



December 29, 2023

Rhea Efthimiadis
Assistant to the General Counsel, Library of Congress
101 Independence Avenue SE
Washington, DC 20559-6000

Re: Summary of Comments of *Ex Parte* Meeting Regarding Termination Rights, Royalty Distributions, Ownership Transfers, Disputes, and the Music Modernization Act

Dear Ms. Efthimiadis:

The Music Artists Coalition (MAC) would like to thank the representatives of the Copyright Office for their time, courtesy, and consideration in meeting with MAC on December 20, 2023. This letter serves as a summary of our comments stemming from the December 20 meeting.

The representatives who participated in the December 20 meeting on behalf of MAC were Jordan Bromley and Susan Genco, board members of MAC. The representatives participating on behalf of the Copyright Office were Suzanne Wilson, Jason Sloan and John Riley.

MAC requested the meeting to discuss with the Copyright Office MAC's comments to the Copyright Office submitted in response to the Copyright Office's Notice of Proposed Rulemaking (NPRM), Supplemental Notice of Proposed Rulemaking (SNPRM), and its reply comments to other commenters following each comment submission period, regarding Termination Rights, Royalty Distributions, Ownership Transfers, Disputes, and the Music Modernization Act (Docket No. 2022-5).

MAC reiterated its support for the SNPRM substantively. MAC also reiterated its request that the Copyright Office focus on the issue of Termination Rights, and not expand the impact of its proposed rule beyond that narrowly tailored scope.

Accordingly, MAC expressed that the Copyright Office should bifurcate the broader effect of paying a music publisher or administrator at the time of a use from the narrower issue of the

proper payee post-termination. MAC further encouraged the Copyright Office to focus on those elements of the SNPRM that MAC substantively supports, namely that post-termination payments should be issued to the owner of the copyright at the time of performance, not the owner at the time of the payment, and to leave the current status quo for the proper payee generally as-is.

In addition, MAC shared that most contracts involving music publishing rights allow a prior publisher or administrator a twelve-month post-term collection window in the United States as it relates to performances that occurred during the publishing or administration term. Further, MAC conveyed that generally, with respect to blanket licenses, where a payor overpays or underpays a payee, the payor will rectify such error in payment in the next accounting cycle by crediting the proper payee and debiting the payee who was overpaid. In such contexts, MAC further shared that it is rare for payors to seek repayment from those who were improperly paid and that, generally, this is rectified as an offset.

MAC appreciates the time and attention of the Copyright Office regarding this matter. Please do not hesitate to contact us should you require further assistance.

With gratitude,

Jordan Bromley

Susan Genco

Board Members, Music Artists Coalition