsplitting among metadata fields, in their altered or unaltered types, is not mission-critical to that goal. The alteration of metadata is a marginal issue by any definition. DMPs estimate that less than 1% of tracks have any altered metadata. The viability of a reporting infrastructure that can handle over 99% of streaming music should not be put at risk just so the metadata nuances of a tiny fraction of tracks can be regulated through a microscope.

The MLC's persistence on this issue is also unfounded because the processing of altered data should not pose significant challenges to any reasonably designed system. The MLC's stated purpose for seeking unaltered data is to assist with matching efforts. But just as the number of tracks with altered data is estimated at less than 1%, the number of data fields *within* that 1% is limited. Matching can be done on the other, unaltered fields. Even on the altered fields, it should be trivial to construct “fuzzy” search or matching technologies that render immaterial the differences between original and altered data. As discussed further below, most metadata changes are simple cleanup (e.g., from “Beatles, The” to “The Beatles” or “Beatles”).

It should be (and is) the MLC's job to construct technological solutions to handle those minor differences in the matching process, not DMPs' job to re-engineer their platforms, ingestion protocols, and data retention practices so that the MLC receives inputs it likely does not require. For at least some DMPs, doing this work would touch every part of the digital supply chain, involving interactions from multiple cross-functional teams, modifications of legacy systems, and new engineering pathways to capture, store, and report unaltered data. There is no reason to force DMPs to go to those lengths. The MLC's system is meant to be a pacesetter in the industry, not a brittle program that fails just because DMPs sometimes correct typos in metadata sources.

Continuing to pursue this misplaced priority—rather than finalizing the regulation and design parameters and moving on to the build phase—risks derailing the path to technological readiness by the LAD. While DLC appreciates the Office's close and careful engagement on these issues, time is of the essence. DLC therefore looks forward to bringing this process to resolution, and eagerly awaits the promulgation of the rule.

## **I. QUESTIONS 1, 3, 4, AND 6: MODIFIED DATA AND REPORTING BURDENS**

*Question 1: List each data field proposed in § 210.27(e)(1) that individual DLC members may revise, re-title, or otherwise edit or modify in the ordinary course. For each such field, describe the typical nature of any such modification (e.g., to distinguish among different recorded versions, to normalize an artist name, etc.) and estimate, in percentage terms, how often the field is typically modified by DMPs.*

Section 210.27(e)(1) of the Proposed Rule contains the following metadata fields. The metadata that certain DMPs sometimes revise are in red, bold, and underlined text below.

§ 210.27(e)(1)(i)(A)-(D) Mandatory Identifying Information	§ 210.27(e)(1)(i)(E)(1)-(4) Sound Recording Data (If Available & Practicable)	§ 210.27(e)(1)(ii) Musical Work Data (If Available & Practicable)
<ul style="list-style-type: none"> <li>• <b><u>Sound recording name</u></b></li> <li>• <b><u>Featured artist</u></b></li> <li>• DMP unique identifier*</li> <li>• <b><u>Playing time</u></b></li> </ul>	<ul style="list-style-type: none"> <li>• SR copyright owner               <ul style="list-style-type: none"> <li>○ DPID</li> <li>○ <b><u>LabelName</u></b></li> <li>○ <b><u>PLine</u></b></li> </ul> </li> <li>• <b><u>Producer</u></b></li> <li>• <b><u>ISRC</u></b></li> <li>• Catalog number</li> <li>• UPC</li> <li>• Distributor unique identifier</li> <li>• <b><u>Version</u></b></li> <li>• <b><u>Release date</u></b></li> <li>• <b><u>Album title</u></b></li> <li>• Label name</li> <li>• Distributor</li> </ul>	<ul style="list-style-type: none"> <li>• <b><u>Songwriter</u></b></li> <li>• Publisher with U.S. rights</li> <li>• Musical work rights owner</li> <li>• ISNIs &amp; IPIs for the above</li> <li>• Ownership shares</li> <li>• Musical work ISWCs</li> <li>• Musical work name</li> </ul>

The reasons for modifying these data fields vary depending on the type of metadata, the DMP’s practices and technological demands, and the specific circumstances. Not every DMP modifies all of the underlined fields above. Some do not alter metadata received from record labels at all, or alter such metadata solely for their internal recordkeeping structures that do not flow into with their pathways for reporting to the MLC. Nor does every DMP modify the same type of metadata in all instances. In addition, some DMPs occasionally modify other metadata types that are not listed above—such as genre, alternative genre, Cline, release type, and explicitness.

In general, however, the most common reason for altering metadata fields is cleanup. Sometimes metadata includes “illegal” characters, exceeds character limits, or has other features that render a DMP’s system incapable of ingesting and processing it as is. In other instances, metadata contains misspellings, typos, redundant spaces, improper formatting (*e.g.*, half-width or double-width instead of “normal” characters), or requires other adjustments to achieve NFC Unicode normalization. Depending on the context, these cleanup changes may be necessary prerequisites to the proper processing and handling of the metadata within a DMP’s system, or they may simply be part of a DMP’s data management best practices.

There are other common reasons for making changes that are specific to the particular type of metadata. For “featured artist,” some DMPs find it necessary to standardize disparate metadata received from record labels that correspond to the same artists—ensuring that the content for “Bob

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\* The DMP unique identifier is not an “altered” metadata field, but it is created in the first instance by each respective DMP rather than being transferred from record label metadata feeds.

Marley & the Wailers” is not disassociated from content for “Bob Marley.”<sup>2</sup> For “playing time,” there can be discrepancies between the actual track length (determined by processing the audio) and the track length as reported in the record labels’ metadata (sometimes erroneously assigned a value of zero). In addition, some DMPs typically merge the “sound recording name” and “version”—*e.g.*, the “radio edit” version of “Say So” becomes “Say So (Radio Edit).” Some DMPs also find alterations occasionally necessary to conform references to featured artists, producers, or songwriters who have different conventions for spelling their names with non-alphanumeric characters (*e.g.*, Pink/P!nk or Kesha/Ke\$ha), as non-alphanumeric characters have different implications for how metadata is processed in some instances. As another example, metadata for albums often includes extraneous information relating to the album’s medium or version (*e.g.*, “CD,” “digital,” “EP,” “single”) that is not part of the album’s title *per se*. Some DMPs remove that information so that the metadata field for the album contains only its title, not other descriptors. Lastly, some DMPs occasionally find it necessary to alter the “release date” depending on what information the metadata contains and what the particular DMP is attempting to preserve as between original release date, re-release date, or some other date.

As DLC previously noted, two services (MediaNet and YouTube) estimated that fewer than 1% of tracks have altered metadata.<sup>3</sup> DLC has attempted to learn how often other services alter the foregoing metadata fields, but has concluded that it is not possible to develop such an estimate in the timeframe provided for this response.

***Question 3: Describe the estimated burden, including time, expense, and nature of obstacle, that individual DLC members anticipate they will incur if required to report all sound recording and musical work data fields required by the proposed rule in the unmodified form in which it is acquired.***

For most DMPs, the inclusion of unaltered metadata in usage reporting lies on the same critical path as the engineering of DMP-to-MLC reporting functionality in general. Thus, for those DMPs, the burden, difficulty, and associated timeline depend on (1) when the final parameters for the DMPs’ overall reporting obligations will be established, and (2) how extensive they are. If the Office finalizes the Proposed Rule’s reporting requirements this month (and if, as DLC suggested in its prior comments, the Office limits the types of unaltered metadata that must be reported), then DLC expects that the DMPs will be able to include unaltered data types in their reports of use to

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<sup>2</sup> The regulatory term “featured artist”—intended to refer to the artist or *primary* artist—differs from a common industry understanding of the term “featured,” which refers to a *guest* artist who contributes to the primary artist’s track. For example, in industry terms, Jimmy Page is the “featured” artist in the track “Come With Me” by “Puff Daddy (featuring Jimmy Page),” but in regulatory terms, Jimmy Page is not the “featured artist” on that track. Some DMPs may alter metadata concerning the artist in these circumstances as well, and may import and ingest the metadata corresponding to the primary artist without necessarily including the name appearing in the “featuring” parenthetical within that same field. DLC estimates fewer than 5% of all tracks have a “featuring” parenthetical.

<sup>3</sup> See DLC’s March 2, 2020 *Ex Parte* Letter at p. 2.

the MLC by the LAD. DLC also expects that for those DMPs, the costs incremental to the broader engineering project of creating the DMP-to-MLC reporting infrastructure would be minimal.<sup>4</sup> Burdens would include several months of cross-functional teams comprised of engineers, data scientists, accountants, and project managers—the same basic composition of the teams that are currently awaiting finalization of the Proposed Rule to begin their final preparations for the LAD.

For other DMPs, however, the engineering roadmap and resources dedicated to building the DMP-to-MLC pipeline have progressed to a point where the reporting of unaltered metadata is likely to be impossible before the LAD. That is already the case for one major DMP, and is likely to be the case for other DMPs if the Proposed Rule and its reporting requirements are not finalized by the end of July. If the finalization of the rule were delayed beyond this month, the ability to address unaltered and modified data reporting—and other, critical technical projects—would potentially suffer negative impacts.<sup>5</sup> At that point, the issue of unaltered data reporting would have to be decoupled from the current regulatory effort to set the rules that will be in effect as of the LAD. As DLC explained in its prior comments, any “midstream” change in reporting requirements after LAD should come with a transition period of one year.<sup>6</sup> Implementing new data reporting requirements requires significant, cross-functional engineering resources that, after the LAD, will not remain on standby nor be subject to immediate re-activation.<sup>7</sup>

For all DMPs, however, DLC must underscore the points made in the opening pages of this letter. Unaltered metadata is not a problem worthy of risking the viability of a workable architecture for DMP-to-MLC reporting, which is already on the cusp of an irretrievable delay. It represents a tiny fraction of all tracks, and any challenges it may pose to the matching process can be solved through “fuzzy” searches or matching constructs made by the MLC—perhaps easily, and certainly at a much lower cost than forcing DMPs to reconfigure the ways they ingest, process, and store metadata.

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<sup>4</sup> There is one important caveat for SoundCloud, which maintains two different kinds of metadata—a DDEX-compliant type that is comparable to the metadata maintained by other DMPs, and a “manual” type that content owners have the option to create and edit as an alternative to the more traditional DDEX-style model. Because the latter type is creator-controlled, not label-provided, it would be prohibitively complex and laborious for SoundCloud to report both the “original” and “last edited” versions of those creator-controlled metadata types. However, SoundCloud will report the “last edited” versions.

<sup>5</sup> The same would be true if the scope of unaltered data types currently required by the Proposed Rule were expanded (because any new technical requirements add to the engineering burden), but that is a less acute concern than the “start date” on which the DMPs’ technologists can begin building their reporting architectures.

<sup>6</sup> DLC’s Comments on NPRM re: Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and reports of Usage and Payment (Docket No. 2020-5) at pp. 6, 11.

<sup>7</sup> *Id.*

***Question 4: What, if any, operational burdens would be associated with DMPs being required to report the source of reported sound recording and musical work data and/or denote whether the DMP made any modifications from the source material? If required, would the DLC's members be able to do so by the license availability date? If not, how long of a transition period would reasonably be appropriate? Please suggest any proposed regulatory language with respect to a potential data provenance requirement.***

DLC cannot tell if this question is proposing a simple notation marking whether metadata is “original” or “altered,” or a more comprehensive system that provides a complete track and audit trail for any metadata changes. However, neither approach would make for appropriate regulation.

A notation marking whether metadata is “original” or “altered” is not a detail that requires regulatory action. It is fully within the MLC’s statutory purview and technological capability to identify and interpret changes across the metadata fields it receives from DMPs. No special notation from DMPs should be necessary for the MLC to process “original” vs. “altered” metadata (and notably, the MLC never said otherwise in its comments on this issue).<sup>8</sup> But even if the MLC does have questions about the provenance of a DMP’s data that are not readily apparent from the information contained within the metadata feed itself, there is no reason to believe the parties cannot resolve them, in individual discussions or through conversations at the Operations Advisory Committee (“OAC”). *Ex ante* regulation would not be necessary or helpful to that process.

Alternatively, if this question is proposing a tracking or audit system for metadata, that would be impractical, inadvisable, and not reasonably feasible on any timeline. An audit trail would be unlikely to have any substantial value unless it had high integrity and reliability, which would require a comprehensive review of each company’s parameters for data access, permissions, reconciliations, and quality control. Although it is unclear what value the MLC would derive from such a system, there is simply no benefit that would overcome the burdens of creating it.

***Question 6: For the fields identified in response to question #1, if the rule required reporting of unaltered data, would the DLC's members be able to do so by the license availability date? If not, how long of a transition period would reasonably be appropriate? If the answer varies depending upon the field being modified, please explain.***

Please see the response to Question 3.

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<sup>8</sup> The mere presence of two of the same fields in a usage report would signify that “original” and “altered” fields have been reported, and in most instances, it will be readily apparent to the MLC which is which, given that the reasons for alterations typically involve the cleanup of illegal characters or other nonconformities visible on the face of the original metadata.

## II. QUESTION 2: FILLING IN BLANK OR EMPTY DATA FIELDS

*Question 2: The DLC explains in its comments to the NPRM that “[i]t is not uncommon for DMPs to fill in empty data fields when the relevant information is known to them.” List each data field proposed in § 210.27(e)(1) that individual DLC members may fill in in the ordinary course when first received blank from sound recording copyright owners or other distributors. For each such field, explain from where such supplementary information is typically acquired and estimate, in percentage terms, how often the field is typically filled in by DMPs.*

With respect to the mandatory information required under Section 210.27(e)(1)(i)(A)-(D) of the Proposed Rule, record labels sometimes send blank or zero-value “playing time” metadata to DMPs. While some DMPs leave that metadata as is, others occasionally take a blank playing time field and “update it to actual” based on transcoding the actual length of a specific track. That practice, when it occurs, is a matter of the DMP’s own internal data standards, not a consequence of any regulatory obligation (nor should it be mandated by future regulation).

With respect to the information required to be reported—where available and practicable—under Section 210.27(e)(1)(i)(E)(1)-(4) of the Proposed Rule, record labels sometimes provide blank fields for such data types as album title, release date, UPCs, distributor’s unique identifier, and DPID.<sup>9</sup> DMPs may leave that metadata as is, or, in order to satisfy the ingestion requirements of their particular systems, may fill in the blanks based on their own research or ask the label to redeliver a more complete set of metadata.<sup>10</sup> Here as well, the variety of voluntary practices that exist do not result from regulation (and should not be mandated by future regulation).

With respect to the information required to be reported—where available and practicable—under Section 210.27(e)(1)(ii) of the Proposed Rule (*i.e.*, musical work data), industry participants have noted that the record labels’ metadata feeds “may in some cases include a limited amount” of this information, and “only where known to the record company with confidence and at a time that makes it practicable to communicate.”<sup>11</sup> The experience of DLC’s members is consistent with this observation: the record labels’ regular metadata feeds generally do not fill in the fields listed in Section 210.27(e)(1)(ii) of the Proposed Rule. DMPs generally leave these fields blank as well (though if musical works copyright owners found ways to bring their data into the label-to-DMP pipeline, then DMPs would be able to pass that information along in the ordinary course). The principle exception is the “songwriter” metadata field, which occasionally *is* included in the record

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<sup>9</sup> Some record labels do not have DPIDs. Occasionally, record labels also omit ISRCs as well, but for *reported* works that are actually streamed and administered by the MLC, this is rare.

<sup>10</sup> For example, MediaNet’s platform requires certain metadata fields to be present in order to ingest the content itself. MediaNet therefore *must* fill in the blanks for those data types, either through one-off research or seeking redelivery from the relevant record label.

<sup>11</sup> Comments of the Alliance for Recorded Music (“ARM”) in Docket No. 2020-5 at 7.

labels' metadata feeds. That occurs most often when the featured artist is also a songwriter, and in those cases, some DMPs also occasionally fill in a blank songwriter field with the featured artist.

Lastly, it should be noted that some DMPs, when working with small labels, take a more active role in filling in the metadata fields manually and in the first instance, rather than relying on label feeds. Similarly, SoundCloud allows content owners manually to create in the first instance certain metadata (and later to edit it), as an alternative to the more traditional DDEX-compliant metadata logging and reporting structures that SoundCloud also uses.

### III. QUESTIONS 5 AND 7: IMPRACTICABLE DATA TYPES

*Question 5: List each data field proposed in § 210.27(e)(1) that the DLC contends would be overly burdensome for certain DLC members to report if the Office does not limit reporting to the extent practicable (but still conditions reporting on the data being appropriately acquired). For each such data field, describe the estimated burden, including time, expense, and nature of obstacle, that individual DLC members anticipate they will incur if required to report.*

*Question 7: For the fields identified in response to question #5, if reporting of these fields were required (to the extent the data was appropriately acquired by a DMP, rather than also to the extent practicable), would the DLC's members be able to do so by the license availability date? If not, how long of a transition period would reasonably be appropriate? If the answer varies depending upon the field being reported, please explain.*

DLC notes that the duty to report the types of metadata in Section 210.27(e)(1)(i)(A)-(D) of the Proposed Rule does not turn on whether it is “practicable” to do so. At the same time, the types of metadata required by Section 210.27(e)(1)(i)(E)(1)-(4) need not be reported—even if it were “practicable” to do so—unless they were acquired by the DMP “in connection with its use of sound recordings . . . to engage in covered activities[.]” And the types of metadata required by Section 210.27(e)(1)(ii) need not be reported—again, even if that would be “practicable”—unless they were acquired by the DMP “in the metadata provided by sound recording copyright owners or other licensors of sound recordings[.]” Thus, to be clear, there is no obligation to report any information listed under subsections (e)(1)(i)(E) or (e)(1)(ii) where it was not previously “acquired” by the DMP.<sup>12</sup>

As noted in response to Question 2, however, the vast majority of the fields listed in subsection (e)(1)(ii) are usually not included in the metadata feeds that record labels send to DMPs. To ask whether it would be “practicable” for DMPs to report that information to the MLC is, accordingly, an almost entirely hypothetical question. But taking that hypothetical on its terms,

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<sup>12</sup> Nor, as the Proposed Rule makes clear, need a DMP report information that *has* been acquired if it would be “impracticable” to do so.



and assuming (against experience) that DMPs actually acquired *all* of the metadata types listed in subsections (e)(1)(i)(E) and (e)(1)(ii), the answer is that it would be impracticable (and for some data fields, impossible) to report subsection (e)(1)(ii)'s musical work information to the MLC.

The fundamental problem arises from the fact that for subsection (e)(1)(ii)'s data types, there are no mandatory DDEX data fields, and in some instances, no data fields at all. Notably, although ISWC and “songwriter” are optional DDEX fields, there appears to be no DDEX-compliant way to report “musical work copyright owner” or “ownership share,” not even through an optional DDEX field. To understand why this is a significant problem requires an understanding of DDEX's role in the data collection and reporting process. The volume of data in music streaming is enormous, and record labels usually push new metadata feeds to streaming services on at least a weekly basis.<sup>13</sup> To process these vast quantities of ever-updating data requires powerful, sophisticated computer automation, and for that automation to work, the data it processes must come wrapped in a common language. DDEX is an international standard-setting body that, among other things, lays the groundwork for different computer systems—with different designs, architectures, processes, and syntaxes—to understand exactly what each other mean when they exchange certain kinds of data, and then to *use* that data to achieve the desired result.

Because DDEX operates as the *lingua franca* in the musical metadata ecosphere, the absence of DDEX fields for musical works information means that is information that cannot be communicated from one computer system to another in the ordinary course. It is not merely a matter of conveying that information in a different filetype—pasted into a Microsoft Word document, or a spreadsheet, for example. Those workarounds do not scale to the data mountain at hand, and if it is not “spoken in DDEX,” it is not intelligible as between the two systems on both sides of the exchange.<sup>14</sup> Even for those data types that do have an optional DDEX-compliant field, there may be computer coding issues that must be resolved before it would be practicable to report them on a regular basis. Until their usability and impact on system stability is better understood through experience, it would not be prudent to force the MLC to ingest data types that are not commonly handled by labels or DMPs.

This is a firm technological problem, and an unavoidable one—at least for now. DLC understands that the MLC has been working with DDEX to develop standards that would cover at least some of the information contemplated by Section 210.27(e)(1)(ii) of the Proposed Rule. Those standards will take time to develop, not least because DDEX is a consensus-driven organization with a reach that, in some respects, sweeps broader than the jurisdiction of the Office. DDEX is international, and its goals and specialties are distinct from those of the Office. Given those realities, the MLC should be left to progress these issues with DDEX in the absence of regulation or any other insertion of the Office into those ongoing discussions.<sup>15</sup>

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<sup>13</sup> See, e.g., Comments of the Alliance for Recorded Music (“ARM”) in Docket No. 2020-5 at 7.

<sup>14</sup> Attempting to wedge non-DDEX data types into coding protocols that are built around DDEX standards could be worse than unintelligible; it could be disruptive to the functioning of the code.

<sup>15</sup> As DLC explained in its prior comments, the importance of DDEX to current computer coding practicalities does not make it appropriate to delegate to DDEX a future power, *carte blanche*, to

There are three additional important points regarding impracticable reporting obligations. *First*, there is no DDEX standard field for “producer”—Section 210.27(e)(1)(i)(E)(2)—but DMPs intend to use the existing DDEX field of “Work Contributor” as an adequate substitute (which is consistent with the Proposed Rule). *Second*, as noted above in footnote 4, SoundCloud maintains a type of creator-controlled metadata that is impracticable to report in its original form (though it can be reported in its “last edited” form). *Third*, DLC now understands that there is no DDEX field by which the information required under Section 210.27(e)(5) of the Proposed Rule (regarding voluntary license information) can be communicated. Accordingly, the means by which DMPs will provide that information remains to be determined, but may be resolved through discussions directly with the MLC (which DLC understands to recognize the current impossibility of communicating this information through the DDEX feed).

#### IV. QUESTION 8: CONVERSION OF THE DPID DATA FIELD

***Question 8: With respect to the sound recording copyright owner field, which the Office proposed DMPs could report by using the DDEX fields of DPID, LabelName, and PLine, ARM objects to the DPID numerical identifier being disclosed, and requests that the DPID party’s name be the data point that is reported to the MLC. Are DMPs able to convert the DPID numerical code into the party’s actual name for reporting purposes? If the DLC contends a transition period would be required to report the party name, please provide an estimate for this period.***

DLC’s members believe it is conceptually possible to develop such a mechanism, though it would require at least a substantial effort for some services, and would be an impracticable burden for some others. For those DMPs for which it would be feasible to develop a new conversion mechanism, the expected timing requirement would be at least one year (see the response to Question 3 above).

DLC believes these burdens outweigh the benefit that would accrue from requiring DMPs to convert DPID numerical codes into parties’ names. As other commenters have noted, DPID is not a highly valuable data field, and the other two fields for sound recording copyright owner data (LabelName and PLine) are adequate on their own.<sup>16</sup> DDEX itself explained that DPID’s “purpose is to uniquely identify parties exchanging computer messages using DDEX standards,” and it

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impose new reporting requirements. See DLC’s Comments on NPRM re: Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and reports of Usage and Payment (Docket No. 2020-5) at pp. 4-7. Rather, formal separation between this Office’s regulatory requirements and the rules of international technological standard-setting bodies should be maintained. If DDEX adopts an appropriate standard for reporting the information contemplated by Section 210.27(e)(1)(ii), the MLC can return to the Office for appropriate regulatory amendments.

<sup>16</sup> See, e.g., DDEX’s Comments on NPRM re: Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and reports of Usage and Payment (Docket No. 2020-5) at pp. 1-2.

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therefore “effectively only identifies the sender and/or the receiver of a DDEX formatted message.”<sup>17</sup> It is not practical to expend significant resources on rehabilitating the weakest of these three links, especially given that the other two are strong. Moreover, if it truly were necessary to convert DPID (or any other data type) into something more useful, that task would fall much more squarely in the mandate of the MLC rather than the DMPs.

\* \* \*

DLC looks forward to discussing these issues with the Office and with the other parties on July 22—and to a finalized rule that enables DMPs to set their engineering processes in motion.

Best regards,

A handwritten signature in black ink, appearing to read "S. V. Damle". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Sarang V. Damle

CC via email: Jason Sloan  
jslo@copyright.gov

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<sup>17</sup> *Id.* at p. 1.