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August 24, 2019

**Via email**

Regan Smith  
General Counsel  
United States Copyright Office  
Library of Congress  
101 Independence Ave, SE  
Washington, DC 20559-6000

**Re: Docket No. 2020-12  
Summary of videoconference meeting regarding transfer of royalties to the  
Mechanical Licensing Collective**

Dear Ms. Smith,

This letter summarizes the August 21, 2020 meeting (“August 21 Meeting”) that occurred via Zoom videoconference between the National Music Publishers’ Association (“NMPA”) and representatives of the Copyright Office. NMPA thanks the Copyright Office for its time and attention in meeting with NMPA concerning the above-referenced rulemaking proceeding.

The persons participating in the August 21 meeting on behalf of NMPA were Danielle Aguirre, EVP and General Counsel, and Shannon Sorensen, VP of Business and Legal Affairs. On behalf of the Copyright Office, Regan Smith, John Riley, Cassie Sciortino, Jason Sloan, and Megan Efthimiadis were present on the video call.

The following summarizes the discussion:

- The parties discussed USCO’s request for certain pending and unmatched settlement agreements entered into between NMPA and digital services. NMPA reiterated that it did not object to USCO obtaining and reviewing copies of those agreements, provided that appropriate confidentiality of the agreement and their terms were maintained. The parties discussed the Copyright Office’s treatment of such confidential information.
- NMPA provided an overview of the structure and content of the model agreements it negotiated with various digital services on behalf of its members, including context on

the status of various agreements and other pertinent details not contained within the agreements themselves.

- NMPA discussed its concerns regarding the use of market agreements as a basis for any proposed rule regarding accrued royalties. NMPA indicated that the resolution of issues and disputes concerning privately negotiated agreements such as the pending and unmatched settlement agreements requested by the USCO is to be addressed through state contract law and discussions between the contracting parties. NMPA indicated its belief that it was not appropriate for parties to attempt to use a public rulemaking or federal copyright regulation to address rights or issues that are subject to private agreements. NMPA indicated that, among other provisions, the pending and unmatched agreements 1) included a settlement of copyright infringement claims and were not limited to handling unmatched royalties, 2) vary with respect to material provisions and market coverage, and 3) differed with respect to performance by the relevant services.

NMPA appreciates the Copyright Office's time, effort, and thoughtful inquiries, and is able to provide further information on request.

Sincerely yours,

A handwritten signature in black ink, reading "Danielle M. Aguirre". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Danielle M. Aguirre  
EVP & General Counsel  
National Music Publishers' Assoc.