

March 26, 2021

VIA EMAIL

Regan Smith
General Counsel and Associate Register of Copyrights U.S. Copyright Office
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Washington, D.C. 20559-6000
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Dear Ms. Smith,

My apologies for my technical problems this afternoon, extra embarrassing for a fairly techie person like myself.

I only wanted to state that the Copyright Office and the MLC should be aware that there are considerable Spanish language compositions and large repertoires (as in Asian languages as well) from US based writers and publishers who are citizens of the US.

Their works are widely performed in the US and worldwide. Many are writers whose works are lastingly popular (standards) and which have substantial earnings and histories in the US for more than sixty plus years.

It is possible a fairly significant portion of the final unmatched works might be foreign language repertoire as Mr. Joerg Evers stated. These works may not appear in foreign PRO/MRO/CMOs databases, and often not even in domestic PRO's or HFA or MusicReports. Many are populated by previous bad or incomplete metadata from databases which did not accept years ago or still, tildes and accent marks which created longstanding ASCII errors with question marks or additions or omissions in the titles, or author/publisher info. Even SoundExchange's excellent operation and good database has anomalies in their claiming search database which at times produces different results based upon using all caps or small cap, and of course variations in spelling of names or alternate names, or with associated recordings paired or not with other artists, and other search response problems.

As you may know, there are approximately 60 million US based Hispanics approximately 18-19% of the population (the largest ethnic minority in the US) which consumes music avidly especially on digital platforms in all of the varied sub-genres of Latin music, namely Regional Mexican, Tejano, Tropical Salsa, Latin Jazz, Latin Rap, Reggaeton, Trap. Many of today's most popular general artists with the largest amounts of streams and listeners worldwide happen to be Latino/Latina artists like Cardi B, Bad Bunny, Reykon, J. Balvin, Daddy Yankee, AA Anuel, Luis Fonsi, and many others. These super popular cross-cultural repertoires are most often in Spanish.

Regarding the publicizing of the MLC, it is vital (as SoundExchange once did), to attend every or at least the most prominent and well attended Latin or Asian music conferences as SoundExchange consistently did at the yearly LAMC (Latin Music Alternative Conference),

Billboard Latin Music Conference, Tejano Music Fan Fairs, and others. SoundExchange also contracted with independent consultants, people with vast rolodex information, and long-standing contacts and relationships to reach out to older writers and/or heirs, or who do not often on social media or visit internet websites, or attend music conferences or meetings, etc. I did that for John Simson and Neeta Ragoowansi as a consultant for a number of years, many years ago, and we and others got very good results. I personally signed up big (and small) artists in their varied Latin music sub-genres, like Los Tigres del Norte, José José, Michel Camilo, Dave Valentin, Johnny Pacheco, Cachao, Vico C, and many others who had money waiting.

I might add in terms of visibility, I don't see many or any Hispanic faces representing Latin writers or publishers at MLC forums or presentations thus far. That could be an additional help to increase visibility and trust in these underserved communities. Bear in mind that many of these artists have been abused and lied to by unscrupulous managers, accountants, lawyers, publishers and record companies over their long careers. Many remain quite skeptical since they've heard it all before.

Just a bit of background, my company Fonico, LLC, represents and administers the music publishing and artist services for a number of iconic legendary US based Latin music artists and publishers including Johnny Pacheco, Willie Colon, Ray Barretto, Bobby Valentin, Tito Rodriguez, Cheo Feliciano, Larry Harlow, Papo Lucca, Ricardo Ray & Bobby Cruz, Aljadaqui, and others. I held various executive, managerial, or creative positions for Billboard, SoundExchange, SGAE (Spain's Performing and Mechanical Rights Society), RMM Records & Video Corp./Universal Music, Navarro Music/Universal Latin/Machete (Mexico), Tropical Budda Records, Asefra Records (Colombia), and consulted and consult for other companies and estates. I am a recorded and published songwriter with compositions which have appeared on Grammy nominated and RIAA certified Latin Gold and Multi-Platinum product.

Thank you and your colleagues for holding this symposium, for their hard work, and for overseeing and guiding the MLC's important mission to help identify and pay songwriters and publishers their due digital mechanical rights.

Best wishes,

Herman

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President

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