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Pages: 1 through 290

Place: Washington, D.C.

Date: March 25, 2021

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IN THE MATTER OF:)
)
UNCLAIMED ROYALTIES   )
STUDY ROUNDTABLE   )

                          Remote Roundtable
                          Suite 206
                          Heritage Reporting
                            Corporation
                          1220 L Street, N.W.
                          Washington, D.C.

                          Thursday,
                          March 25, 2021

        The parties met remotely, pursuant to notice,

at 10:00 a.m.

        PARTICIPANTS:

        Session 1: Overview/Measuring Success

        DANIELLE AGUIRRE, National Music Publishers'
            Association (NPMA)
        KRIS AHREND, The MLC
        KEVIN M. CASINI, Ecco Artist Services
        CHRIS CASTLE, Christian L. Castle, Attorneys
        BILL COLITRE, Music Reports, Inc.
        TED KALO, Artist Rights Alliance
        GARRETT LEVIN, Digital Media Association (DiMA)
        VICKIE NAUMAN, Cross Border Works
        CHARLES SANDERS, Songwriters Guild of America
            (SGA)

PARTICIPANTS: (Cont'd.)

<u>Session 2: Data and Matching/Identifying</u>
<u>Copyright Owners</u>

DANIEL BALCELLS, BMAT Music Innovators
LUIS BONILLA, SoundExchange, Inc.
JANE BUSHMAKER, Prager Metis CPAs
ALAN JENNINGS, Amazon
BISHOP PERRY, BHP Royalty Company
RENE MERIDETH, Exploration Group LLC
LISA SELDEN, Spotify
MICHAEL SHANLEY, Music Reports, Inc.
RICHARD THOMPSON, The MLC
ALEX WINCK, Pandora

<u>Session 3: User Experience, Accessibility, and</u>
<u>Claiming</u>

DAE BOGAN, The MLC
BRIAN BUCHANAN, Concord
CAROLINE CHAMPARNAUD, Society of Authors,
    Composers and Publishers of Music (SACEM)
ASHLEY IRWIN, Society of Composers & Lyricists
    (SCL)
DONNY KANNER, Spotify
SINDEE LEVIN, Sindee Levin Music
ABBY NORTH, Songwriters of North America (SONA)
DAVID TAYEBWA, Opus Music Publishing Africa

<u>Session 4: Education and Outreach</u>

SETH BERG, South Bay Music Group, LLC
LINDA BLOSS-BAUM, SoundExchange, Inc.
KEVIN COLES, 1020MUZIK
MONICA CORTON, Go to Eleven Entertainment, LLC
BOB DONNELLY, Fox Rothschild LLP
SERONA ELTON, The MLC
PHIL GALDSTON, Music Answers
EDDIE SCHWARTZ, The International Council of
     Music Creators (CIAM)
JAI YOKO, Jai Yoko Entertainment

1   P R O C E E D I N G S

2   (10:00 a.m.)

3   MS. SMITH: Good morning, welcome everyone.

4   My name is Regan Smith, I'm General Counsel of the

5   United States Copyright Office, and welcome to the

6   Copyright Office's roundtables in connection with our

7   study on best practices in the mechanical licensing

8   collective in identifying and locating copyright

9   owners who may be entitled to unclaimed royalties.

10   We're going to have a day and a half of discussions.

11   We're very excited about this.

12   And before we start the first session, I'd

13   like to go over some logistical items to explain the

14   format. So, first, the roundtable sessions will be

15   moderated by Copyright Office attorneys. We will be

16   posing questions and calling on panelists to respond.

17   We're going to try to give everyone the opportunity to

18   respond to the questions that we pose.

19   If you wish to respond, you can sort of

20   signal, you can use the "Raise Hand" button on Zoom if

21   you would like to, and I know we're all pros in the

22   digital environment, so, if you're not speaking,

23   please mute your audio.

24   Given the number of panelists and topics

25   that we're hoping to cover, we ask that you please

1   limit your responses to about two minutes. Apologies

2   in advance, but if you're going over, we may have to

3   cut you off or even mute you. We appreciate your

4   understanding of the time constraints and also ask

5   that you limit your comments to the questions

6   presented.

7   Secondly, there are five sessions scheduled

8   today which can all be accessed if you're watching it

9   through the same Zoom link that we're using throughout

10   the day. There's a different Zoom link for tomorrow,

11   which is on the Copyright Office's website. Links to

12   information about the Music Modernization Act and our

13   study will be posted in the chat. And general

14   attendees who have any technical difficulties, you can

15   type that in the Q&A, and someone from the Copyright

16   Office will respond and assist you.

17   Our last session of the day is called an

18   "Audience Participation" session, and so members of

19   the public are able to provide comments for the record

20   for us to consider. If you may be interested in

21   participating, you can sign up with the SurveyMonkey

22   link that is provided in the chat. If you wish to

23   speak today, we ask that you sign up by no later than

24   3 p.m. Eastern. That session will begin at 5:15, and

25   we will call on those who have signed up to

1   participate. Comments should be limited to

2   approximately three minutes and should stick to the

3   topics that we are studying in this report. We also

4   have a similar session for tomorrow in case you miss

5   the 3 p.m. cutoff.

6   So, third, today's event is being recorded.

7   Videos of the sessions will be posted on the Copyright

8   Office website, along with a transcript which is being

9   created by a court reporter. That is enough

10   housekeeping. When we dive into the first session,

11   I'd like to start by asking my Copyright Office

12   colleague to introduce herself.

13   MS. CHAUVET: Hi, good morning. I'm Anna

14   Chauvet. I serve as Associate General Counsel.

15   MS. SMITH: Thank you, Ms. Chauvet.

16   So this first panel is about overview and

17   measuring success of the project, and I want to remind

18   everyone of the topics the Copyright Office is

19   studying. So Congress has asked the Copyright Office

20   to study best practices that the new Mechanical

21   Licensing Collective may implement in order to

22   identify and locate musical work copyright owners with

23   unclaimed accrued royalties held by the collective to

24   encourage those copyright owners to claim their

25   royalties and ultimately to reduce the incidence of

1   unclaimed royalties.

2   We are looking forward to lively

3   discussions, but we intend for these panels to be

4   constructive, to be forward-looking, and to hew to

5   this topic that Congress has asked us to study.

6   A quick roadmap for this panel so folks know

7   where to chime in. First, we will touch upon

8   identifying some of the biggest obstacles or

9   opportunities for the MLC to reduce unclaimed

10   royalties; second, to identify benchmarks or specific

11   metrics by which the MLC can measure its progress; and

12   third, to touch upon the role of transparency and

13   disclosure in facilitating understanding and

14   confidence in the system.

15   To start, I'm going to ask the panelists to

16   provide your name, your organizational affiliation,

17   and also whether you have any connection or

18   affiliation with the Mechanical Licensing Collective

19   or the Digital Licensee Coordinator. And after

20   speaking, maybe we can get the panelists to just call

21   on the panelist immediately to your right.

22   So, Mr. Kalo, you are the person immediately

23   to my right. Would you please start?

24   MR. KALO: Thanks, Regan. I'm Ted Kalo.

25   I'm the Executive Director of the Artist Rights

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 1    Alliance.  We're a nonprofit, artist-run organization

 2    advocating for fair pay for music creators.

 3    Basically, we work for songwriters and musicians.

 4              MS. SMITH:  And whoever is to your right,

 5    maybe just pass the mic to them, Mr. Kalo.

 6              MR. KALO:  I don't think I'm set up to see

 7    who's to my right.  I'm sorry.

 8              MS. SMITH:  Okay.  Sorry about that.  I was

 9    trying to make it simple, and I made it more

10    complicated.  How about, Mr. Colitre, could you please

11    go?

12              MR. COLITRE:  Hi, I'm Bill Colitre.  I'm the

13    Vice President and General Counsel of Music Reports.

14    No affiliation with the MLC or the DLC, although we do

15    represent numerous members of DLC.  Mr. Castle is --

16              MS. SMITH:  Mr. Levin?

17              MR. COLITRE:  -- to my right.  Sorry.  Chris

18    Castle, that's you.

19              MR. CASTLE:  Sorry.  My name is Chris

20    Castle.  I'm a music lawyer in Austin, Texas.  I have

21    no affiliation with any of those organizations.  I

22    tend to be on the artist side or with tech startups on

23    the company side.

24              MS. NAUMAN:  And I'm Vickie Nauman.  I am

25    the founder of Cross Border Works, which is a
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1   consulting advisory business. I have worked both with

2   DSPs as well as with the MLC. I helped herd some cats

3   for the MLC last fall on the DSP side, and I just want

4   to say that I'm really happy to be here.

5   MS. SMITH: All right, Mr. Casini, I think

6   you have some audio static. Would you like to

7   introduce yourself and state your affiliation?

8   (No response.)

9   MS. SMITH: All right. I think Mr. Casini

10   is having some audio issues. I will just call on the

11   remaining people because this doesn't seem to be

12   working as easy as I thought. So, going down in my

13   order, Mr. Levin?

14   MR. LEVIN: Hi, thanks. Garrett Levin. I'm

15   the President and CEO of Digital Media Association,

16   DiMA, the trade association representing streaming

17   services. I also am a non-voting board member for the

18   MLC as the representative of the Digital Licensing

19   Coordinator, and I am a non-voting board member of the

20   DLC, the Digital Licensee Coordinator, that represents

21   the services in the implementation of the MMA.

22   MS. SMITH: Thank you. Mr. Ahrend?

23   MR. AHREND: Hi, my name is Kris Ahrend, and

24   it is my great privilege to serve as the CEO of the

25   Mechanical Licensing Collective.

1   MS. SMITH: Thank you. Ms. Aguirre?

2   MS. AGUIRRE: Good morning. Hi, I am the

3   Executive Vice President and General Counsel of the

4   National Music Publishers' Association. We represent

5   the vast majority of music publishers in the United

6   States. I also serve as a non-voting board member of

7   the MLC representing music publishers on that board.

8   MS. SMITH: Thank you. And Mr. Sanders?

9   MR. SANDERS: Sorry, I was on mute. Yeah,

10   I'm Charlie Sanders. I'm outside counsel to the

11   Songwriters Guild of America and advisor to Music

12   Creators North America, two of the largest and most

13   active groups in advocacy work for music creators.

14   I'm also the Chairman of the Board of the National

15   Music Council, which is the umbrella group for all of

16   the music industry organizations. I am not here on

17   behalf of that organization, and I do not have

18   affiliation with the MLC.

19   MS. SMITH: Thank you. Mr. Casini, do you

20   know if your audio issue is resolved? If you would

21   like, you can signal.

22   (No response.)

23   MS. SMITH: Okay. Well, we'll get to him in

24   a second.

25   So turning to the first issue, which is

1   framing some of the biggest opportunities for the MLC,

2   I think it would be appropriate, Mr. Ahrend, as CEO of

3   the MLC, to start with you. Would you like to say a

4   few words about how the MLC conceives of its project?

5   MR. AHREND: Absolutely. Thank you, Regan,

6   and thanks so much to you and your entire staff for

7   all the work you've done over the past several years

8   in helping to stand up the MLC.

9   You very clearly articulated the purpose of

10   the roundtable, and I think it is important in part

11   because it is consistent with what the Mechanical

12   Licensing Collective is, and that is, as the name

13   suggests, a collective, a group of individuals and

14   organizations who have a shared objective, and in this

15   case, I think that shared objective is to make sure

16   that every rights holder entitled to receive

17   mechanical royalties that we collect is ultimately

18   able to receive them, and the issue of unclaimed

19   royalties is one that speaks to the very mission, the

20   heart of what we are setting out to do.

21   From the MLC's perspective, our goal

22   certainly over the next day and a half is to do a lot

23   of listening. In many respects, we are the newcomers

24   to this discussion, in part because our organization

25   is only a year-and-a-half old, and we've only begun

 1   our full operations in the last three months. And as

 2   all of you know, we have yet to distribute our first

 3   royalties.

 4   So we are very much in the building stages,

 5   and, therefore, we are very eager to hear suggestions,

 6   the ideas, and the prior experiences of so many of the

 7   panelists who have been working in this space for many

 8   years and have much to offer to us as we go about that

 9   endeavor.

10   Listening is something that we have been

11   doing a lot of over the past year, and the pandemic

12   has probably made that in some ways even easier. We

13   have done almost 150 public events, primarily

14   webinars, and through those events, we have been able

15   to reach more than 17,000 attendees.

16   So we have done a lot of listening, and our

17   data shows that those attendees have come from all of

18   the states of this country, all 50 states, and more

19   than 65 countries around the world. We know that,

20   through listening to our stakeholders and now our

21   members, we will better understand how we can serve

22   their needs and address this very important issue.

23   For my fellow panelists, I appreciate you

24   being here. Each of you plays a part in ensuring our

25   success, and I have spoken with many of you personally

1   on a regular basis over the past year. I look forward

2   to continuing to do that. I know how committed you

3   are to our success, and I appreciate your partnership

4   and your support.

5   MS. SMITH: Thank you. So I hope we start

6   to get this on to an organic flow and people can start

7   to signal if they'd like to comment, but to get it

8   rolling, I wonder, Mr. Levin, your members are very

9   familiar with how the system was functioning before,

10   and you've been instrumental on behalf of the digital

11   services. Would you like to offer your perspective?

12   MR. LEVIN: Sure. And thank you. I'll echo

13   Kris's thanks to you, Regan, and your team at the

14   Copyright Office for the incredible amount of work

15   that has been done over the past number of years in

16   kind of getting us to where we are and also kind of

17   acknowledge the point that Chris made up front, which

18   is we are now, you know, kind of three months on the

19   other side of license availability date, and we have a

20   lot to learn about how it's going to work and where

21   the next steps will be.

22   But I do think it's important to just touch

23   on up front I think some of the core structural

24   changes that really, I think, present us, as you

25   framed it as the first topic, with some real

1   opportunities for improvements in the system kind of

2   brought about by how the MLC is structured, how the

3   system is structured.

4   And I know that we'll get into a lot of

5   these things as the days progress, but I just wanted

6   to, you know, provide a little bit of perspective on

7   some of the things that the services view as kind of

8   real opportunities that are inherent in the way things

9   are now set up for improvement.

10   Chief among those, I think, is the fact that

11   the MLC now represents a kind of single point of entry

12   to the system on both sides of the system both in

13   terms of the extensive increased amount of data that

14   will be received from the music services that'll be

15   standardized across the, I think, 60 or so services

16   that have filed notices of license to date thanks to

17   the kind of regulations that are now in place.

18   It also presents a single authoritative

19   database and source of entry for musical works

20   copyright owners and songwriters to engage with the

21   data, see it up front, see what is kind of claimed as

22   theirs, and actually have the opportunity to make

23   changes, to update it to provide that truth and allow

24   that truth to kind of make its way back through the

25   system.

 1   It's also going to feature comprehensive

 2   reporting to copyright owners. Instead of, you know,

 3   60-some statements, there will be a statement from the

 4   MLC that will provide a lot of input and transparency

 5   to copyright owners to identify where the gaps might

 6   be, to identify, as we talk about unclaimed royalties,

 7   where there are things that don't seem to make sense

 8   to them as the folks best positioned to know what it

 9   is that they own.

10   And I think Kris touched on a really

11   important point up front and that I'm sure we'll talk

12   about in terms of success, you know, the outreach

13   here, the fact that because there is that single point

14   of entry because the MLC sits in the middle of this

15   now instead of a decentralized system, I think that

16   the best thing that the rest of us can do throughout

17   the industry is make sure we are getting the word out,

18   as the MLC is doing itself, about the need to engage

19   with them, about the need to find your way there,

20   whether you're a copyright owner or, as the DLC has

21   been doing, whether you're a service provider.

22   And the last thing I just want to touch on,

23   I touched on a little bit about the authoritative

24   database, but the fact that that data will be widely

25   available, I think, is a really critical opportunity

1   for improvements throughout the system, some that I

2   think we can anticipate, some that we can't

3   anticipate.

4   I'll end with just, like, a quick -- I think

5   it's somewhat funny, but I think it's a good story

6   about the availability of that data. I got a call

7   last week from a service -- I'm not going to identify

8   who it is -- but, like, they're, you know, a very

9   smart person who called me. They said we're looking

10   at the bulk database feed from the MLC that's

11   available, and we're looking at the Terms of Service.

12   I'm like, maybe I've been in this industry too long,

13   but is this a trap? Like, it feels like this data is

14   really useful and that we can use it.

15   And I said, yeah, it is useful, and you can

16   use it, and we should all be using it. It's the

17   benefit of having it available that I think will, you

18   know, as it works its way through the system, and the

19   system is bigger than just what the MLC is doing, I

20   think we're going to see a lot of follow-on impacts

21   not just about unclaimed royalties here in mechanical

22   licensing but more broadly about some of the kind of

23   vexing data challenges that have faced the industry

24   for a long time. So thank you for having us.

25   MS. SMITH: Thank you. I'm wondering, Ms.

1   Aguirre, would you be able to offer a music

2   publisher's perspective or, you know, on behalf of

3   copyright owners what you're hoping to see with the

4   new transitions to blanket licensing systems?

5   MS. AGUIRRE: Sure. Thank you, Regan.

6   Yeah, look, I think the MLC is not some sort of magic

7   wand that can wave over our data issues in this

8   industry, of which we have many, and make the

9   unmatched all matched. That was not the point of the

10   creation of the MLC.

11   But I think, from a publisher's perspective,

12   one of the most important things is the unparalleled

13   transparency. You know, I think publishers for a very

14   long time were lulled into this sense of there's

15   nothing we can do about this. We don't even know

16   where to check our data. There's nothing public where

17   we can see if you have our data, much less if it's

18   correct. It's very difficult to see if we're being

19   paid correctly because, as Garrett said, it's a

20   decentralized, not-very-open system.

21   The goal, I think, here and I think one of

22   the first things that we would like to look at in

23   terms of success is the ability simply to see, you

24   know, behind the curtain, to be able to look at your

25   own data, to, you know, work with and engage with the

1   MLC to make sure your data's correct, to bulk-download

2   if you'd like to. But, really, it's the transparency

3   that I think is going to be critical here in helping

4   to clean the data up.

5   And when I say "engage with the MLC," I do

6   think there has been historically some -- I don't want

7   to say hesitancy because I think people wanted to

8   engage and make sure their data was correct -- but I

9   think, as I said, people were lulled into this sense

10   of there's nothing really I can do about it, I'm going

11   to wait for the problem to be fixed and for the

12   royalties to flow to me.

13   And I think that publishers now, with this

14   ability to go in and see all of their data, to fix all

15   of their data, I think really do have to step forward

16   and engage now, really engage with the MLC and make

17   sure that they're doing that to make sure the data is

18   correct. And that is going to be a critical component

19   of matching a lot of what's unmatched, correcting a

20   lot of the errors in the data that perhaps we've never

21   been able to identify before.

22   And so, to me, a lot of this initial push as

23   the MLC's getting up and running is publishers making

24   sure, and really all rights-holders, self-published

25   songwriters too, making sure they are going forward

1   and taking a little bit of responsibility to, you

2   know, really engage and look at their data now that

3   they're able to do that.

4   MS. SMITH: Thank you. So we've already

5   thrown out the word "data" a lot, and I think, Ms.

6   Nauman, this might be a good time to have sort of a

7   refresher of some of the technological issues and data

8   issues that are going to arrive as we go throughout

9   the roundtable.

10   So, you know, this is the last stop. I

11   think I said we've already held a symposium and we've

12   had rounds and comments that dive into some of the

13   details, but I'm wondering, do you want to offer a

14   refresher about what we are talking about and what is

15   involved when we're talking about identifying and

16   locating copyright owners, any sort of definitional

17   issues or, you know, trickiness that we should be

18   aware of as we tee up our conversation?

19   MS. NAUMAN: Yeah, absolutely. So one of

20   the fundamental problems that we have is that the

21   supply chain goes from labels and distributors into

22   DSPs, and we monetize and serve up sound recordings

23   and ISRCs. And then the publishing is reported on the

24   back end based on those ISRCs. So this creates, in a

25   world where we have 60 million songs and who knows how

1   many average writers per song, we have literally

2   hundreds of millions of splits that need to be married

3   up with the sound recording.

4   The problems on this are that there's

5   fragmentation of the rights, there's a lot of things

6   that are happening around music changing hands. So

7   writers sell their share. Publishers sell their

8   share. The entire catalogues get bought and sold, and

9   new releases are out into the ecosystem without

10   publishing even sorted yet.

11   So there's a tremendous challenge, and I

12   think all the companies and what the MLC is doing,

13   this is no small challenge. And when I think about

14   the systems that we have out there, I think we have to

15   look at both the database and the systems that are

16   sitting on top of it because you can have great data

17   and poor systems and you won't get any good results.

18   And vice versa, you can have really poor

19   data and the best, most modern systems in the world

20   and you won't have any results. And so we have to

21   look at both of those. And one of the things that I

22   did in advance of this was really thinking about what

23   are metrics that we could measure this by, and just as

24   an example, there's match rate, and in the era before

25   we were in the MMA, we were always looking at the

1   percentage of match rate for music that had been used.

2   And this was largely if there was at least

3   one publishing share that was matched to a sound

4   recording that had been used. And this was a metric

5   that was really important because DSPs had statutory

6   damages. And so it was about de-risking this for

7   DSPs. It was also about it was a point of measurement

8   to know that the service provider was actually doing

9   what they were saying that they were doing and that

10   they actually were getting able to match.

11   That doesn't really make sense anymore. I

12   think matching still makes sense and linking, but we

13   no longer really need to be focused on DSP risk

14   because statutory damages are gone. We have blanket

15   license instead of individual licenses, and we also

16   have centralization of the MLC where all of the data

17   is going to be flowing through that one agency.

18   So I think, now we're in an era where, what

19   kinds of metrics really make sense? And one of the

20   things that is in my head is that matching at least

21   one share to a sound recording, that's very binary,

22   and we don't really need to do that anymore. Now I

23   think we need to look at granularity, and perhaps

24   there's some sort of quartile metric where we could

25   say, of all the songs that have been used in DSPs,

 1   what percentage of those are at 100 percent matched on

 2   publishing?

 3   Which ones are between 50 percent and 100

 4   percent? Which ones are below 25 percent? Looking at

 5   this in quartiles because, in the old system, if we

 6   had 5 percent matched to a major publisher for a hit

 7   song and there was 95 percent that was from individual

 8   writers or really small publishers, that 95 percent

 9   ends up going into "unattributed."

10   And so I think we have to kind of take a

11   step back and look at the drivers and the motivations

12   and what success looks like, and getting as many of

13   those publishing shares to be matched for each song, I

14   think, is really, really critical.

15   And I think it's also critical to understand

16   that there is some percentage of all the music that's

17   out there that just will never have 100 percent or

18   never even have publishing. It could be nature

19   sounds. It could be things that are in perpetual

20   conflict. It could be things that have changed hands

21   or songs that are released without it. Maybe that's

22   15 percent of the total catalogue. I don't know. But

23   I think that would also be a really interesting metric

24   to look at, if we did everything right, how much could

25   we possibly match?

 1   MS. SMITH: Thank you. That is, on the one

 2   hand, a great way to tee up this question of

 3   benchmarks, but before we go right into that, I

 4   wonder, you know, is there any artist or songwriter

 5   representatives, whether on behalf of

 6   self-administered or otherwise, who want to speak to

 7   the overall opportunities or challenges for the MLC?

 8   I think we have two people who raised their hand, so

 9   maybe -- I saw Mr. Kalo first, and then Mr. Sanders?

10   MR. KALO: Thanks. So MusicAnswers and the

11   Artist Rights Alliance lobbied for the inclusion of

12   this study in the MMA, and we're very happy with all

13   the work that the Copyright Office has done on it.

14   One critical part of this study is the notion of some

15   involvement of the Government Accountability Office,

16   and there's a reason for that.

17   The reason for that is that, while some in

18   the music industry have done a very good job of trying

19   to find people who are owed royalties, it's been hard.

20   SoundExchange has an excellent filing in this area. I

21   think they have made herculean efforts to try and find

22   royalty recipients.

23   They found that one-on-one communications

24   have been most effective, but we kind of haven't -- we

25   haven't cracked the code on this yet. And the notion

1   of the GAO being involved was intended to signal that

2   we should look at disciplines where people are owed

3   property or money that are broader than new music.

4   And along with MusicAnswers and some

5   students at NYU, in preparation for this panel, we've

6   done just a quick survey of looking around at those

7   kinds of other disciplines. We're talking about class

8   actions. We're talking about where governments owe

9   people money and are trying to find them and trying to

10   just at a surface level at least as far as we can tell

11   find out what we can learn from that.

12   One thing we've learned is that for kind of

13   less well-represented actors, putting the onus on them

14   to check a database is unlikely to be successful, and

15   we find that across all walks of life. So it's very

16   important to get out and find those people and contact

17   them in a way that is credible.

18   And a commonality that we found in programs

19   that are successful are kind of broad mass

20   communications from people they recognize as credible

21   actors telling them that this thing is for real, that

22   somebody might, in fact, owe them money.

23   As it turns out, you know, and this has been

24   in part the SoundExchange experience, I think, telling

25   people you owe them money sounds more like an email

1   scam to them than an opportunity. So I'll just

2   provide one quick example.

3   In South Dakota, the government is trying to

4   figure out how it can find and pay the people who are

5   owed government funds, government-held funds. And the

6   Governor of South Dakota recently launched a public

7   awareness program where the slogan is "All you have to

8   do is cash the check." And that's coming from the

9   Governor of South Dakota and mass media letting people

10   know in a very clear way, we've got money for you and

11   it's simple.

12   The second thing that we can tell that they

13   do is that they follow up with a mailing that doesn't

14   have a check in it that once again explains this is an

15   official government process, you're owed money, and a

16   check is coming. And they wait a little while, and

17   they send the check. And they're having some success

18   with that.

19   The other things, just very briefly, that

20   we, you know, are thinking about are kind of things

21   that we've learned in the digital era about what

22   create better open rates for people who are receiving

23   communications, for example, campaign emails, other

24   kind of marketing communications. You know, many of

25   you are very familiar with the ABC testing of

1   communications and kind of the way you fine-tune how

2   you communicate with people. You're familiar that we

3   learned things like having somebody's name in the

4   subject line starts to look like spam instead of a

5   genuine communication.

6   That's briefly what we've found looking

7   broadly at areas from class actions to government

8   property to where banks are holding money before they

9   can reclaim them. And I think that's something useful

10   for this Music Licensing Collective, which has such an

11   exciting group of people and such dynamic leadership,

12   to, you know, kind of look at what we've already

13   learned in the music industry that works but think

14   more broadly.

15   MS. SMITH: Great, thank you. And you

16   mentioned GAO. The Copyright Office and GAO are

17   consulting on this study, but we normally do that

18   through the interagency process, and we've consulted

19   on many other studies either led by the Copyright

20   Office or led by GAO, and we're following that process

21   here.

22   So I want to be mindful of time. I want to

23   get everyone, so I'm going to remind everyone to

24   please keep your comments to a minute or two. So Mr.

25   Sanders then Mr. Castle?

 1   MR. SANDERS: Yeah, thanks, Regan. First of

 2   all, I want to thank my colleague, Ted, and tell him I

 3   agree with what he just said. The NYU in particular

 4   and all my colleagues there have been very eager to

 5   work on these issues, and it's great to hear that.

 6   I also want to thank Kris Ahrend personally

 7   for having reached out to the songwriter community in

 8   the frequent ways that he has, and we very much

 9   appreciate that and know it's going to continue.

10   Before we get into quartile metrics, I think

11   it's really important, since this is an overview

12   panel, to take a quick 90,000-foot view of the

13   situation, and that involves taking a look at, rather

14   than the trees, the forest here. This MMA, which

15   everyone worked very hard on, had a lot of moving

16   parts to it, but several groups agreed on one thing,

17   and that was one of the principal reasons for enacting

18   this legislation, was to guarantee transparency to

19   songwriters and composers and to make sure that

20   they're accurately paid because of the utter

21   destruction that's occurred in that segment of the

22   music industry over the past 20 or so years.

23   So we need to, when we're talking about

24   establishing benchmarks for success, take a higher

25   view and take a look at the way that the MLC is set up

1   and the handicaps under which it operates due to the

2   built-in inherent conflicts of interest of its board.

3   That's something that we need to keep in mind.

4   It is unfortunate to say, and it is not

5   intended to besmirch any aspect of the music industry,

6   but most of the board of the MLC will stand to benefit

7   by not identifying unmatched royalties because,

8   eventually, permanently unmatched royalties will be

9   distributed on a market share basis. That's just a

10   given, and we want to avoid a large percentage of

11   unmatched being distributed to people that don't own

12   it.

13   In talking with Kris about concrete ways

14   that we can address that, one of them is direct

15   contact with music creators, and as the report that

16   the Copyright Office had prepared points out, the MLC

17   does not have a database that allows direct contact

18   with songwriters and composers, who are the best

19   resource often for identifying unmatched.

20   Who does have a database like that? Well,

21   the PROs do. The collective PRO information out there

22   would allow outreach to a vast percentage of music

23   creators in the world who could be asked directly to

24   assist in the process of identification and cleaning

25   up the database.

1   The MLC board could easily influence the

2   PROs of the United States and around the world to

3   voluntarily participate in that. We hope that they

4   will. It is a thorn in the side of the music creator

5   community that most mechanical rights organizations

6   around the world have equal or better representation

7   of music creators.

8   This is an important issue for music

9   creators. It should be an important issue for

10   Congress to debate in the future. But, for now, we

11   need to work on ways to directly contact in an

12   effective manner, as Ted just pointed out, the music

13   creators directly and get them to participate in the

14   process. And if we all work together on this, I think

15   that we can make a huge difference, again, as Kris

16   Ahrend and Chris Castle and all the people working on

17   this have discovered. So that's the 90,000-foot view.

18   MS. SMITH: Thank you. Mr. Castle?

19   MR. CASTLE: So just a couple quick points.

20   I think that, to Charlie's point, the MLC is moving

21   into what I call the "Jerry Maguire" phase of life

22   now, which is "show me the money," right? If for some

23   reason they can't show the money, they're going to get

24   communications from songwriters whether they like it

25   or not. They will come by phone, they will come by

1   email, they will come by fax, they will come in

2   person, and they may even come in court, okay?

3   So I think what we really need to see here

4   is a feedback loop that will allow that kind of

5   commentary and complaint, which hopefully will not

6   happen, but I'm a realist, you know. I think it's

7   really a question of the degree to which it happens

8   and that the material can be received, can be made

9   public, and can also be made part of the record for

10   the Copyright Office's evaluation of how well the MLC

11   is doing.

12   So, also, that ties into sort of the

13   frustration level that I think is going to happen if

14   you look in your PRO database and you see all your

15   information there that you have spent time getting

16   there and making sure stays accurate, for which you

17   are being paid, everything working fine, but then you

18   go to the MLC and they've got some crazy information,

19   which has already happened a number of times, that's

20   coming actually not from the MLC because I don't think

21   that there actually is an MLC database, it's coming

22   from the Harry Fox agency, which, you know, love those

23   guys, but notoriously have holes over there sometimes.

24   So that's another aspect to take into account in terms

25   of a performance metric.

1   And, finally, I would just say, when I first

2 started A&M, we decided that we were not going to put

3 out records if we didn't have all the publishing data.

4 And when the screaming stopped, what ended up

5 happening was that we had the ultimate leverage point,

6 which was you either give me this data, and remember

7 it's in your contract, that part you never read, it's

8 actually in your contract where you have to give it to

9 me.

10   And then, that way, we don't have the words

11 "copyright control" in our world, to the point which,

12 after about three years of that, we get audited by the

13 Harry Fox Agency. And I think our unmatched was like

14 10 grand for three years, right? And Ed Murphy was

15 screaming that we were lying, right, was convinced

16 that we were lying.

17   But then, when we explained it to him, when

18 we explained what we did and the process, he accepted

19 it, right? So the MMA codifies a situation where

20 services can put records out without having all the

21 information they need to pay publishers, which is

22 their obligation, right?

23   And as long as that's the case, and I don't

24 have any illusions that that's ever going to change --

25 and I've been told all the reasons why they can't do

1   it, but yet I know that's not true because I've done

2   it myself -- as long as that's not going to change,

3   the MLC's always going to be shooting at a moving

4   target. So the blowback, I think, which is

5   inevitable, is going to come most -- if you look back

6   down the chain as to where it started from, that's

7   going to be the weak point.

8   So I would just suggest that we anticipate

9   the "show me the money" reality and that we have a way

10   to measure it so that we can determine, you know,

11   whether they're dealing with it in an appropriate way

12   or they're coming up short.

13   MS. SMITH: Thank you, Mr. Castle.

14   Now I'm going to move and focus the

15   conversation a little more specifically and hopefully

16   maybe pick up the pace because we do have a lot to

17   cover on benchmarks and analogues for the MLC, because

18   one thing that has always struck me about the study

19   the Copyright Office is directed to conduct, and

20   really the law overall, is that the MLC is being asked

21   to improve upon the incidence of unclaimed royalties

22   without having established a baseline for its project.

23   So, Mr. Colitre, at the kickoff symposium,

24   you provided an example of Music Reports. You said

25   within 45 days of the close of the reporting period,

1   Music Reports is generally able to match and pay out

2   80 percent of royalties, and over three years, it's

3   able to liquidate around 80 to 90 percent of that

4   remaining 20 percent, which leaves 3 to 5 percent of

5   the total pool, which might be, as Ms. Nauman was

6   saying, non-music, nature sounds, public domain,

7   others.

8   I wonder, do you want to offer an update as

9   to whether you think that's a reasonable benchmark for

10   the MLC, or do others want to throw out, in light of

11   this quartile approach or any of the new differences

12   in the blanket licensing system, what is a reasonable

13   benchmark as a target for matching?

14   MR. COLITRE: Yes, thanks. I'll get to

15   that. First, I'd like to again thank the office for

16   the work you guys are doing. This is the biggest

17   change to copyright in 20 years, and you guys are

18   doing an enormous job of going through all these

19   proceedings and rulemakings, and it's a huge amount of

20   work, and we appreciate it. You guys are doing a

21   great job.

22   I appreciate also that this is a short

23   format, and there's a lot to talk about and dig in.

24   If anyone would like to contact me outside of this

25   event, I'm always available to talk. I'm very

1   reachable. So happy to do that.

2   You know, I want to remind everybody that

3   while the MMA is a gigantic change to the law, what

4   we're talking about is relatively narrow. We're

5   talking about U.S. mechanical rights, right? This

6   doesn't solve the data problem for the world. It

7   doesn't solve the data problem for any kind of usage

8   outside of DSP streaming and downloads.

9   And as a result, you know, this doesn't

10   actually make less work for publishers or point to a

11   single database that they need to register and

12   maintain. As was mentioned earlier, there are PRO

13   databases. There are other, you know, places where

14   data must be registered and harmonized in order to

15   ensure that all of these sources of revenues begin to

16   and continue to flow to artists.

17   So this doesn't actually make a publisher's

18   job easier. It makes it a little bit harder. It's

19   one more database that they have to maintain now. And

20   to that point, you know, a couple of people mentioned

21   earlier the shift of incentives under the MMA. That's

22   a really important point to note as well.

23   The DSPs have the primary responsibility for

24   matching previous to the license availability date.

25   There, you know, statutory damages were a very strong

1   incentive for them to be careful to match before they

2   use.

3   MS. SMITH: Right. Can you speak to the

4   specific benchmark percentage?

5   MR. COLITRE: Yeah, absolutely. The

6   specific answer to your question is yes. The data

7   that I provided in December of 2019 was based on 15

8   years of experience doing this. At a statistical

9   level, it doesn't change. That is still accurate

10   information that you were provided, and, you know,

11   whether that should be the goal for the MLC is a

12   different question.

13   I think the proper goal for the MLC is zero

14   percent unclaimed property liquidated by market share,

15   right? Everybody will agree that that's a least worst

16   solution, and I don't actually think it's the least

17   worst solution, but it's written into the law, so

18   that's, you know, a foregone conclusion at this point.

19   But I think the goal for the MLC should be

20   to say no money gets liquidated by market share. But

21   a member of the unclaimed royalties committee of the

22   MLC mentioned to me a point that I hadn't observed,

23   that they're not required to distribute anything by

24   market share. They're required to figure out how to

25   deal with the unclaimed property, and while they have

1   the option to distribute it that way, they're not

2   obligated to do that.

3   MS. SMITH: Yeah. So, you know, we have two

4   panels tomorrow focused on that. Once, by law, once

5   the MLC makes a distribution, they must do so on a

6   market share basis on a yearly basis. But we're going

7   to dig into that tomorrow. I want to throw out

8   another datapoint for participants.

9   We also commissioned a report by Susan

10   Butler to look at what were practices of global CMOs,

11   and that report, she reported that match rates in the

12   high 80 percentile ranges are generally considered to

13   be very good.

14   I think we all agree the goal is zero, but

15   in terms of what is a reasonable expectation of the

16   MLC, does anyone have anything to offer? Is there

17   something analogous that we should look to? Mr.

18   Castle?

19   MR. CASTLE: I would just ask the question

20   of all those CMOs in that report, how many of them

21   were funded by the services? And then that ties into

22   sort of the cost-benefit analysis. I noticed in that

23   report that there was, when it came to matching, there

24   was a discussion, if I remember right, of a

25   cost-benefit analysis.

1   It would come at some point. You know, it's

2   like the last 5 percent of security, right? It would

3   get to a point where it would be too expensive for the

4   CMO to try and track it down. But those CMOs, if I

5   remember right, are all paid out of the proceeds.

6   They all take a distribution fee, kind of like ASCAP,

7   BMI, and SoundExchange, right? They don't have their

8   costs covered by the users of the music, right?

9   So I'm just wondering if there -- and I'm

10   just throwing it out there -- if there should be a

11   different point of view given that we were all told

12   the services will pay for this, it won't cost our

13   writers anything, and there'll be, you know,

14   transparency, right? So it seems to me, if that's the

15   case, you're kind of comparing apples and oranges if

16   you're looking at somebody who has their costs paid

17   for by the users versus somebody who has their costs

18   paid for by the songwriters.

19   MS. SMITH: So I hear you suggesting that

20   perhaps given the different funding structure, it's

21   more appropriate to allocate more resources to the MLC

22   to match these harder use cases than might be

23   occurring in other collectives. Is that fair?

24   MR. CASTLE: Yeah, I think so. And if you

25   look -- to me, this is somewhat like orphan works,

1   right? There's kind of some orphan works undertones.

2   And Shira Pearlmutter put together a great list a few

3   years ago of what to search for and how to make sure

4   you've done everything you can. So part of that is, I

5   think, knowing exactly what the plan is, and I'd like

6   to hear that from her as to who --

7   MS. SMITH: Right. I do need to keep it --

8   sorry, I need to keep it, because we are getting close

9   on time, on the focus of metrics issues.

10   MR. CASTLE: Right.

11   MS. SMITH: And I also see a couple hands

12   raised if that's okay. So thank you. I think that

13   going into -- you did raise another issue I'd like to

14   tee up too -- I think Mr. Levin, and then we'll go to

15   Mr. Casini -- is that, to me, there's sort of two

16   different buckets. There's what is all of the

17   information coming to the MLC, all of the usages, what

18   is a reasonable match rate or performance.

19   And then there's also for those harder cases

20   or for whatever reason those works that fall into the

21   unattributable pool that I would assume might have

22   sort of a lower success rate for better or for worse

23   should there be two different standards. So, Mr.

24   Levin, then Mr. Casini?

25   MR. LEVIN: Sure, thank you. And, you know,

1   I think since Chris brought up the fact that the MLC

2   is funded by the services, I do think it's important

3   to note that the statute does require the service to

4   pay the reasonable collective costs. And so I think

5   there's still an element of efficiency here that we

6   need to think about in terms of kind of the money

7   spent to match dollars.

8   And, yes, I think everyone shares the goal

9   of, I think as Bill put it, that money not be

10   distributed kind of on a market share basis and that

11   as much make it to the rightful owners as possible.

12   But I think I'd like to go back to something that,

13   actually, Vickie said in her comments because I think

14   it's really insightful here, which is the kind of

15   narrow focus on match rate above all might not tell us

16   as much as we want it to tell us about kind of the

17   opportunities for the MLC to actually move the ball

18   forward here.

19   I actually had a note here about something

20   that she had raised, which is, you know, for example,

21   it doesn't tell us how much is unmatched because the

22   splits haven't been determined yet. And I'll just as

23   a little side note that, Chris, there was a nice

24   little tweak there when you went from talking about

25   the record label not releasing stuff to then turning

1   it on the services having the responsibility to not

2   take the stuff that's been given to them by the labels

3   and put it up before the splits are set.

4   But that is a reality, right? The splits

5   are not always set when the works make their way onto

6   the services, and there are works that have been in

7   dispute for a long time that MLC is working on really

8   extensive dispute resolution mechanisms. And match

9   rate doesn't tell us, you know, why there are

10   disputes, whether how much of that money that is not

11   making its way to someone because there's overclaims

12   or because we actually ended up with 120 percent

13   matched, which that doesn't make sense.

14   So I would encourage that as we talk about

15   this as the MLC gets its operations fully underway

16   that we actually embrace the opportunity, and I think

17   Vickie highlighted one area to look at, of what are

18   the metrics that we can look at that tell us more

19   about whether this system is succeeding and not so

20   much, like, how much got matched, right?

21   And I think, you know, Vickie talked about

22   looking at those, like, granular levels of the works

23   in the database that have, like, a clear 100 percent

24   ownership identified. Those kinds of metrics, which

25   dovetail back to Chris's initial point about outreach

1   and reaching people and Ted's point about how do we

2   get songwriters and individual creators to engage with

3   the data, those kinds of metrics, I think, are

4   absolutely critical for all of us to be thinking about

5   as we move forward here.

6   MS. SMITH: Thank you. So, Mr. Casini, can

7   you speak constructively?

8   MR. CASINI: Yes.

9   MS. SMITH: What are useful metrics for the

10   MLC? Thank you.

11   MR. CASINI: Yeah, I agree completely with

12   Garrett except, when we're talking about metrics for

13   datapoints that we've collected or benchmarks, we have

14   to take a step back. You can't make those match rates

15   until you've got the data put in, which means you have

16   to figure out if you're trying to collect data on

17   works or if you're trying to get as many registrants

18   as possible or if you're trying to shrink the pool

19   from the alleged black box.

20   They're not all the same, and they flow from

21   one to the next but maybe not as consistently as we

22   think. You know, you've got "lies, damned lies, and

23   statistics," so I think Garrett is right in that we

24   can slice-and-dice match rates however we want to try

25   to achieve some type of success rate.

1   But what's the end goal, and how do we work

2   backwards from there? And for me, I think the data,

3   the statistics we need to start measuring is how many

4   people are signed up and how many works have they

5   entered. And if we don't start at the beginning with

6   that, then we may have 100 percent match rate of the

7   works that we've collected, but if, collectively, as

8   an ecosystem we haven't put in as much as possible,

9   then it's not going to shrink, you know, the unclaimed

10   portion.

11   And so we may pat ourselves all on the back

12   that we've all contributed to this great thing and

13   it's worked out as best as we could, and there's still

14   an enormous portion of people that have been left

15   completely out. And so I think that's an important

16   thing to consider.

17   MS. SMITH: Okay, thank you. So, with our

18   time, I want us to focus on what we think the MLC

19   should look at as we're recommending best practices.

20   Let's narrow down into specifics. And, Ms. Chauvet,

21   do you want to direct this next stage of questions?

22   MS. CHAUVET: Thank you, Ms. Smith.

23   So, in response to the notice of inquiry

24   that initiated this policy study, the MLC and other

25   commenters agree that reducing unmatched funds is how

1   success of the MMA should be measured. My question

2   initially is, how should the success of the MLC be

3   measured, and how should it be defined? I see there

4   are some hands up from before. Mr. Sanders?

5   MR. SANDERS: Yeah, again, I think that we

6   have to remember that in looking at the 80 percent

7   number as a benchmark, a lot of that data was drawn

8   from organizations that had direct contact with

9   songwriters because their organization deals in that

10   manner and is sometimes related to the regional PRO.

11   The issue, I'm going to just quickly raise

12   it again, of being able to being able to directly

13   contact the music creator community to assist is going

14   to help reach that benchmark of 80 percent.

15   MS. CHAUVET: That's great. We're going to

16   talk about artist outreach and some other

17   accessibility and user experience on other panels.

18   Ms. Nauman, did you have something to add about

19   defining and measuring success of the MLC?

20   MS. NAUMAN: Yes, I have, and I think that

21   we have to move beyond these headline rates because

22   it's really about defining how you got to that number.

23   And I think that we have to have some granularity to

24   that of what exactly is remaining. And then we aren't

25   going to improve anything that has happened in the

1   past, the 424 million. We will continue to have that

2   if we don't change some of the ways that we approach

3   this.

4   And we have a lot of new tools that have

5   reached a point of maturity and that are emerging in

6   the markets around machine learning, artificial

7   intelligence, having reference catalogues, having open

8   systems where we can have input and data flowing in

9   and out because this is a living, breathing dataset.

10 It's constantly changing.

11   So I think we have to look at both the

12 results of how can we break this granularity down a

13 little bit further with some transparency and put

14 things out. And the songs that only have 25 percent

15 of the total publishing associated with it matched and

16 linked in, we should be putting those out in a dataset

17 and say is your song in here, not just in a claiming

18 portal but on an ongoing basis so that we can

19 constantly have -- especially the longer tail and the

20 smaller songwriters and the smaller publishers that

21 may not have systems that they can send sophisticated

22 data feeds in and out.

23   We have to have a process to accommodate the

24 way creators create now, which is six to eight

25 songwriters per song, and we also have over 135,000

1   publishers in this country, and that takes a different

2   approach.

3   MS. CHAUVET: Yes, thank you so much. Just

4   in the interest of time, Ms. Aguirre, you had your

5   hand raised. I just want to ask that we've talked a

6   little bit about granularity of metrics. So there

7   were multiple commenters who suggested various

8   metrics, which I'm hearing match rate is not the only

9   measure by which we should be evaluating the MLC's

10   success. So perhaps if you could please comment on

11   that, Ms. Aguirre, and then anything else that you

12   wanted to add more generally about measuring success

13   of the MLC?

14   MS. AGUIRRE: Sure. Yeah, I don't think

15   match rate right now is the standard. And I think

16   that if, you know, people try to set 80 percent or 85

17   percent, it's just not an accurate measure at this

18   point of the MLC's life.

19   And it's unfortunate that this -- and I know

20   we're all bound by the statute -- that this study had

21   to happen so early in the life of the MLC. I think,

22   at this stage, success is measured by engagement

23   because engagement does mean higher match rates. And

24   so I think measuring success is measuring level of

25   engagement.

          1   I also think that I think what you're

          2   hearing from everyone is you can't pick a number and

          3   if you pick a number, you're setting something up for

          4   failure, that what the MLC has to do is study the

          5   unmatched that it has and where it's coming from

          6   because the best way to determine metrics for how to

          7   reduce that is to understand where that unmatched is

          8   coming from. Is it coming from new releases that

          9   don't have ownership? Is it coming from conflicts?

         10   Is it coming from aggregators? Is it coming from the

         11   long tail?

         12   I think the first metric is doing some sort

         13   of study to understand where most of the unmatched can

         14   be identified and then being able to target those

         15   areas to reduce the issues of unmatched in those

         16   specific areas. I mean, if you look at the unmatched

         17   that has come into the MLC for the historical

         18   unmatched, it is high across the board, and I'm not

         19   saying that it's -- every vendor has had a herculean

         20   effort to try to match all of these works. It is

         21   very, very difficult.

         22   But I think it is very clear that no service

         23   was matching really better than any other service.

         24   Everybody, depending on the size of the service,

         25   turned over a significant substantial amount of

1   unmatched money on February 15. And so I think the

2   first step is making sure people are engaged in

3   measuring the level of engagement and making sure

4   there's a study to determine where the unmatched is

5   coming from so that you can best identify where your

6   effort needs to be to reduce issues within that area.

7   MS. CHAUVET: All right. Thank you, Ms.

8   Aguirre. So just to reiterate -- so the MLC and other

9   commenters and Congress has emphasized that success of

10   the MMA is focusing on reduction of what is ultimately

11   distributed by market share or the unclaimed portion.

12   So the Office has said that the earliest

13   distribution by market share is 2023, which is, you

14   know, almost two years away at the very earliest. So,

15   between now and then, we want some type of indication

16   to see how the MLC is doing along the way.

17   So what are the granular details that can be

18   used to measure reducing the incidence of unclaimed

19   royalties as we get to that, like, later period of

20   time? And I know, Mr. Kalo, you had your hand raised.

21   If you could please maybe address that question and

22   then anything else you had to say, that would be

23   great. You're muted, Mr. Kalo.

24   MR. KALO: I'll be brief. As you alluded to

25   in your question, you know, the Congressional intent

1   was that the market share distribution should go down.

2   That's in the Senate report.

3   I'd suggest that there's a corollary to

4   that, and it goes to, you know, finding people that

5   are hard to be found and getting them their money.

6   And, to me, it's the percentage of relatively small

7   payouts and whether the percentage of overall

8   royalties distributed has an increasing share of

9   relatively small payouts. Are you finding people who

10   are owed relatively small sums of money? That, to me,

11   it's less hard and fast than a benchmark of, say, 80

12   percent, but I think it's just very important to look

13   at trends.

14   And in terms of what the driving force of

15   the MMA was, according to the legislative history,

16   that working songwriters would be more fairly paid,

17   that's from the legislative report, that, to me, is a

18   worthy metric to consider.

19   And then, you know, how they deal with kind

20   of thorny issues around how they distribute prior

21   settlements and other things like that is also

22   something that will be a metric of success, is the

23   public confidence that is in the songwriter community

24   about how they handle those difficult issues.

25   MS. CHAUVET: Thank you, Mr. Kalo. You

1   mentioned trends. I also wanted to raise that. If

2   we're measuring metrics over time, which some

3   commenters have suggested doing, which trends should

4   we be looking for in addition to, like, the granular

5   metrics? That would be helpful. Mr. Casini, you've

6   had your hand raised for a little while.

7   MR. CASINI: Yeah, thank you. I agree with

8   Danielle that picking a number, 80 percent, is kind of

9   arbitrary this early in the game. I'd also add that

10   setting 80 percent as the goal kind of limits the

11   opportunity that the MLC has, and the goal should be

12   to try to get as close to 100 percent as possible.

13   But the first goal has got to be statutory

14   compliance. So you've got to set up a database.

15   You've got to reach out to as many people as possible.

16   They're saying engagement. I think we should define

17   what engagement is. And then you've got to, as Ted

18   pointed out, shrink the overall number associated with

19   the market share distribution.

20   But to say that that's the end result is

21   true, it's too big to do. You've got to break it down

22   into steps. And so how do you do that? We're still

23   early in the game, as they pointed out, and I agree.

24   So the resources should be dedicated towards trying to

25   capture as much data as possible, and those all come

1   from the publishers.

2   Now the report that was just delivered by

3   Ms. Butler indicates, you know, from the CMOs abroad,

4   they're taking info from as many places as possible to

5   try to do as much matching as they can. And so that

6   could be an option. But, if you don't start setting

7   goals that are incremental now, we want to get X

8   amount of people registered by this date, we want to

9   get Y amount of works into our system by this date,

10   then you're going to set yourself up to fail down the

11   line, and then you won't be statutorily compliant.

12   And so, you know, saying we want it to be a

13   success is true, but we have to define what those

14   things mean. What do we really mean when we're

15   talking about --

16   MS. CHAUVET: Thank you, Mr. Casini. I'm

17   sorry, just because we only have about 10 more

18   minutes, Mr. Colitre, would you like to add any views?

19   MR. COLITRE: Yeah, thanks, Ms. Chauvet.

20   You know, it's dead simple. Timely and accurate

21   payment is the metric, right? The goal here is to get

22   as much money paid out as quickly as possible. So

23   you're looking for a trend statistic. Measure how

24   fast and how accurately and how completely the

25   royalties are being distributed on a monthly basis.

1   And, you know, the standard set by the

2   previous statute was 20 days after the close of the

3   month, which we managed for 15 years. You know, our

4   technology and our systems exist to do this. As Ms.

5   Aguirre pointed out, we know where all the sources of

6   difficulty are, and engagement will help with some of

7   that. The question is how fast and how efficiently

8   does the MLC manage the task of speeding up its

9   flywheel to be able to manage those processes. There

10   is a very, very long way to go.

11   MS. CHAUVET: Mr. Castle?

12   MR. CASTLE: Just a real quick point. You

13   know, one of the ways that you can find out how people

14   are doing is not necessarily a metric, an internal

15   metric like matching, but an external metric like

16   complaints, right? And so either that comes through

17   an ombudsman-type person or some sort of independent

18   line where those complaints are analyzed, you know, to

19   see, are there any consistent complaints, are they

20   trending one way or another over time?

21   It empowers the songwriters to be able to

22   raise their hands so it's not just all publishers, to

23   the point that Charlie's trying to make here. And I

24   think that that is something that I can't find if it's

25   in there, and I think it could be really important

1   because you could find out certainly how you're doing.

2   I mean, the best way to find out how you're

3   doing is to sit down with your customer and ask,

4   right? So one way you could do that here would be to

5   establish not just kind of how many calls we got, but

6   what were those calls and what issues were they

7   raising. Were they in a foreign language? Were they

8   elderly people who don't have internet connectivity

9   and don't have any understanding of what's going on?

10   What are they, right?

11   So I would just throw that out there that

12   having a robust complaint and customer service

13   analytical process might be useful.

14   MS. CHAUVET: Thank you, Mr. Castle.

15   So we've talked a little bit about metrics

16   and granularity, and we've also heard about the

17   importance of transparency in the MMA and the MLC's

18   activities. So my next question is, how should the

19   MLC be reporting certain metrics and how often should

20   it be so that the public can measure the success or

21   how well the MLC is in reducing the incidence of

22   unclaimed royalties? Mr. Colitre?

23   MR. COLITRE: Well, just given that the

24   process is set up to be monthly, I think the MLC

25   should report monthly on its progress on as wide a

1   range of metrics as possible. Engagement, if you

2   like, but also the timeliness of payment, the amount

3   of payment relative to the royalty period, the number

4   of tracks versus, you know, match rate.

5   So, just to be very clear on that last

6   point, of course, whenever you're talking about

7   matching, you need to talk about matching of what,

8   right? Matching of usage versus matching of total

9   available tracks, right?

10   Of total available tracks, everybody's going

11   to get very, very low match rates because there's such

12   a long tail of music that almost never gets played and

13   is very difficult to match because there are no song

14   records associated with those tracks.

15   But, with respect to royalties, you can get

16   to a much higher rate. So royalties matched, tracks

17   matched, timeliness of payment, engagement statistics

18   on a monthly basis.

19   MS. CHAUVET: Thank you. Just a follow-up

20   question on that before I turn to Ms. Nauman and Mr.

21   Sanders. So should the MLC report on the confidence

22   levels used in connection with any match rates that it

23   publishes?

24   MR. COLITRE: Certainly. There is an

25   element in most systemic matching processes of

1   confidence in the match, right? Computers matching at

2   high volume which do most of the work in this space

3   must be programmed to develop a certain level of

4   confidence before they agree that something is a match

5   or not a match using systemic algorithms. The MLC

6   should definitely publish the match, you know, the

7   percentage confidence that it uses for that process.

8   MS. CHAUVET: Thank you. Ms. Nauman?

9   MS. NAUMAN: Thank you. Yeah, I think what

10   we will find, hopefully, is if we have transparency

11   and if we have this measure and we're looking at the

12   percentage of match rates that we will see over time

13   the amount of money that's unattributed go down. And

14   I think we have to take a long-term view on this

15   because this doesn't happen overnight.

16   So I think, if we're measuring this at least

17   quarterly, publishing that, we're also measuring what

18   the engagement level is, how many people are coming

19   into the database, those things should have a direct

20   correlation of reducing the unmatched over the course

21   of time.

22   And I think a lot of the points that have

23   been made here about the long tail and songwriters and

24   smaller entities, I feel like the engagement side of

25   this also has to have some sort of neutral datapoint

1   that shows what activities are being done, what tools

2   are being made available, and how effective those

3   tools are to engage the smaller entities that are in

4   the publishing landscape.

5   MS. CHAUVET: Thank you. Mr. Sanders?

6   MR. SANDERS: Yeah, I think Vickie is

7   absolutely spot on with that. The end user here is

8   the songwriter and composer. We need a metric that

9   shows whether or not the royalties are reaching the

10   end user, and if they're not, there's a problem, and

11   it's a problem in communication. It's a problem in

12   not getting the word out that you, as a creator, need

13   to do your own investigation of your own music

14   publisher, et cetera, to make sure that the monies

15   have flowed through to you and, if not, to take proper

16   steps.

17   So that's got to be part of the analysis

18   that takes place as to whether or not the MLC system

19   is truly working as the MMA intends it to.

20   MS. CHAUVET: Speaking of creators and the

21   songwriters and rights owners, which data would be

22   helpful in encouraging them to come forward to claim?

23   Is there such data that the MLC could publish to

24   encourage such claiming? Yes, Mr. Sanders?

25   MR. SANDERS: Well, I certainly think that

1   regular contact saying we've received this money, it

2   should be being sent out soon. If you don't receive

3   it, check it. It may be a data problem. It may be a

4   payment problem, et cetera, but, again, and so many

5   people, including Danielle, have talked about

6   engagement and encouraging that.

7   That's really where the rubber meets the

8   road in this situation, and I think, when you hear

9   from Joerg Evers at CIAM and their experience related

10   to this and the European experience where they deal

11   with far greater numbers of royalties, I think we're

12   going to get some better insights and more specific

13   insights, I should say, into how to best make that

14   work.

15   MS. CHAUVET: Yes, Mr. Castle?

16   MR. CASTLE: I think I would just forward

17   look to John Simson's panel here. When John was

18   taking over the SoundExchange portfolio, he had great

19   efforts of outreach, you know, to law firms, business

20   managers, personal managers, you know, independent

21   labels. I mean, he would go and sit with you in your

22   office, you know, with his laptop, and you could look

23   up, you know, query his database.

24   So I would just point out that this is a

25   pretty granular thing, and having webinars -- I

1   realize COVID and all that -- having webinars is good,

2   but it's not the only thing. And you have to kind of

3   get to -- you may not be able to get to all the

4   songwriters, but there's not that many music lawyers

5   left in this country, right, you know? So you should

6   be able to find all of them, and it shouldn't be too

7   hard, you know, to get that message out so that people

8   who inform the people who need to sign up are aware of

9   what they need to do.

10   MS. CHAUVET: Thank you, Mr. Castle. Just

11   in the interest of time, this might be the last

12   question. The MLC's unclaimed royalties oversight

13   committee listed a number of metrics that it proposed

14   would be useful in helping to measure the MLC's

15   success. For example, they proposed a dollar amount

16   of unclaimed unmatched royalties in total and as a

17   percentage of total collections, how those figures

18   would change over time. Does anyone have any comments

19   on those specific proposals? If so, you know, are

20   those the metrics that should be used? All of them?

21   Are some more important or are some more targeted than

22   others? Mr. Colitre?

23   MR. COLITRE: In addition to what they

24   mentioned, which is the proportion of the money that

25   is currently accounted versus what goes into the

1   unclaimed pot for any period of time, that's an

2   important metric to measure.

3   To measure engagement with the claiming

4   system, you should also report the amount of dollars

5   that are claimed and disbursed from the system before

6   they get liquidated in another way. And to that point

7   also, the number of tracks claimed across that system,

8   the number of rightsholders who engage with that

9   system to do claiming, and the degree to which the

10   claims made by those parties turn out to be incorrect

11   versus correct and affirmed.

12   MS. CHAUVET: Thank you, Mr. Colitre.

13   Ms. Smith, I'll turn it over to you to wrap

14   up the panel.

15   MS. SMITH: Thank you. I think, if anyone

16   has a burning desire to say one last thing, we might

17   have a minute or two. Otherwise, we will be taking a

18   short break. So last call? I see Mr. Ahrend?

19   MR. AHREND: Yeah. Just I appreciate many

20   of the things that were said and agree with most, if

21   not everything, that was said, starting with the fact

22   that the goal should be and, in fact, is to match 100

23   percent of the money.

24   One point I wanted to note because I do

25   think this is an element of how things are changing

1   that is new for a lot of folks, and that is that the

2   pathway to the money is through the data. And one

3   thing that is true today and perhaps is not apparent

4   to everyone is that the data that speaks to what is

5   unclaimed is available right now, and any

6   rightsholder, any songwriter, can go see that. If you

7   go to the public search and you search for a writer or

8   a work, you can see whether that work has been claimed

9   100 percent or less. That's literally next to every

10   track in the database.

11   So I think that's a great place to start,

12   and it's a great example of how we are putting that

13   data out there, and I think the conversation today has

14   surfaced a lot of great ideas about other datapoints

15   and information that we can make available as we move

16   forward, and I appreciate the input that everyone has

17   given.

18   MS. SMITH: Thank you. I saw a couple

19   little stickers. We're technically out of time. I

20   think Mr. Kalo was one of them, if you wanted to say

21   anything? No, okay.

22   Well, I think we will conclude now. I want

23   to thank everyone for their participation. I think it

24   was a very valuable discussion. You know, the

25   Copyright Office has always been struck by the

1   consensus-driven nature of the MMA, and we really

2   believe that broad input from the music community is

3   going to help inform our study as well as the overall

4   success of the project.

5   So we're going to take a short break. We're

6   going to come back at 11:30 Eastern. So our friends

7   on the West Coast should go get more coffee. Thank

8   you for getting up for us. And the next panel, the

9   second session, will be on data matching and

10   identifying copyright owners. Thank you.

11   (Whereupon, a brief recess was taken.)

12   MS. CHAUVET: Welcome back, we're going to

13   go ahead and get started on the next session. For

14   those just joining, my name is Anna Chauvet. I serve

15   as Associate General Counsel at the U.S. Copyright

16   Office. I'm going to be helping to moderate our next

17   panel regarding data and matching and identifying

18   copyright owners.

19   Before we begin, there are just a few

20   housekeeping matters. This panel is going to be

21   moderated by Copyright Office attorneys here on the

22   call. We're going to pose questions and call on

23   panelists to respond. We'll do our best to give

24   everyone an opportunity to respond to questions.

25   Panelists are asked to raise their hand using the Zoom

1   feature or just by physically notifying that they

2   would like to say something, and we will call on you.

3   But, if you are not speaking, if you could

4   please mute your microphone to minimize any extraneous

5   noise. Given the number of panelists and the number

6   of topics we hope to cover in this panel, we ask if

7   you would please limit your responses to around two

8   minutes. We apologize in advance, but if you are

9   going over time, we will unfortunately have to cut you

10   off, and then, if necessary, we'll have to mute you.

11   We appreciate your understanding just with

12   the time constraints that we're under, and we ask that

13   you please limit your comments to the specific

14   question that was posed.

15   Momentarily, if not already, links to

16   educational materials about the Music Modernization

17   Act and the ongoing study will be posted in the chat.

18   General attendees will not be able to type in the

19   chat, so if you experience any technical difficulties,

20   please let us know in the Q&A feature on Zoom, and

21   someone from the Copyright Office will contact you and

22   try to help.

23   Our last session of the day today is our

24   audience participation panel in which members of the

25   public are able to provide oral testimony to be on the

 1   record. For those who are interested in signing up to

 2   participate in the audience participation panel, there

 3   is a link to the SurveyMonkey sign-up that will also

 4   be put in the chat. We ask that you please sign up no

 5   later than 3:00 today Eastern Time because that panel,

 6   the audience participation panel, will begin at 5:15

 7   Eastern Time, and at that time, Copyright Office staff

 8   will call on the people who have signed up, time

 9   permitting, and we ask that you please limit your

10   comments on that panel to around three minutes.

11   Before we begin, I would like to turn it

12   over to my Copyright Office colleague who is helping

13   to moderate this panel to let him introduce himself

14   and to take it from here.

15   MR. SLOAN: Thank you. My name is Jason

16   Sloan, and I am Assistant General Counsel here at the

17   Copyright Office. In this session, we'll be

18   discussing best practice recommendations for how the

19   MLC can reduce the incidence of unclaimed royalties

20   through its efforts to match usage data to repertoire

21   and ownership data and more generally how certain data

22   sources and data practices can also help address the

23   unclaimed pool.

24   To give a quick roadmap so everyone can

25   think about where they might want to jump in, we're

 1   hoping to cover three main areas today in the

 2   following order: matching practices; using

 3   third-party data; and data quality and reconciliation.

 4   Of course, during our conversation, you should feel

 5   free to also raise any other related topics relevant

 6   to the issues of data and matching in the context of

 7   best practices for the MLC, but please stick to that

 8   specific area given our limited time. We just want to

 9   make sure we get to everything and get to hear from

10   everyone.

11   So, to begin, I will call on each

12   participant. Please provide your name, your

13   affiliation, and whether you or your organization has

14   any affiliation with the MLC or DLC. Mr. Balcells?

15   MR. BALCELLS: Hey, everyone, and thanks a

16   lot for having us. My name is Daniel Balcells. I am

17   the Regional Manager for North America of BMAT Music

18   Innovators, a music tech company that's headquartered

19   in Spain, and we do not have an affiliation with the

20   MLC.

21   MR. SLOAN: Thank you. Mr. Bonilla?

22   MR. BONILLA: Hi, I'm the Senior Vice

23   President of Operations of SoundExchange, and we don't

24   have any association with either the DLC or the MLC.

25   MR. SLOAN: Ms. Bushmaker?

 1   MS. BUSHMAKER: Hi -- and I'm honored to be

 2   here -- I'm Jane Bushmaker. I'm Director of Royalty

 3   Audit and Contract Compliance at Prager Metis CPAs,

 4   where I specialize in auditing digital services --

 5   DMPs or DSPs -- for copyright owners and other royalty

 6   collection organizations, like SoundExchange, to

 7   ensure that royalties are paid properly. And I am not

 8   affiliated with the DLC or the MLC.

 9   MR. SLOAN: Mr. Jennings?

10   MR. JENNINGS: Hi, my name's Alan Jennings.

11   I'm the Head of Publishing Operations at Amazon Music,

12   and we do have an association with the MLC. They are

13   our partner for mechanical royalties. And we are also

14   involved in the DLC.

15   MR. SLOAN: Mr. Perry?

16   MR. PERRY: Yes, my name is Bishop Perry.

17   I'm the owner of BHP Royalty Company, where we

18   specialize in administering the rights of song owners,

19   and we work with other platforms to acquire data to

20   gain accuracy in collecting royalties for some of

21   these owners. We're based out of Atlanta, Georgia,

22   and we're not affiliated with the DLC, but we are

23   affiliated with the MLC.

24   MR. SLOAN: Thank you. Ms. Merideth?

25   MS. MERIDETH: Hi. I'm Rene Merideth, and

1   I'm the owner of Exploration Group. We're a music

2   publishing company, and we are members of the MLC for

3   collection of royalties for songwriters.

4   MR. SLOAN: Ms. Selden?

5   MS. SELDEN: Hi, thank you, Jason. Lisa

6   Selden. I am the Head of Publishing Solutions at

7   Spotify, and we are a blanket licensee, so we work

8   really closely with the MLC, and I am a board member

9   of the DLC.

10   MR. SLOAN: Mr. Shanley?

11   MR. SHANLEY: Hello. Thanks for having me

12   today, guys. I'm Mike Shanley, Vice President and

13   General Manager of the Audio Services Group at Music

14   Reports. We're not associated or affiliated with the

15   MLC or the DLC, but we support many digital

16   distributors in their interactions with the MLC.

17   MR. SLOAN: Mr. Thompson?

18   MR. THOMPSON: Hi, Rich Thompson. I am the

19   CTO of the MLC.

20   MR. SLOAN: And Mr. Winck?

21   MR. WINCK: Hi, everyone. Alex Winck, Head

22   of Royalties for Pandora, and we are associated with

23   the MLC as well as DLC.

24   MR. SLOAN: Great, thank you, everyone. So

25   let's begin with matching. It might be a good start

1   to begin with an understanding of what matching

2   actually is. So, basically, a DMP reports a stream or

3   download to the MLC, and then the MLC will have to

4   match that to its musical work repertoire database.

5   And to break that down a little bit, the MLC will need

6   to identify the sound recording that was played, match

7   it to the underlying musical work embodied in the

8   recording, identify the owner of the musical work, and

9   locate the owner so they can be paid.

10   And you can also have what are called

11   "partially matched works" where there are multiple

12   copyright owners for the musical work, some of which

13   have been identified and located and others of which

14   have not. So, in other words, you could have some

15   shares that are fully matched and can be paid but not

16   all of them.

17   So, to start us off, would anyone like to

18   comment on what I just laid out and perhaps speak to

19   any major barriers that exist to fully matching a work

20   so that all shares can be paid to their proper owners?

21   Mr. Shanley?

22   MR. SHANLEY: Sure. Thanks, Jason. You

23   know, I would just say that, you know, the volume of

24   music we're releasing these days is so much greater

25   than it was historically, right? If we take the

1   heyday of music, maybe 1995, we were releasing

2   probably 10,000 sound recordings commercially per

3   year, and we're releasing about 60,000 per day at this

4   point. Most of those are coming through indie

5   sources, and even when they're not indie, there's a

6   lot of indie producers, songwriters affiliated with

7   major releases.

8   And so I think a big part of the partially

9   matching problem is addressing that constituency that

10   may not have a professional partner, like a

11   professional record label or professional music

12   publisher. So I think educating and addressing really

13   the folks who are creating a lot of the volume of

14   content today helps with the challenge greatly and

15   building systems so that they can engage with

16   unmatched data, claiming sound recordings, systems for

17   easy registration of content rights, I think is a big

18   part of the solution.

19   MR. SLOAN: Thank you. Would anyone else

20   like to respond to that? Yes, Ms. Merideth?

21   MS. MERIDETH: Yes. I wanted to say that I

22   think there has sometimes been an overreliance on

23   really great software tools, that the larger the

24   publisher is, the greater their reliance on only

25   trying to do everything through software, and software

1   is an incredibly valuable tool for the amount of data

2   that we have moving around, but we need to balance

3   that more with a human element to actually cross-check

4   this because the software's only going to move the

5   data that we give it.

6   And at some point, a human's got to put it

7   in somewhere, and if we don't have smart people who

8   understand this, we end up with bad data in, and it

9   just propagates so quickly because the software that's

10   out there now is so, like, brilliantly made, and it

11   moves fast.

12   MR. SLOAN: So let's talk about those two

13   pieces. You know, the matching process involves

14   automated computerized matching using various

15   algorithms, but then there's also a manual human

16   element. So maybe let's start with the automated

17   component. Can anyone speak to specific kinds of

18   automated matching processes that are common and

19   effective that are being used that the MLC should look

20   to? Mr. Bonilla?

21   MR. BONILLA: Yeah, thank you. So, again,

22   SoundExchange has been doing this for almost 20 years

23   now. So we evolved over time to figure out the best

24   and most precise way of getting content matched. What

25   we've seen in our experience is that the best way to

1   actually achieve the possible maximum pay-through rate

2   and pay out as much as we can is to clearly split the

3   data into three categories and clearly segregate

4   usage, sound recording repertoire, and musical work

5   repertoire, the usage being all the different

6   spellings, new spellings used by the DSPs, the

7   repertoire being the content that comes from the

8   copyright owners, either sound recording or musical

9   works, and then linking the recordings to the works

10   and matching the uses to the recordings really, in our

11   experience, has allowed us to sort of perfect over

12   time the art of matching the content all the way

13   through.

14   And I guess two lessons learned that we've

15   seen is that by using authoritative repertoire sound

16   recording in the middle of the process, it really

17   helped us in the past to reduce the number of

18   recordings that had to be worked with, which, in our

19   experience, what we saw is that increased the quality

20   of the matches.

21   And, secondly and probably even more

22   important, it actually allowed us to be proactive and

23   pre-match. We didn't have to wait until the content

24   was actually viewed by the DSP before we could

25   actually either associate the recordings to copyright

1   owners or musical works or link, and we were ready for

2   whenever those recordings were used.

3   And as soon as we saw those in our report of

4   views, we could pay all the way through. And it's

5   only not about paying out as much as we can but also

6   as fast as we can, and we believe that with this

7   three-tier architecture, we actually achieve that.

8   MR. SLOAN: Would the others have anything

9   they'd like to add about the idea of pre-matching and

10   how common that is, if that's a best practice that

11   should be recommended? Mr. Shanley?

12   MR. SHANLEY: Sure. And I think Luis raises

13   a good point, and I think, you know, Rene's point is a

14   really important one too, which is it's not just a

15   software problem. And we focus so much on systems and

16   we talk about blockchain, and really, you know, the

17   problem comes down to people, and people have to

18   understand that they need to disseminate this

19   information, and that really starts in the creative

20   process.

21   But, because of this volume that's hitting

22   all the digital distributors every day, the DSPs, the

23   fitness tech platforms, there's a lot of content,

24   right? There's a lot of sound recording metadata, and

25   there's a lot of music publishing data. And, of

1   course, the music publishing data is inherently more

2   complicated than the sound recording data. It's

3   coming from, you know, several endpoints. You know,

4   today, popular music works can be composed by 10, 15

5   folks who have various representatives who may split

6   their rights. You know, a long way of saying the data

7   is extremely complicated that comes from the

8   composition side, and it may not be analogous from a

9   data population perspective to the sound recording

10   data that embodies that composition.

11   And so, you know, I think Luis's point is a

12   really important one, and it's something that we've

13   been doing at Music Reports for quite some time as

14   well, which is integrating all these new sound

15   recordings every day and constantly attempting to

16   match them to composition-level information that's

17   coming in from music publishers.

18   I think that's core to a successful

19   platform. If we, you know, backload everything to

20   trying to match everything once it's been used, you

21   know, first, we're a little bit behind, but then also,

22   you know, we create this sort of logjam of attempting

23   to get these things done in time for royalty

24   distributions. And so I think it's really important

25   to have an always-on matching process.

1   MS. CHAUVET: Just to clarify, Mr. Shanley,

2   so you're suggesting a best practice would be to

3   proactively match and not wait for usage of a musical

4   report embodied in a sound recording for attempting to

5   match?

6   MR. SHANLEY: I certainly would advocate for

7   that, and that's the way we do it at Music Reports,

8   which is to integrate catalogue on a daily basis as

9   it's released from record labels and constantly

10   attempt to match that to CWR data or ownership data

11   coming from the publishing community.

12   Now that happens in high volume with

13   systems, but at Music Reports, we have 50-plus manual

14   operators of our Songdex database in our copyright

15   research department. You know, it's an expensive

16   challenge, right, housing that many people to really

17   just work on data, and a lot of what they do, the

18   copyright research folks at Music Reports, is

19   analyzing sound recordings, what's going to trend, you

20   know, what do we need to clear, and actually reaching

21   out proactively to folks that may know something about

22   the control of ownership of the embodied composition

23   and helping them actually build that information out.

24   So a lot of data that's populated into the

25   Songdex database is actually built out by working with

1   music publishers manually. Of course, that's a

2   low-volume, high-value sort of approach, and, of

3   course, it's expensive to administer, but I think it's

4   essential to the process happening. So, yes, I think,

5   Anna, we should be doing that, you know, constantly.

6   MS. CHAUVET: Thank you, Mr. Shanley. You

7   also raised manual matching, which I would like to

8   hear what you have to say but also any other

9   panelists, if maybe you could talk a little bit more

10   about what that is. We hear that term being used a

11   lot and that we should put resources towards it. What

12   does that actually mean in practice?

13   MR. SHANLEY: Yeah, from our perspective at

14   Music Reports, manual matching is literally the act of

15   our Copyright Research Specialists, you know,

16   analyzing sound recording metadata -- title, artist,

17   album, ISRC codes -- and attempting to find manually

18   any information that could be available about the

19   composition.

20   Now most of what we do takes place through

21   automation, but that's the high-volume problem. That

22   only speaks to, you know, composition-level metadata

23   that comes in through automated sources from the

24   majors, from major independents. You know, there's a

25   lot of music publishers out there that are also

         1   artists that are on the road, et cetera, and so, you

         2   know, housing these sophisticated data dissemination

         3   systems is just not possible.

         4   And so manual matching is literally the act

         5   of researching a sound recording to find the embodied

         6   composition and locate the folks who are responsible

         7   for actually creating the work, and that's done with

         8   people.

         9   MR. SLOAN: I saw Ms. Merideth first.

        10   MS. MERIDETH: Yeah, I was just going to say

        11   from a -- thank you, Michael. I really like the way

        12   you put that into words there from your perspective.

        13   From the publisher's perspective, we have always

        14   wanted that proactivity. We've always wanted this

        15   ability to be proactive, and in so many platforms now,

        16   we have the power to do that. We have it at YouTube.

        17   We have it at the MLC. We have it at MRI.

        18   And I think one of the frustrating things

        19   that I see is a degree of apathy by some fellow

        20   publishers who get frustrated or who don't want to

        21   learn a system or who just don't have the bandwidth to

        22   go in and do the work, and some who have apathy

        23   towards it or just don't want to do the work or have

        24   questions of why do I have to go give my data all the

        25   time, they're not understanding the problem

1   completely. So I think there needs to be an education

2   done as to how does this bad data happen and

3   understanding of why it's so important to go do the

4   work and encourage more publishers to go do the work.

5   MR. SLOAN: So we're going to have a panel

6   later today focusing exactly on education and outreach

7   for sure. I'd like to try to keep the focus here on

8   what best practices should be for the MLC once it has

9   the data, however good or bad it may be. I believe I

10   saw Ms. Selden's hand up as well a moment ago.

11   MS. SELDEN: Yeah, so, just in reaction to

12   Mike talking about the 50 copyright experts that are

13   manually going in and creating all those links, like,

14   it is a lot of manual work, and I agree with Rene.

15   It's like try to get the publishers to do some of the

16   work. And one of the great things about the MLC is

17   having all of that usage in one place. So you can

18   give them the tools, have, like, claiming portals that

19   are really easy for them, for the publishers, even if

20   they are, like, afraid of technology, afraid of

21   learning new systems.

22   Like, make it really easy for them to create

23   a lot of those links so it's not all on the

24   administrative people, it's not all on the MLC to

25   hire, like, tons and tons of people to do this manual

1   link creation when some of the burden should be on the

2   copyright owners also.

3   MR. SLOAN: Thank you. Ms. Bushmaker?

4   MS. BUSHMAKER: Hi. Yes. In response to

5   that and all the discussion about manual matching, I

6   would urge the Copyright Office to get away from the

7   manual matching as much as possible and use the

8   technology tools that exist and that can do a lot of

9   the heavy lifting.

10   And then the human element still does need

11   to come in. But when we're talking about the volume

12   that all of these services are disseminating daily,

13   and all of the recordings that are coming in, you have

14   to leverage the technology that's out there, whether

15   there's some AI, artificial intelligence, or

16   machine-learning aspects. Neural networks are an

17   option.

18   And even going so far as -- you know, the

19   problem we're talking about here with unmatched

20   royalties is that there was nothing to match to. The

21   data is not there. The services -- and this was

22   alluded to in the previous panel -- the services did

23   not know who to match to, and they did not have data

24   to match to.

25   You have to have data to match to. And so

1   they've managed it in their own ways, and part of what

2   I would encourage the Copyright Office to require the

3   DMPs to report would be not only the ISRC, but we're

4   talking about identifiers so that the tools can do the

5   matching. We need unique identifiers, ISRCs along

6   with the digital music provider's unique sound

7   recording identifier, and that should remain constant

8   throughout this whole process because that's how each

9   service is managing their content, right?

10   So creating the links between identifiers so

11   that the tools can perform the matching process would

12   be what I would urge the Copyright Office to explore.

13   MR. SLOAN: Thank you. Mr. Bonilla?

14   MR. BONILLA: Yeah, I strongly agree with

15   Jane. I mean, in the 21st Century, with the volume of

16   data that we're receiving from the DMPs, from record

17   owners, from copyright owners, either you rely on

18   technology and on international standards or, as we

19   were discussing, we're going to end up with an immense

20   amount of manual work by a technician.

21   Based on our experience, it's not as

22   effective or efficient, and I don't think we will be

23   able to move the same amount of royalties as if we

24   were really relying on ISRCs at least. I know that

25   we've been back and forth on the ISRCs, and I agree

1   they're not perfect, but it's by far the best

2   identifier that we have on the sound recording. And

3   when used accordingly in a proper matching algorithm,

4   it really increases the confidence level with those

5   matches. And at the end of the day, it reduces manual

6   matches. And the less humans we involve, the more we

7   pay out and the less unpaid royalties we have, which

8   is why we're here today.

9   MR. SLOAN: Thank you. Mr. Thompson, I

10   believe you had your hand up a moment ago?

11   MR. THOMPSON: I did. First here let me

12   just, I guess, endorse a comment heard earlier, use of

13   the systems identifiers because, of course,

14   absolutely, you know, they are essential, and, you

15   know, open and available repositories of persistent

16   identifiers are a key building block to -- you know,

17   those identification schemes are a key building block

18   of an awful lot of the work that we do.

19   But just on a comment Jane made around an

20   alternative approach is, you know, one that I'm

21   personally sort of still quite keen to explore further

22   is actually audio-to-audio matching. Ultimately, the

23   consumer listens to the music. I mean, they somewhat

24   consumed the metadata and, you know, maybe they looked

25   to the metadata and not who the writers were.

1   But, ultimately, people wanted to listen to

2   the audio, and I think and as some people in the call

3   will know sort of during the rulemaking process, you

4   know, we've been exploring with the Copyright Office

5   and the DLC and others, you know, avenues that we

6   might explore to be able to get ahold of the audio in

7   order to help us do audio-to-audio matching, whether

8   that is sort of recording to recording, or if you have

9   an audio reference for a work, you know, work to

10   recording matching via that mechanism.

11   And in particular, my hypothesis is that I

12   think it would be quite an interesting way to get into

13   some of the long tail. You know, some of the DSPs

14   that we are working with are UGC DSPs where, you know,

15   I dare say that some of those recordings, you know,

16   perhaps could be identified sort of, you know -- I

17   don't quite know what the appropriate implementation

18   of that is at the moment, whether it's some sort of

19   hashing or fingerprinting, I don't know.

20   But it certainly feels to me that, you know,

21   audio-to-audio matching is perhaps an area that

22   remains a little underexplored at the moment, though I

23   know certainly some organizations have done a good

24   body of work in this area. And so that's it.

25   MR. SLOAN: So, in terms of these kinds of

1   emerging technologies like audio fingerprinting and I

2   think machine learning and AI was also mentioned, I

3   mean, to what extent are these being used in the

4   industry now? Is anyone using them now? Mr.

5   Balcells?

6   MR. BALCELLS: So, at BMAT, for example, we

7   have our own proprietary fingerprinting technology

8   that we've used for about 15 years, so it's basically

9   a way to extract, we call it a digital fingerprint of

10   an audio file, which, if you think of your own

11   fingerprint as sort of the smallest bit of information

12   that can uniquely identify you as opposed to any other

13   human being, an audio fingerprint is essentially the

14   same thing for an audio file. It's a very compact

15   description of what is going on in that waveform that

16   allows you to identify it and spot it, whether it's in

17   a noisy environment or, you know, if there's any kind

18   of overlaid music or speech.

19   And, I guess, to echo Richard's comments on

20   audio-to-audio matching, this is something that we

21   definitely use in our metadata matching engine. So we

22   use audio-to-audio matching to cluster together sound

23   recordings that come from different sources. And

24   then, once we've created a cluster of different sound

25   recordings that we know are the same based on the

1   audio, we can pull together their metadata and create

2   a sort of more-complete metadata picture for that

3   sound recording.

4   MR. SLOAN: Thank you. Just to circle back

5   on the manual efforts because, it seems everyone

6   agrees using automated methods is important, but, you

7   won't always get a clear result, and the comments talk

8   about the issue of when automated matching yields

9   multiple potential match candidates. So, in terms of

10   manual efforts, are there any common techniques in

11   particular to help with that issue? Mr. Shanley?

12   MR. SHANLEY: Yeah, thanks, Jason. Just to

13   comment quickly on the last point as well, but I'll

14   answer your question first. I think definitely.

15   Look, we want to do everything we can with systems,

16   and we employ, you know, as modern-day systems as we

17   possibly can to match.

18   Of course, you need both sides of data in

19   order to secure a match, right? There has to be data

20   from the composition side in order to match a sound

21   recording. But, yeah, Jason, I think there's a lot of

22   false-positive opportunities. There's a lot of bad

23   metadata out there.

24   Music Reports, for example, hosts a claiming

25   system that's been up for five-plus years where folks

1   can come in and actually identify sound recordings and

2   submit their composition control to Music Reports.

3   Now that has to be reviewed, right, because

4   we're ingesting data from many trusted sources at

5   once. I mean, we have tens of thousands of music

6   publishers sending us data, you know, every day and

7   hundreds of music users sending us data on the other

8   side at the same time.

9   And so there's a lot of potential for

10   overlap. There's a lot of potential for false

11   identifications. There's a lot of potential for lack

12   of understanding, right? Coming into a claiming

13   system and only working with metadata, I think

14   Richard's comments are spot-on about audio-to-audio

15   matching, and this is the "but" where I wanted to step

16   back for a second.

17   I think understanding that, you know, that

18   one sound recording is the same sound recording

19   across, you know, Spotify and Apple and Amazon, et

20   cetera, is extremely important so you can do all that

21   work at once, especially if you're in that centralized

22   position like the MLC is, like Music Reports is.

23   It's important to do as much as you can at

24   the same time. But it's important to ensure that, you

25   know, you have people vetting accuracy, that you have

1   people vetting, you know, the understanding of folks

2   who are submitting metadata, who may not control

3   particular right types, et cetera, but they're

4   submitting data because they don't necessarily

5   understand that. There could be false positives.

6   And so, you know, I think a manual

7   reconciliation to just vet incoming claims, to vet

8   incoming data, is really important.

9   MR. SLOAN: Thank you. So I'll just ask if

10   there are any specific techniques that might be able

11   to be recommended? I saw Mr. Jennings next, and then

12   I believe Mr. Perry after that, please.

13   MR. JENNINGS: Yes, hi. I just wanted to

14   comment a little bit about the audio matching piece.

15   You know, it's helpful in identifying that a

16   particular song is the same across a different

17   service, Amazon and Spotify, et cetera, but, you know,

18   by itself, it still doesn't solve the real underlying

19   problem, which is that we're trying to figure out what

20   is the underlying composition to an audio recording.

21   And so there still needs to be an effort of focusing

22   on matching an audio work to a sound recording.

23   MR. SLOAN: Mr. Perry?

24   MR. PERRY: Yes, thank you. I work with a

25   lot of -- I wouldn't say a lot, but I work with a

  1   substantial amount of owners who have rights to their

  2   music, and what we have to do, I would say about 70

  3   percent of our recordings have to be inputted manually

  4   because of previous information being incorrect where

  5   we have to correct it and then resubmit.

  6   So I suggest, you know, before, you know,

  7   you go all automatic that, you know, everything that's

  8   being put into the filter's already correct because

  9   you'll just keep churning, you know, a faulty royalty,

 10   you know, that's going to somebody that it's not

 11   supposed to go to, you know?

 12   In one case, speaking to Luis Bonilla,

 13   SoundExchange over there, great people, we had a case

 14   one time where they were telling us we're sending the

 15   email to you. We sent the email. Why haven't -- you

 16   know, you guys are not doing it. We're like, you

 17   know, we've done everything we're supposed to do. So,

 18   when I finally got the individual on -- I think her

 19   name was Candace -- got her on the phone, and I asked

 20   her to letter for letter, tell me what the email

 21   address said, and the guy's name happened to be

 22   Turner, and it was one letter off. She put in

 23   T-U-N-E-R.

 24   So I would just say it can take something as

 25   simple as that that would divert somebody's royalties

1   that's supposed to come there way. So, before it, you

2   know, deposits, I think the accuracy with something

3   like what Mr. Daniel Balcells said with the

4   audio-to-audio matching, you know, just confirming

5   that this is exactly what it is and the credits that

6   are associated with it will travel with it.

7   MR. SLOAN: Thank you. Keeping on this

8   topic of manual matching, are there any particular

9   best practices the MLC should follow in terms of

10   prioritizing usage to go through manual efforts or

11   prioritizing which efforts to use in terms of what

12   efforts may be the most economical or cost-effective?

13   I believe Mr. Balcells has had his hand up for a

14   while.

15   MR. BALCELLS: Well, yeah, I just wanted to

16   add that manual and automatic matching don't have to

17   be absolutely, you know, orthogonal solutions. They

18   can tie into each other. So something that's quite

19   typical of automatic systems is that they produce a

20   measure of how confident they are in the decision that

21   they make.

22   So an automatic matching engine might be

23   able to say it looks like this musical work and this

24   sound recording should be linked together, but I'm

25   about 70 percent sure or I'm about 99 percent sure.

1   And, incidentally, a huge part of that confidence

2   comes from the identifiers because they're obviously

3   much more robust to variations than the more fuzzy

4   metadata field.

5   But, basically, the point I wanted to make

6   is that you could use that measure of confidence as a

7   way to say, okay, well, the ones that are, let's say,

8   above 90 percent confidence, we're just going to go

9   ahead and trust them, or at least they're not going to

10   be the first ones that we're going to review manually.

11   And anything that's below a certain threshold of

12   confidence might be what you want to look at in terms

13   of manual confidence or manual matching.

14   MR. SLOAN: Thank you.

15   MS. CHAUVET: Confidence levels came up.

16   Thank you, Mr. Balcells. I think it would be helpful

17   if we could hear a little bit about how they are

18   developed and what would be, like, a best practice for

19   developing them or what might be a "good" confidence

20   level. If we could maybe hear about that, and then we

21   can go back more to the manual matching. Does anyone

22   have any comments on that particular issue? Mr.

23   Shanley?

24   MR. SHANLEY: Yeah, and I think, you know,

25   the spirit of what I'm about to say has come up

86

1   already, which is you need to use multifactor

2   matching, right, in order to secure high confidence.

3   So, you know, matching on title is definitely not

4   going to get you where you need to be, right?

5   So you need at least title and artist. You

6   need title, artist, ISRC. You need album and UPC.

7   You know, you need to really secure high confidence

8   matches on multiple fields before you can even, I

9   think, approach the point of feeling confident about

10   securing your match.

11   And one thing I just wanted to say about

12   manual and Jason's direct question about best

13   practices, I think, you know, at the end of the day,

14   the goal is to achieve consensus, right? And so, you

15   know, the best way to do that when you're unsure is to

16   get everybody involved who might be involved.

17   And, again, that's an expensive process, but

18   there are tools that we built to automatically notify

19   folks so that they understand that certain works are

20   in conflict or that there's co-publishers that may

21   have an overlapping claim, and we need to come to the

22   table and figure this out as a group.

23   Or we have conflicting matches, and we're

24   not exactly sure, you know, where this belongs. I

25   think gaining consensus with the folks, the

1   stakeholders, is really important and probably a best

2   practice.

3   MS. CHAUVET: Thank you. Did anyone want to

4   comment on confidence levels? Mr. Thompson?

5   MR. THOMPSON: Thanks. Firstly, I want to

6   endorse Mike's comments, you know, when he says, you

7   know, he begins to paint a picture of actually how

8   complicated the algorithms underlying matching are and

9   how, you know, it is dangerous to use a single factor.

10   You know, you can't just direct it, to take

11   as example, you know, you can't just use a title.

12   Work titles are obviously very, very far from unique,

13   you know, and I think those of us who have been in

14   this business a long time, you know, know that it is

15   actually essential to make sure that, for any given

16   match, you know, you are incorporating as much data as

17   you possibly can and looking at a possible match

18   through as many different lenses as possible and

19   through as many different approaches as possible. So

20   well said, Mike.

21   A thing I just want to caution against a

22   little bit, and I think this came out in the previous

23   panel, is that somehow there is a notion that all of

24   this can be boiled down into a single confidence

25   percentage number. It's far, far more complicated

 1   than that. You cannot simplify, you know, the process

 2   when, you know, you're building all sort -- I mean,

 3   you know, there are any number of technological

 4   approaches to this, as other panelists have said, but

 5   I caution against thinking that, you know, all of

 6   these algorithms or rules engines or elastic search

 7   indexes or that any of those can somehow be boiled

 8   down to a simple, okay, this came out to 93 percent

 9   confidence and, therefore, we think it's good, or this

10   one came out to 67, so we don't think it's good.

11   It is so much more complicated than that.

12   You know, I don't think it is helpful or realistic to

13   think we can boil down the sophistication, simplify

14   these algorithms down to a single percentage

15   confidence level. It's a lot more complicated than

16   that.

17   MS. SMITH: Thank you. Can I ask a related

18   question? If an across-the-board or one-size-fits-all

19   approach doesn't always work, can we focus on whether

20   there are specific best practices or strategies based

21   on the type of music that is being, you know, matched

22   and located?

23   And I think some bucket I would like to talk

24   about for consideration are genres like classical or

25   jazz or foreign language or even foreign alphabet.

1   You know, I would assume maybe the universal

2   identifier becomes more important in that case. But,

3   if it's not one-size-fits-all, what are best practices

4   that should be considered in designing the system?

5   And I guess Mr. Bonilla had his hand raised.

6   MR. BONILLA: Thank you. So one thing we

7   were going to say is it worked really well on our end

8   when it comes to manual matching, and it's to do away

9   with having lists of unmatched compositions and

10   matching recording by value or have users go at it.

11   Instead of doing that, what we've seen works

12   pretty well is when we add all our transactional data

13   into a data warehouse, and then we do daily targeted

14   exercises where we ask users to action and group

15   different compositions, different works, by category.

16   So there's a lot of potential when a user

17   can kill 10 birds with one stone because it was 10

18   different misspellings of the same recording, or we

19   have the 20 different spellings of Beethoven or all

20   these areas that otherwise, in the past, users would

21   have had to type one by one, recording by recording,

22   very ineffectively. There's now very good tools out

23   there to do data mining, analytics, and come up with

24   things that the naked eye, a human being, cannot

25   really see and group them in ways that really make the

1   manual work much more effective.

2   MS. CHAUVET: Mr. Jennings, you had your

3   hand raised?

4   MR. JENNINGS: Yes. You know, kind of in

5   terms of my recommendations when there's not a

6   one-size-fits-all approach is really just to take a

7   data-driven approach towards figuring out what the

8   best matching process is. So, obviously, the

9   identifiers are going to be your best bet as they

10   provide the most definitive and direct links, and any

11   other field besides the identifier is really just a

12   best guess.

13   You're trying to leverage the metadata that

14   you have to make a sort of estimated link, and how you

15   leverage those other fields is very much

16   context-dependent. It can depend on the data sources

17   that you have, and like the example that you cited,

18   the metadata for classical works might vary from, you

19   know, rock works. And so, you know, using kind of one

20   set of fields, you can't definitively say, you know,

21   use the title and the release year and that's going to

22   work. It's going to depend on the context.

23   And so I recommend developing sort of

24   flexible machine learning algorithms that leverage --

25   supervised machine learning algorithms that leverage

1   some of the identified, already-matched data that we

2   have through the identifiers and using that to build

3   an algorithm that takes that context into account and

4   dynamically adjusts based on the data that you have.

5   MR. SLOAN: Thank you. Ms. Merideth?

6   MS. MERIDETH: Yes, thank you. What I've

7   been hearing here is a lot of audio matching versus

8   data matching. It's not an all-or-nothing thing.

9   It's a combination that works. You've got to have

10   some level of automation because of the volume.

11   You've got to have some cross-population. When I

12   match an ISRC code from one source, it should match

13   that ISRC code from all sources. Sometimes that

14   doesn't always happen out in the wild.

15   And then, going back to make comment about

16   best practices here, when you have a partial match,

17   provide a link in the manual portion. When you have,

18   you know, a partial match that doesn't fully match and

19   you're trying to develop a queue for a manual review

20   or you've got completely unmatched, what would be

21   really great in that field of reviewing things -- and,

22   Michael, I've recommended this to Music Reports

23   before -- is have a link that goes back to that

24   platform's use of the song so that right there in the

25   moment when you're trying to match, you can go, by

1   song title, "I Love You." Is this my "I Love You"?

2   Because I don't recognize that artist. Click. Now I

3   can go hear it from the source, and I know right then,

4   if you could implement that.

5   MR. SLOAN: Thank you. We're going to have

6   a panel about being able to claim and register and

7   things like that in a little bit. I just really want

8   to try to keep the focus here on --

9   MS. MERIDETH: These actually go back to

10   best practices, so I just wanted to get that comment

11   out there.

12   MR. SLOAN: No, we definitely appreciate it.

13   Thank you. I just want to follow up on Ms. Smith's

14   question. Are there any specific recommended

15   techniques for any particular types of areas, like

16   foreign works or certain genres that anyone would like

17   to speak to? Mr. Balcells?

18   MR. BALCELLS: Yeah, I think foreign

19   languages and especially foreign alphabets are very,

20   very tricky. And as we see foreign genres like K-Pop

21   emerge to a global scene and as we see, let's say,

22   Chinese DSPs grow to, you know, become an important

23   part of worldwide revenue, I think it's going to be

24   more and more of an issue.

25   I would say one fairly straightforward

 1   approach to sort of not necessarily tackle these

 2   problems specifically but at least take them into

 3   account when we're measuring performance is to make

 4   sure that the data sets that are used to measure

 5   matching rates, data sets that are used to measure how

 6   much of the revenue is staying in those unclaimed

 7   pools, that when we do tests with subsets of data that

 8   we're actually taking varied data into account because

 9   otherwise we're actually overfitting our solutions,

10   our algorithms, to basically Western and essentially

11   English-speaking music, and that's just, in all

12   likelihood, not going to generalize to other types of

13   music.

14   MR. SLOAN: Thank you. I see some other

15   hands up. I just am mindful of the time, so I want to

16   circle back to a question about confidence levels and

17   then you can perhaps respond to both. I think we

18   understand what was said before about that it's very

19   complicated and you may not necessarily be able to

20   recommend that something should be at a certain

21   percent confidence or not, but are there any best

22   practices for how to tune your confidence levels, you

23   know, in terms of how you make that determination, or,

24   more generally, how do you define what a match is, if

25   anyone could speak to that. I see Mr. Shanley with

1   his hand up.

2   MR. SHANLEY: Thanks, Jason. You know, we

3   work on these challenges a lot, so I'm sorry to hog

4   the time. You know, I hate to say it again, but I

5   think, at the end of the day, machines work best when

6   they're guided by people. And you build algorithms

7   and you set them out into the wild, and the only way

8   to ensure that they work the way you expect is to test

9   them with people and to validate, you know, their

10   results and then fine-tune.

11   So I would say, you know, best practices of

12   gaining, you know, or achieving higher levels of match

13   confidence is to run that test, Q&A, and then redesign

14   and rerun. So I think there has to just be, you know,

15   regression testing in any matching algorithm. That's

16   probably obvious, but I think the best way to achieve

17   that high confidence is to really fine-tune your

18   matching algorithms by vetting that through people and

19   testing.

20   MR. SLOAN: Thank you. There were, I think,

21   in the comments, CISAC and BIEM mentioned three

22   specific examples where they said they would consider

23   the data to be sufficient to be a match, and I just

24   wanted to get input from the rest of you on that.

25   Their first scenario was if the usage data

 1   is 100 percent identical with data successfully

 2   matched in a previous reporting period, was the first

 3   one. The second one is if there's a standard

 4   identifier, like an ISWC or ISRC, in the usage report

 5   that's matched against a registered work, and then

 6   also, you match a title, creator, or performer. And

 7   then the third one was if there's no standard

 8   identifier that you match the title and either the

 9   creator or the performer.

 10   Does anyone have any perspectives on those

 11   three examples? Mr. Perry? I think you're muted.

 12   MR. PERRY: I'm sorry about that. My first

 13   royalty collection was the late Nina Simone, and it

 14   was done without any of the identifiers that we're

 15   speaking about today. There was not anything digital

 16   about that process because it was done on 56k and fax

 17   from the south of France, okay?

 18   So it comes with -- you have to look it in a

 19   perspective of breaking it all the way down to a

 20   simplicity, okay? This person's name, first and last

 21   name, find out -- I mean, the credits, looking at the

 22   authenticity of the credits and their work. Some

 23   credits are issued with mistakes, as we've seen, you

 24   know, in previous situations where letters can throw,

 25   you know, credibility off.

1   So it's more of getting to the manual aspect

2   of it and staying there with it until it's fixed

3   instead of, you know, taking what's not fixed and

4   trying to push it digital, because it's just going to

5   carry the problem into the new technology.

6   MR. SLOAN: Thank you. Some of the

7   commenters also expressed concern over the MLC

8   potentially applying a stream count or a value-based

9   threshold that would have to be reached before

10   engaging in certain types of matching efforts as some

11   of the CMOs do. So I'd like to ask what kind of

12   cost-benefit analysis, if any, would be appropriate

13   for the MLC to engage in when deciding whether to

14   undertake the expense of certain types of matching

15   efforts? Mr. Shanley?

16   MR. SHANLEY: Thanks, Jason. First, I would

17   say, you know, I'm allergic to the idea of not

18   matching everything all the time. Now I appreciate

19   that there is, like you said, a cost analysis that has

20   to go into different types of matching, and maybe you

21   don't want to spend manual resources on digging into

22   works that haven't been used.

23   I mean, I think that makes a lot of sense.

24   But, from a technological perspective, I think systems

25   should always be running and always be matching. And

1   just to speak to one of the three scenarios you threw

2   out before, which I think is, you know, a little bit

3   dangerous, which is relying on historical evidentiary

4   matching, to just use that going forward.

5   I think, you know, data has to be, you know,

6   constantly revised and checked. I think the movement

7   in publishing data is, you know, quite dynamic, and,

8   quite frankly, in between accounting periods,

9   thousands of music publishing catalogues are sold.

10   And if that metadata is not backpopulated and updated

11   to that previous match that you've secured, it's just

12   going to be wrong going forward, and that's going to

13   affect accountings. It's going to expose folks to

14   liability from an infringement perspective.

15   So, one, I think we should be matching all

16   sound recordings that are leased or attempting to

17   match them all the time, and, of course, systems built

18   at scale can do that. That doesn't mean they'll

19   secure the match, but they could attempt to match it.

20   And I think that data needs to constantly be revised

21   and revisited because there's so much catalogue

22   movement in the publishing space.

23   MR. SLOAN: Thank you. Does anyone perhaps

24   from one of the services have any thoughts on this?

25   Because, at the end of the day, they're the ones

1   funding the MLC. Do they have any perspectives on

2   this issue that was raised in the comments?

3   MS. SELDEN: I think you always have to do a

4   cost-benefit analysis for any of those because you

5   could spend endless resources matching the long tail,

6   but that's not super-efficient. You have to

7   prioritize, like, the most streamed tracks, and that

8   sort of threshold of what you focus on will change

9   each month depending on usage. But you really want to

10   get the biggest bang for your buck. And there's,

11   like, limited tech resources at the end of the day,

12   limited manual resources at the end of the day.

13   And I think it depends, like, if you have

14   different projects that can move the needle for

15   implementing, like, some great AI that could flesh a

16   lot of royalties out of the system, you're going to

17   want to put your resources there instead of having

18   lots of manual matching people just, like, doing

19   one-off matches. So I think it really depends on what

20   different technologies or projects could be

21   implemented. It's an ongoing cost-benefit analysis.

22   MR. SLOAN: Thank you. I saw Mr. Jennings

23   next, I believe.

24   MR. JENNINGS: Yeah, I wanted to echo Lisa's

25   comments in the sense that, you know, there's a cost

1   to doing the matching. Fortunately, with automated

2   matching, that cost is relatively low for, you know, a

3   large volume of works. When we get into manual

4   matching, it's an inherently non-scalable process and

5   expensive.

6   Now that doesn't mean that there's a

7   particular threshold that I would necessarily

8   recommend to say, you know, don't even bother to

9   match. I think the usage activity should guide your

10   prioritization. So it really should be a

11   prioritization discussion to say, you know, these are

12   the biggest impact or the most streamed works, and

13   these might be the ones, after automated matching

14   fails, these are the ones that we will tackle in order

15   for manual matching.

16   MR. SLOAN: Thank you. So we've heard that

17   data --

18   MS. BUSHMAKER: Can I ask something real

19   quick? I'm sorry.

20   MR. SLOAN: Yes, we're just short on time.

21   But, yes, of course. Yes, by all means.

22   MS. BUSHMAKER: Just on the funding

23   discussion.

24   MR. SLOAN: Sure.

25   MS. BUSHMAKER: We ended up here with $424

1   million unmatched. And so I would urge the Copyright

2   Office to also look at the funding of the MLC and how

3   do we -- big-picture, let's talk numbers -- what

4   resources can we put towards matching $424 million

5   that has not gone to the owners of the songs that were

6   streamed? So I would urge looking from the

7   90,000-foot, 40,000-foot, whatever view you want to

8   call it, at the dollars that can be put towards

9   funding the matching aspect and developing the

10   database.

11   And one last comment: I totally agree with

12   prioritizing -- and also I think we're probably going

13   there with the confidence levels and the source of

14   truth that we're really all going for.

15   Let's remember there's a portal here with

16   songwriters and publishers on the other end of it that

17   know their catalogues, know their songs, and they can

18   verify a match. And I wholeheartedly agree with Rene,

19   who mentioned let's provide a link, and this goes to

20   Richard's comment about let's audio match.

21   Give them the audio. They'll know if it's

22   their song or not, and that's going to be your source

23   of truth, to some extent, along with other sources.

24   We can talk about third parties later perhaps.

25   MR. SLOAN: Thank you. Is there any kind of

1   rule of thumb as to how frequently data should be

2   rerun through these efforts? That's an issue that's

3   come up in the comments. I wanted to see if there are

4   any best practices to follow for how often you reapply

5   these efforts, because we know the data changes over

6   time. We've heard before that the data gets better

7   over time. If anyone would like to speak to that?

8   Mr. Perry?

9   MR. PERRY: So the rerun of it doesn't have

10   to take place perpetually. It's a single process with

11   correct information. So, if it's re-ran, that's just

12   giving you, you know, just the management aspect of it

13   letting you know that what you put together is solid

14   and you don't have any leaks in it.

15   So perpetually, you know, adding to or

16   calibrating it I don't think would be, you know, the

17   greatest, you know, route to take because that's

18   consumption of time and effort. So just having a

19   solidified on-point entry where all data is correct

20   and accurate, you know, would just have you in a

21   position where you're just monitoring it from that

22   point.

23   MR. SLOAN: Thank you. Mr. Shanley?

24   MR. SHANLEY: Yeah, you know, just as a best

25   practice, at Music Reports, like Alan said, you can

1   only do so much with people, but what you can do with

2   scalable systems is something else, right? And if you

3   have the right cloud architecture and you're trying to

4   tackle these challenges and the incentives are

5   aligned, meaning, you know, there's economies of scale

6   to do these things, you know, you can build a system

7   that does continuously rerun.

8   And at Music Reports, we attempt to rematch

9   every work at least two times per day. That may

10   happen overnight. It may happen in a morning

11   automation schedule. But, you know, because we're

12   managing all these sound recordings on behalf of

13   hundreds of users and, again, interfacing with tens of

14   thousands of music publishers, there's just new data

15   all the time, and so these systems have to be

16   continuously running in our environment at least.

17   MR. SLOAN: Thank you. Are there any

18   standards for things like quality assurance checks and

19   error detection in the matching process that the MLC

20   should follow? And relatedly, are there any common

21   practices that should be recommended to the MLC for

22   allowing owners to provide feedback about any

23   perceived errors or to have them investigated? Mr.

24   Perry?

25   MR. PERRY: Yes, thank you. So aligning

 1   similar processes with similar problems. So the

 2   problem being that we can't find the person that's the

 3   rightful owner to the song. So you use a process

 4   that's similar to, like, with let's say a credit

 5   system, where they're allowed to dispute a claim where

 6   you're allowing someone to dispute the

 7   creditworthiness of a song, and that's kind of giving

 8   an opportunity for a person to relieve themselves of

 9   having to do some litigation, you know, to have names

10   changed and things like that. So, if you show more of

11   a primary effort in acknowledging the fact that if you

12   do have mistakes and information and creditworthiness

13   there, then there's an opportunity that you can get it

14   corrected.

15   MR. SLOAN: Thank you. And just lastly

16   before we move on to third-party data and issues like

17   conflicts, is there any specific information in

18   particular about the MLC's matching activities and

19   practices that should be made publicly available, in

20   terms of, what specific types of automated algorithms

21   they're using or types of manual matching efforts

22   being employed or things like that? Any suggestions?

23   (No response.)

24   MR. SLOAN: Okay.

25   MS. CHAUVET: Maybe, Music Reports or

1   SoundExchange, you can comment. Do you publicly

2   disclose your confidence levels or, which algorithms

3   you're using? Or are there perhaps best practices

4   that are used in the industry in terms of disclosure?

5   Mr. Shanley?

6   MR. SHANLEY: Yeah, I'll answer that. I

7   wouldn't say we publicly disclose matching algorithms,

8   although we're happy to dive deep on them with anybody

9   who is really interested. I think, from a disclosure

10   perspective, we're just constantly exchanging data to

11   gain that consensus I mentioned earlier with everybody

12   involved.

13   And, you know, this is an imperfect

14   industry, right, and we're going to have false

15   positives, there's going to be incorrect share

16   submissions, there's going to be missing, you know,

17   shares, there's going to be lack of understanding, and

18   so, you know, I think, from a disclosure perspective,

19   just being transparent with the data all the time with

20   the folks who control it and who will be paid and

21   licensed due to that data is ultimately important.

22   MR. SLOAN: Thank you. So now, we are just

23   being mindful of the time, I'd like to move on to

24   third-party data sources. As most of you, I'm sure,

25   know, a related issue that's come up is whether and to

1   what extent the MLC should be looking at third-party

2   data sources beyond DMP usage reporting and the

3   information that comes from copyright owners

4   registering and claiming.

5   There have been several examples mentioned

6   in the comments, such as some of SoundExchange's ISRC

7   and MDX systems, the domestic PROs and foreign CMO

8   databases, things like CIS-Net and the IPI database,

9   as well as the Copyright Office's records.

10   So my question broadly is, could and should

11   the MLC use any of these for other third-party data

12   sources and, if so, how can they do so effectively?

13   Ms. Merideth?

14   MS. MERIDETH: Yes, I have seen where an

15   ISRC code is matched in one place, like ASCAP or BMI

16   or Music Reports, yet it's not matched at Harry Fox or

17   at YouTube or someplace else. That kind of thing is

18   going to continue to happen. So I think it would be a

19   good idea to explore using third-party data because,

20   if it matches one place, it should be matching across

21   all of them.

22   MR. SLOAN: Any? Ms. Bushmaker?

23   MS. BUSHMAKER: Hi, yes. Thank you. I also

24   would urge you to explore third-party sources. I'm

25   not going to advocate for any particular one, but

1   there is value in, like Rene said, where if you've got

2   all the different sources matching and pointing you in

3   the same direction, there's value to that, and that

4   can be used for confidence levels in algorithms. If

5   you've got another database that you're just checking

6   against, even that can be valuable too, on the same

7   truth, so to speak. Thank you.

8   MS. CHAUVET: Thank you. Mr. Balcells? Mr.

9   Balcells, you're muted.

10   MR. BALCELLS: I'm sorry. I would also

11   argue in favor of using multiple datasets. The way we

12   usually say it -- and this isn't our phrase, it's kind

13   of like a legend, I don't know who said it initially,

14   but it's reached legendary status at BMAT -- is if

15   you're just building your own database, you're just

16   building one more clock, and the industry is full of

17   clocks. Everyone has their own clock, but the real

18   challenge is putting them all in sync.

19   So that's why you definitely need to connect

20   the points across databases. And this can actually be

21   turned from a challenge into a strength of a matching

22   system, which I think is what Jane was alluding to. I

23   think, if you have information from, you know, a

24   wealth of rightsholders, you have information from the

25   services, you have information from the PROs, if you

1   can triangulate -- it's not really a matter of doing

2   point-to-point matching. You want to do triangular

3   matching across sources. That can sort of point you

4   in the right direction. I think definitely in our

5   experience with metadata matching, it is one of the

6   best ways of really pushing the matching levels up

7   that extra sort of 10, 20 percent from 70, 80, which

8   is okay, to, like, 80, 90 percent.

9   I think we were discussing earlier about

10   those three sort of use cases that would be accepted

11   as valid matches. I think those were a fairly strict

12   definition of what constitutes a match, and that would

13   off the top of my head leave at least, you know, 10 to

14   30 percent of usage or of the catalogue unmatched.

15   So, if you want to go into that fuzzier end

16   of the tail, sort of the final 10 to 30 percent, you

17   need to start looking at smarter ways to match, and in

18   our experience, triangular matching with other data

19   sources is definitely one of the best ways to do that.

20   MS. CHAUVET: Just to follow up, Mr.

21   Balcells, then did you have any criteria to add in

22   addition to those that were proposed by other

23   commenters in terms of defining a match?

24   MR. BALCELLS: Well, when you're doing this

25   kind of triangular matching, we have a criteria that

1   we call "closest to source." So we will rank the

2   various sources that we're taking into account, and

3   this is just common sense, I think, based on how close

4   they are to the source of the music itself.

5   MR. SLOAN: Are there any specifics, I

6   guess, as to in what part of the process, and maybe

7   it's in more than one of them, that you thought

8   third-party data might be useful? For example, would

9   you use it to help build the repertoire database, or

10   would you use it to cross-reference against when

11   you're actually matching the usage report to the

12   database? Are there any specific methods that might

13   be recommended to be employed in using the data? Mr.

14   Thompson?

15   MS. SMITH: I think Mr. Thompson has his

16   hand raised.

17   MR. THOMPSON: Thanks. I don't know quite

18   whether I'm going to directly answer your question, so

19   I apologize in advance if I don't. But you were sort

20   of going to a place that I was just thinking about.

21   There isn't, of course, a single dataset

22   that we're talking about here. Off the top of my

23   head, I think we have four different datasets, primary

24   source datasets that make up sort of the work that we

25   do. There's what we might call the data defining the

1   identity of a work, so "Yesterday" by Lennon and

2   McCartney.

3   Broadly speaking, that data is immutable

4   and, you know, that is just public, factual data, you

5   know, that can be reasonably sourced, I would say, you

6   know, ideally from -- and we'll come up to this in a

7   moment -- but the rightsholders of it. But, equally,

8   you could see that, you know, sourcing that sort of

9   information about the identity of the work from

10   something like the ISWC notes. That would be a

11   trusted repository of that sort of data.

12   You've then got a second dataset of claims

13   against those works, and as I think Mike pointed out,

14   you know, that data is far from immutable. It changes

15   regularly. Catalogues change hands every day, and I

16   would fairly strongly be of the view that that data is

17   best sourced from the people who represent those

18   copyrights at a given point in time. And I would

19   caution there against, I think, trying to sort of

20   crowdsource that data or take any other approach, you

21   know.

22   And to Rene's, you know, earlier comment,

23   publishers, administrators, CMOs, whoever the people

24   representing those works do need to be proactive and

25   go out and claim them. And it is, you know, probably

1   the first responsibility of anybody representing a

2   catalogue of musical works to make sure that those

3   works are correctly registered and claimed at their

4   partners, whether those partners be CMOs or labels or

5   DSPs, publishers, or what have you. But that is, you

6   know, a second dataset.

7   And just as an aside, you know, equally I've

8   heard sort of comments that, you know, perhaps we

9   should have taken data from ASCAP and BMI. You know,

10   firstly, obviously, that's performing data, not

11   mechanical data, and that also rather assumes that

12   ASCAP and BMI would be prepared to just hand it over

13   to us. I don't know which -- I don't know. I've not

14   asked them, but, you know, that isn't a given, you

15   know, that that is a dataset that they are either

16   happy to or able to hand over. You know, there may be

17   other reasons. I'll try and accelerate a bit.

18   Dataset number three are I would say the

19   data on the recordings, and, again, you know, there

20   are potentially helpful sources of that. You know,

21   SoundExchange would be one such example there. There

22   may be others.

23   And then, finally, obviously, the data on

24   the usage that occurred on the service, and,

25   obviously, that encompasses the recording information

        1   and sometimes includes some of the information on the

        2   identity of the work.

        3   But I say all of this just to sort of

        4   illustrate that I think we need to think about each of

        5   those different sets of data in terms of what the

        6   appropriate alternative third-party data sources might

        7   be for each of those. I don't think we can sort of

        8   treat them all as one large blob of data that we can

        9   augment. We need to make sure that we augment with

       10   the appropriate data source of an appropriate level of

       11   authority and an appropriate level of quality if we

       12   are going to meaningfully contribute to and improve

       13   the quality of the data available to the MLC.

       14   MS. SMITH: One question I had in following

       15   up is whether others agree with the four categories

       16   Mr. Thompson has laid out or see ways in which data

       17   that might be pointing in one direction but not

       18   authoritative -- for example, the performance data

       19   that ASCAP and BMI make public already, right, which

       20   might be in many cases the same but in not all the

       21   cases -- is one I would like to see addressed, whether

       22   there's use for that.

       23   And, secondly, taking the Lennon and

       24   McCartney example, if you are the songwriter yourself

       25   and you rely upon publishers or administrators, but

1   you want to contribute, is there a role for them to be

2   providing information that they may not be having or

3   controlling the copyright ownership information, but

4   they may be a good source of authority for the

5   underlying ownership data?

6   MS. CHAUVET: Ms. Merideth, go ahead.

7   MS. MERIDETH: Thank you. I wanted to

8   address the first part of what Regan said. I

9   definitely think that what we're really looking at

10   here is an ISWC code, a unique identifier for a

11   composition, matching to every ISRC code out there

12   that is that song.

13   And if you're looking at -- you know, while

14   ASCAP and BMI, you know -- Richard, this is to your

15   point -- you're absolutely correct. The splits could

16   be different. The metadata of the composition could

17   be a little bit different depending on ownership

18   rights, but there's a repository there of ISWC codes

19   matched to ISRC codes already that already exists at

20   Music Reports and in other sources as well that could

21   lend a lot of support to what is unmatched that's

22   getting turned into the MLC, because that information

23   doesn't always get back to the DSP to provide it again

24   at another location. And the way that I know that I

25   have to add an ISRC code to my database is when a

1   source pays me via an ISRC code. I have to update

2   internally and then update everywhere else in the

3   world. So I think that there is value there in that

4   element.

5   MR. SLOAN: I had myself muted. Mr.

6   Shanley, was that your hand I saw?

7   MR. SHANLEY: Yeah, thanks, Jason. You

8   know, agree with what everybody's saying, and I think,

9   you know, it's an expensive endeavor. We can't just

10   talk about third-party data as if it's an event,

11   right? Here's a dump of third-party data. Let's use

12   it, right? It has to be a sophisticated integration

13   that constantly takes place, which is going to

14   require, you know, significant setup.

15   But there's a lot of examples of this taking

16   place for us to look to for best practices, I think,

17   around the world, not exactly analogous, but, you

18   know, the international CCID process where, you know,

19   folks generate claims on a monthly basis, submit them

20   to a central source, oftentimes a DSP, where they're

21   kind of churned through this conflicts resolution

22   mechanism and then spit back out to everybody until we

23   achieve this consensus.

24   And so that's not really third-party data,

25   but that's a lot of parties submitting data on the

     1   same set of activity to achieve some level of

     2   consensus. There's also some systems here in the U.S.

     3   related to public performing rights in television

     4   where, you know, there's a really transparent

     5   ecosystem of high-volume data being exchanged with

     6   ASCAP and BMI on a regular basis to ensure that, you

     7   know, the most valuable music used in television

     8   programming is being identified, is being routed

     9   appropriately.

    10   And that's just, you know, multi-endpoint

    11   data exchange process to get right. And, of course,

    12   it requires significant setup, vetting, and authority.

    13   MS. SMITH: I wonder if we could hear from

    14   any of the DSPs as to what they did in the pre-blanket

    15   licensing system. And, you know, one thing I'm

    16   reminded of is when we had our symposium in 2019, a

    17   different DPS, Google, talked about they use their

    18   sort of proposer system to identification and engaging

    19   with copyright owners. I don't know if that is worth

    20   exploring as a place for data that may be less

    21   authoritative because you don't have confirmation that

    22   it's coming from the current copyright owner or if

    23   there's other ways you have been able to ingest

    24   additional data helpfully. So I don't know, Mr.

    25   Winck, or Ms. Selden, or Mr. Jennings, is there

1   anything you could say?

2   MS. SELDEN: When we were on a song-by-song,

3   we relied on our vendor to do the matching. So,

4   really, they kept the copyright database. They did

5   all the links. And we had high confidence in their

6   ability, and, obviously, the MLC had high confidence

7   because they take them to be the backend for the MLC.

8   But I do just want to really quickly -- I

9   raised my hand -- for the topic that we just covered

10   under third-party data. I do think there is value in

11   third-party data because it could help automate some

12   of your confidence because every, like, source of

13   data, every link is sort of a signal. And if you have

14   many signals -- if you have, like, five different data

15   sources who all have the same links, then, in an

16   automated way, you can say with high confidence that's

17   correct. So I think that could help with some of the

18   automating and getting high confidence matches.

19   MR. SLOAN: Thank you. Given our limited

20   time, I just want to ask my colleagues if they have

21   any additional third-party data questions. Otherwise,

22   I think we'd like to shift to data quality and

23   reconciliation.

24   (Nonverbal response.)

25   MR. SLOAN: Okay. I see shaking heads. So,

1   for our last bucket here, does anyone have any

2   recommendations for how the MLC can ensure that its

3   repertoire data is high-quality and kept up to date?

4   Mr. Thompson?

5   MR. THOMPSON: Okay. For those of you

6   familiar with it, I'm going to do a two-minute pitch

7   for our DQI initiative. To any sort of

8   representatives of musical works watching, it is

9   essential if you are not already engaging with the DQI

10   that you do so.

11   I guess the 30-second description, the DQI

12   is a diagnostic tool that lets you understand what,

13   you know, the MLCs do with your data. And in an

14   automatic way, you send us a file containing your

15   data, a very, very simple file format, or if you are

16   using a vendor to store your data, we've spoken to

17   many vendors in the marketplace and have done

18   integrations with a number of them. But the principle

19   is that, you know, you send us the data that you hold

20   on your works, we compare it to the data that we hold

21   on your works, and we send you back some reporting

22   highlighting where there are any differences.

23   Now the differences may be because the data

24   that the MLC holds is not correct. It may be that the

25   data that you hold is not correct. It may be actually

1   we might both be incorrect. But the point is, you

2   know, you have had it flagged to you as something that

3   you need to take action on, and we do our very best to

4   make sure that the reporting is as actionable as

5   possible.

6   So, you know, it is, I would say,

7   particularly targeted at people, you know, with

8   catalogues of reasonable volume, but we can and we do

9   run millions of works through it a day. It is by far

10   and away the best way to make sure that your data or

11   the data that the MLC is storing on your behalf is as

12   you think it should be.

13   If you look on the MLC's website, you will

14   find further information, or, alternatively, you can

15   email data.quality@themlc.com, and my colleagues will

16   be delighted to help you. Sales pitch over.

17   Apologies.

18   MR. SLOAN: Thank you. In addition to the

19   DQI, does anyone have any additional suggestions of

20   any other initiatives or tools that could be

21   considered to help in that process? And just to give

22   one example, the Unclaimed Royalties Oversight

23   Committee in their comments discussed the possibility

24   of trying to have automated API links between

25   publisher internal song databases and the MLC's

1   database to flag things.

2   And that was also something that

3   SoundExchange echoed at the kickoff symposium. That,

4   at least for the majors, to ensure up-to-date data,

5   using APIs and DDEX messages has been helpful. Would

6   anyone like to speak to that? Ms. Bushmaker?

7   MS. BUSHMAKER: Thank you. Yes, I would

8   also encourage use of APIs just as you've mentioned,

9   to use with the majors, et cetera. APIs can be very

10   useful in keeping things up to date.

11   MR. SLOAN: Thank you. Anyone else? Mr.

12   Bonilla?

13   MR. BONILLA: Yeah, I guess two things on

14   best practices on how to deal with data quality. I

15   don't know if it's strictly related to how to fix the

16   quality issues that we have at hand, but something

17   that we consider a best practice at SoundExchange is

18   to make sure that we never change the data ourselves.

19   We always want to be in sync with the data

20   that we receive from the submitter. If it's a DDEX

21   feed, if it's something that somebody looked at

22   through a portal, if we see an issue with that, we

23   don't touch it ourselves. We just highlight the

24   issue, and we ask the submitter to fix it and send us

25   back whatever they need to resubmit to ensure that

1   we're always in sync because, otherwise, we risk

2   propagating bad data across the industry.

3   So the second question about the ISRC, APIs,

4   I think it's critical, as Jane was saying, that we

5   automate as much as we can on all these quality

6   checks. There's a lot of opportunities in the

7   marketplace to quickly ping and see if an ISRC is

8   correct. If we can ping somewhere and see if the

9   rights are correct, the more APIs and the more

10   automation, the better.

11   MR. SLOAN: Thank you. Does anyone else

12   have anything to add?

13   (No response.)

14   MR. SLOAN: Okay. What can the MLC do to

15   verify owner-provided data and prevent fraudulent

16   registrations and claims or just good-faith mistakes

17   from happening? Are there any mitigation efforts they

18   can do to help with that? Mr. Perry?

19   MR. PERRY: Yes, what they can do is they

20   can take the data that they receive from the actual

21   registration for the claim and they can cross-check it

22   with a verifiable source, meaning an agency that would

23   naturally fall in line with them would be, like, your

24   Social Security Administration, some other government

25   department that can give you, you know, absolute

1   verification expeditiously. And that would kind of

2   prevent some fraudulent activity from creating itself

3   organically in that with, you know, a verifiable

4   person there.

5   But beyond, you know, that going into the

6   music there, you would have to then cross-check that

7   with actual performances of the songs that have taken

8   place on a current basis and a past basis, speaking of

9   which, with the new passage of the MMA, you know, with

10   Title 2, you know, which allows for, you know, the

11   collection of pre-dated, you know, pre-1972

12   recordings, you know, it's how are you going to verify

13   that? You know, it's kind of one of those things.

14   Where are you going to get your

15   verifications from when it comes to that? Because

16   most of those people are probably dead and gone at

17   that point. So you have to look at how many

18   department resources we can use that can

19   substantially, you know, create a verification

20   formally for us.

21   MR. SLOAN: Thank you. Mr. Bonilla?

22   MR. BONILLA: You know, one thing I was

23   going to say is what we've seen in our experience is

24   that human beings are very, very bad at detecting

25   fraud. These frauds are getting more and more

1   sophisticated over time. I think we need to heavily

2   rely on algorithms, data mining, analytics.

3   Otherwise, we wouldn't catch anything.

4   MR. SLOAN: Thank you. So I think let's

5   move on to conflicts. Generally speaking, are there

6   any kind of accepted norms or industry standards for

7   handling data conflict situations that anyone has

8   recommendations for for the MLC? Mr. Thompson?

9   MR. THOMPSON: Yes, is the short sentence to

10   start. So I'm sure many people will be familiar with

11   the -- there is a forum that exists sort of between

12   the CISAC societies and the ICMP, I think I'm right in

13   saying, that has existed for many years generally

14   known as the Society Publisher Forum.

15   That forum has done a lot of good work down

16   the years on sort of producing best practices on

17   producing policies and guiding principles that, yeah,

18   can be used to sort of guide, you know, the --

19   because, really, I would suggest it is a CMO's role to

20   facilitate, you know, rather than, say, referee, the

21   resolution over claims and conflicts.

22   I think, you know, I definitely see a CMO's

23   role as facilitation. I think sort of perhaps Luis

24   perhaps spoke to that about a minute or two ago. You

25   know, you create the tools and let the people do it

1   rather than try and do it for the people, if you see

2   what I mean. And I think that a similar concept

3   exists here.

4   But, yeah, so there is a very, very good

5   body of work that has been done and used, I would say,

6   on a near-global basis or at least between, you know,

7   significant CMOs and significant publishers around the

8   globe, and those materials are freely available and

9   could be made available to the Copyright Office if

10   that was helpful.

11   MR. SLOAN: So would it be a best practice

12   for -- or is this what happens today with others

13   operating in the industry, for claiming parties to,

14   essentially, be alerted to a conflict or an overlap so

15   it can be investigated or resolved? Are there any

16   particular best practices for how a copyright owner

17   should be able to come forward and correct the data?

18   And I'm not necessarily thinking of, like,

19   an actual dispute, but maybe you have two co-owners

20   that both provided potentially conflicting information

21   about the metadata of a song and not necessarily about

22   their splits but, other potential data. How do you

23   address that? Ms. Merideth?

24   MS. MERIDETH: I was going to say, you know,

25   one of the frustrating things is when we end up with a

1   dispute or a conflict somewhere where the platform,

2   like the MLC would be in this position, where there is

3   no encouragement. It's left in the hands of the

4   publishers to get together and resolve it.

5   But, when a party goes silent in that

6   discussion or when they're just not coming to

7   agreement, there is no pushing. There is no

8   encouragement to get to a solution. And that can

9   cause money to keep going to various places. Well,

10   one of the blessings is that, in some places, the

11   money is frozen until the conflict is resolved. And

12   that is actually a great blessing because, especially

13   when you have bad actors who can get into the system

14   and throw things off, it's a great blessing to have

15   the money frozen until the actual owners can get

16   together and resolve it. That also pushes the correct

17   owners to get on the same page and get the conflict

18   resolved so that the money can get paid out.

19   MS. CHAUVET: Alan, I saw you nodding your

20   head. Did you want to offer any perspective on that?

21   (No response.)

22   MS. CHAUVET: Mr. Sloan, we have three

23   minutes left in the hour. Did you want to go ahead

24   and maybe ask one final question?

25   MR. SLOAN: Yeah. So, I mean, so related to

1   what we've been talking about, are there any

2   particular best practices for the MLC to identify and

3   de-duplicate kind of conflicting entries. Like, just

4   knowing that they're there in the first place, that

5   you had, -- that basically what you're looking at are

6   conflicting registrations for the same song as opposed

7   to two different songs? Are there any best practices

8   there? Yes, Mr. Shanley?

9   MR. SHANLEY: You know, I just wanted to

10   say, you know, initially that conflicts, generally

11   speaking, are legion, right? I mean, and it's not

12   necessarily -- well, certainly not fraud -- it has to

13   reach consensus, right, for a work to equal 100

14   percent.

15   And, you know, at Music Reports, we build

16   software, and we build systems. But, again, this is a

17   challenge that needs to be solved by people, and

18   people need to come to an agreement. And so I think,

19   you know, from a best practices insofar as royalties

20   are concerned, there's a lot of ways to do it.

21   You know, I think, you know, Rene mentioned

22   one that incentivizes folks to really get involved and

23   fix the problem, which is to hold the money. In other

24   ecosystems, that's just not possible, and so the best

25   practice is to take everybody's shares and make it

1   equal 100 percent pro rata until there's enough data

2   to adjust retroactively when everybody has reached

3   that consensus point.

4   But I think what has to happen is tools have

5   to be provided to rights owners so that they can do

6   these things. And, you know, Richard talked about a

7   lot of those tools, but I think, at the end of the

8   day, it has to be engaged by those people as systems

9   aren't going to be able to solve all these conflicts.

10   MR. SLOAN: Great, thank you. We are out of

11   time here, I see. So I will just wrap up by saying

12   thank you to all of our panelists for participating

13   and providing your views, and I think now we're going

14   to break for lunch, and we'll resume at 1:30. Thank

15   you, everyone.

16   MS. CHAUVET: 1:30 Eastern Time. Thank you

17   so much, everyone.

18   (Whereupon, at 1:00 p.m., the roundtable in

19   the above-entitled matter recessed, to reconvene at

20   1:30 p.m. this same day, Thursday, March 25, 2021.)

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1   <u>A F T E R N O O N   S E S S I O N</u>

2   (1:30 p.m.)

3   MS. CHAUVET: Great. Welcome back. For

4   those just joining, my name is Anna Chauvet. I serve

5   as Associate General Counsel at the U.S. Copyright

6   Office. I'll be helping to moderate our next panel

7   regarding user experience, accessibility, and

8   claiming. Before we begin, let me address a few

9   housekeeping matters.

10   So this panel will be moderated by Copyright

11   Office attorneys here on the call --- or I should say,

12   the virtual panel. We will pose questions and call on

13   panelists to respond. We'll do our best to give

14   everyone an opportunity to respond to questions.

15   Panelists, you're asked to please raise your

16   hand using either the Zoom "Raise Hand" feature or

17   just by signaling, and we'll do our best to call on

18   you in a timely manner, though, if you are not

19   speaking, we ask if you could please mute your audio

20   to minimize any extraneous noise.

21   Given the number of panelists and the topics

22   that we're hoping to cover, we ask if you could please

23   try to limit your response to around two minutes. We

24   apologize in advance, but if you go much longer than

25   that, we may have to cut you off or might even have to

1   mute you. We apologize in advance. Just due to the

2   time constrictions that we have, that may happen.

3   We hope not. It hasn't happened yet on any

4   of the other panels, but we appreciate your

5   understanding, and we also ask that you please limit

6   your comments to the specific question posed.

7   In the chat, there should be links to

8   educational materials if they're not already, but they

9   will be made available about the Music Modernization

10   Act and our ongoing policy study.

11   General attendees will not be able to type

12   into the chat, so if you experience any technical

13   difficulties, please use the Q&A feature, and someone

14   at the Copyright Office will respond and help.

15   Our last session today is an audience

16   participation session in which members of the public

17   will be able to provide oral testimony for the record.

18   Those who are interested in participating, you may

19   sign up using the link to the SurveyMonkey that's been

20   made available in the chat. We ask that you please

21   sign up no later than 3:00 p.m. Eastern today. The

22   audience participation panel will begin at 5:15 p.m.

23   Eastern Time. Copyright Office staff will call on

24   those who have signed up to be participants, time

25   permitting. Comments for the audience participation

1   panel should be limited to around three minutes, and

2   any statements should be limited to topics at issue in

3   this study. Those who do not adhere to these rules

4   will be muted.

5   We're also, for this panel, going to post --

6   a few people had asked about who the panelists -- what

7   their affiliation is, so if we could please post a

8   link to the agenda, which lists all of the panelists

9   and their affiliations, and I will go ahead and ask

10   them to introduce themselves in a minute.

11   But, before we begin, if I could please ask

12   my Copyright Office colleagues who are going to help

13   me moderate this panel to have them introduce

14   themselves?

15   MR. RILEY: Hello, my name is John Riley.

16   I'm an Assistant General Counsel.

17   MS. SCIORTINO: Good afternoon. My name's

18   Cassie Sciortino. I'm a Barbara Ringer Fellow with

19   the Copyright Office.

20   MS. CHAUVET: Thank you.

21   So, in this session, we are hoping to touch

22   on a few areas: best practices to make the public

23   musical works database accessible and easy to use;

24   best practices for users to identify data

25   inconsistencies in the public database and to have

1   their data corrected; and then best practices for the

2   claiming portal, including discussion of claiming

3   systems that have been used in the past and particular

4   features from those systems that might be helpful to

5   be incorporated into the MLC's claiming portal.

6   So, to begin, I will call on panelists to

7   provide their name, their company and affiliation, and

8   to disclose any affiliation to the Mechanical

9   Licensing Collective or Digital Licensee Coordinator.

10   I'm going to call on you in alphabetical order by last

11   name. Mr. Bogan?

12   MR. BOGAN: I'm Dae Bogan, Head of

13   Third-Party Partnerships at the MLC.

14   MS. CHAUVET: Mr. Buchanan?

15   MR. BUCHANAN: Hi, I'm Brian Buchanan, Head

16   of Income Tracking with Concord.

17   MS. CHAUVET: Ms. Champarnaud?

18   MS. CHAMPARNAUD: Hi, Caroline Champarnaud.

19   I'm Head of International Development at SACEM, the

20   French CMO, representing performing rights and

21   mechanical rights for what you would call foreign

22   writers compared to U.S. writers.

23   MS. CHAUVET: And do you have MLC or DLC

24   affiliation?

25   MS. CHAMPARNAUD: As a foreign CMO, we have

1 a link with the MLC. We expect the MLC to collect on

2 behalf of our writers. And we do not have any link

3 with the DLC.

4   MS. CHAUVET: Thank you. Mr. Irwin?

5   MR. IRWIN: Hi, thank you for having me on

6 this panel. I feel very privileged to be with these

7 people. I am the President of the Society of

8 Composers & Lyricists. We are the primary

9 organization representing composers and songwriters

10 working in film, television, video games, and theatre,

11 most audiovisual media. And that's about it. We have

12 no affiliation with either the MLC or the DLC.

13   MS. CHAUVET: Thank you. Mr. Kanner?

14   MR. KANNER: My name is Donny Kanner. I

15 work as a Program and Systems Manager within our

16 publishing team at Spotify. We are affiliated with

17 the DLC.

18   MS. CHAUVET: Ms. Levin?

19   MS. LEVIN: My name is Sindee Levin. I'm a

20 lawyer by profession. I ran a mechanical rights

21 society for 16 years called AMRA, until 2017, and now

22 I have a publishing company, and I guess I am, as a

23 publisher, I am affiliated with MLC, or I'm a member.

24   MS. CHAUVET: Ms. North?

25   MS. NORTH: Hi, my name's Abby North. Thank

1   you so much for including me. My company is North

2   Music Group. I do music rights management, both

3   composition and sound recording side, but today I'm

4   here in my role at SONA in advocacy and education.

5   So, as a publisher, I am an affiliate of the MLC, but,

6   further, I am a DQI provider as, I guess, designated

7   by the MLC.

8   MS. CHAUVET: Thank you. Mr. Tayebwa?

9   MR. TAYEBWA: Hi, everyone. I'm David

10   Tayebwa. I'm from Uganda specifically, Africa, and I

11   represent Opus Music Publishing Africa from Uganda,

12   but I'm also heading the Department of Publishing of

13   voices and beats records, also from Uganda, and we are

14   not affiliated to any of the organizations, MLC or

15   DLC. Yeah.

16   MS. CHAUVET: Great. Thank you so much to

17   all of you for participating as panelists today. We

18   really appreciate your time, and I feel like this is

19   going to be a very educational panel for us for the

20   policy study.

21   So let's first talk about the public musical

22   works database. It's currently available on the MLC's

23   website as the MLC has stated all unmatched uses and

24   works for which money is being held will be searchable

25   through the MLC's public database for everyone,

1   regardless of whether one is a registered user of the

2   MLC portal.

3   So my question to you panelists is, how can

4   the MLC facilitate claiming of accrued royalties

5   through the public works database? Ms. North?

6   MS. NORTH: So, within the public portal

7   currently, we are able to search for our works and see

8   which datapoints are there, right? What we currently

9   see is quite a bit of missing data. So, to be able to

10 identify what's missing and then create a report and

11 then deliver it, that would be the ideal way to go

12 from portal to claim. The problem is there's no

13 claiming portal, so that's an obstacle.

14   The other problem is there isn't, within the

15 MLC, a way to sort of in bulk make corrections to a

16 lot of datapoints across a lot of works. So, if we

17 can add those functionalities to the portal, then we

18 have the combination of seeing what's missing,

19 claiming in a claiming portal, and then correcting

20 what's missing or adding what's missing.

21   MS. CHAUVET: Ms. Levin?

22   MS. LEVIN: I'm sorry, I probably hit that

23 by mistake. But the one thing I'd say about this

24 portal or other portals is they really need to be

25 simple, very simple, and I appreciate all the

1   education that's gone into it, but I have legacy

2   clients and heirs, and they barely know what ASCAP and

3   BMI are. So there needs to be really, you know,

4   simplified or assistance from the MLC to get through

5   these portals.

6   MS. CHAUVET: Ms. Champarnaud?

7   MS. CHAMPARNAUD: Yeah. Thank you. I fully

8   subscribe to what Mrs. North just said before. There

9   is, so far, a lot of missing information as far as we

10   are concerned at this point, and what we have in our

11   data in the HSA database, it would've been given in a

12   way to the MLC. And before being able to claim, we

13   really need to have proper, what we call

14   "documentation," copyright information fully

15   documented in the MLC database.

16   And, so far, the professional IT that are

17   offered for bulk registration is limited to 300 works,

18   and we would like to be able to load much more data

19   and have a bulk check, either us or our potential

20   service provider, technical service provider,

21   rendering that service to us.

22   MS. CHAUVET: I see some hands being raised.

23   I think what might be helpful, Mr. Bogan, it would be

24   great if perhaps you could talk just a little bit

25   about the MLC's initiatives to help users review their

 1   data to find data inconsistencies, and I want to talk

 2   about finding data inconsistencies and then maybe

 3   separately talk about how to correct data with the

 4   MLC. But maybe we can kind of take a step back, and,

 5   Mr. Bogan, if you could maybe just touch upon, like,

 6   the MLC's efforts and initiatives, I think that would

 7   be a great start.

 8   MR. BOGAN: Sure. I actually think the

 9   initial comments from the three co-panelists reflects

10   the diversity of users and members of MLC, which is

11   why this type of issue is such an important issue,

12   because what Sindee needs from a simple user

13   experience versus what Abby needs on behalf of her

14   publisher clients and writers versus what Caroline

15   needs as a society is totally different.

16   So, when you have an organization trying to

17   meet the needs of these three different types of

18   unique members, this type of conflict will arise

19   because you need to prioritize and roll out a product

20   development roadmap that makes sense for the majority

21   of a userbase, which may not be a society, for

22   example, right? It may be the long tail or in terms

23   of the actual number of users who provide feedback to

24   us on a regular basis.

25   So this is the type of input that any

1   organization or any software development company would

2   have to deal with when figuring out how to roll out a

3   usable platform. That being said, I'm very happy with

4   the data quality initiative that the MLC has launched

5   last year. It's one of the only organizations where a

6   rightsholder can check their existing data in bulk to

7   get a report on where the discrepancies exist so that

8   you can then set a strategy for acting on those

9   discrepancies, whether it's missing data or duplicate

10   data or incomplete data.

11   So that's one thing that has already been

12   underway. We've already helped a number of

13   rightsholders check millions of works against our

14   database and have already began the process of

15   cleaning up that data. So cleaning up the data is

16   obviously the first part in terms of being able to --

17   we'll be able to see the data as a first part to clean

18   it up, right, and some organizations are not able to

19   actually see it. So I think that's something we're

20   already doing right, is providing a solution for

21   rightsholders.

22   The second thing is our partnerships. So I

23   specifically handle third-party partnerships, and I

24   think it's really exciting that we're able to engage

25   rights technology companies who are in the marketplace

             1   dealing with publishers and songwriters and getting

             2   feedback and building solutions that are specific to

             3   the type of targeted users or targeted rightsholders

             4   that they're supporting and then being able to pipe

             5   into the MLC as a third-party solution to help

             6   rightsholders to participate in the data quality

             7   initiative.

             8   We currently have five partners in the

             9   marketplace, including Exactuals, Tune Registry,

            10   Blocker, Music Data Services, which is Abby North's

            11   company, and Best Acts, who helped us launch the data

            12   quality initiative. These five companies offer five

            13   different, unique routes into the data quality

            14   initiative in terms of economics for a rightsholder,

            15   you know, in terms of what it costs you to

            16   participate, the actual service offering, whether it's

            17   on a case-by-case basis or a catalogue basis. So it

            18   already provides us a whole other layer of service

            19   diversity that we're able to provide to marketplace

            20   that goes back to our data quality initiative.

            21   So, in general, I think, you know, we're

            22   taking in these inputs and these feedback but also

            23   realizing that there's going to be different feature

            24   sets and different needs for different types of user.

            25   What Sindee needs representing legacy songwriters is

1   going to be totally different from an experience

2   standpoint than what Caroline needs as a society

3   representing millions of works.

4   MS. CHAUVET: Thank you. So, for the other

5   panelists, let's just stay on identifying data

6   inconsistencies for a moment. We'll definitely get to

7   data correcting in a minute. But, for data

8   inconsistencies, are there industry best practices for

9   identifying such inconsistencies that the MLC should

10   adopt in addition to the DQI initiative? Mr. Irwin,

11   you had your hand raised before. Did you want to

12   comment on that issue, please?

13   MR. IRWIN: Yes. I mean, are you talking

14   mainly about disputes, or are you talking more

15   about --

16   MS. CHAUVET: Not necessarily disputes.

17   Like, so, if someone were to go to the public

18   database, which is available now, and do a search and

19   say, oh, you know, this is my work and I'm seeing that

20   the data is maybe not what I had in my records, are

21   there any industry practices for organizations that,

22   like, now, that have online public databases, you

23   know, for them to help users be able to identify those

24   discrepancies so that they can then be reported to the

25   MLC?

 1   MR. IRWIN: My main experience is with the

 2   performing rights organizations, and in those

 3   situations, you just submit your data, submit a claim,

 4   and they investigate it. They notify the other

 5   copyright holders if there are other copyright

 6   holders. If not, I guess they just determine whether

 7   your claim is accurate or not.

 8   I think it's probably different from society

 9   to society whether mechanical or performing around the

10   world. I think one of the problems that I've noticed

11   with the portal at the moment is I've checked several

12   people I know who work in our area where, you know, we

13   work for many different publishers over the course of

14   the year, and their names will be registered maybe

15   three, four different times, sometimes with initials,

16   sometimes with middle names, but they're all the same

17   person.

18   And the publishers are not entering their

19   IPI number. They're just claiming as the publisher in

20   a work-for-hire situation. There's no mechanism for

21   those writers to consolidate their names or their

22   works or any of their IPIs, and I think there should

23   be some part of the portal that allows someone who can

24   see that, you know, all these four or five names are

25   really me, how do I tell -- do I have to go to every

1   single publisher? Why can't I just notify the MLC

2   with my IPI and make that claim? I think that would

3   clean up a lot of the data very quickly on our end.

4   MS. CHAUVET: Mr. Buchanan? You had your

5   hand raised.

6   MR. BUCHANAN: Yeah, I think that -- well,

7   first off, I think the DQI has been fantastic, that

8   the MLC has provided to us. However, I think that

9   maybe it would be more useful on a going-forward basis

10   if we could extract the data to be reviewed from the

11   portal directly by various parameters like maybe IPI,

12   writer name, so that we could see subsets of our

13   catalogue come back and review in smaller batches,

14   smaller doses than what the DQI has been able to offer

15   us, which, again, has been great. It's just a lot of

16   data to go through at once.

17   And the way that it comes to us is fixed in

18   time, I guess you could say, for when the DQI was ran.

19   But it would be great if we had the ability through

20   the portal to run a DQI, fix things, then go back and

21   run that same DQI on that subset later, a week or two

22   later to see what still needs to be corrected.

23   MS. CHAUVET: Thank you. Ms. North?

24   MS. NORTH: So, first of all, I agree with

25   what Ashley said and what Brian said and also Dae.

 1   DQI is amazing, and the MLC is the very first society

 2   that I know of that has offered that kind of a tool

 3   where the rightsholder is able to submit a list of his

 4   or her works and related information and, in return,

 5   receive a report that shows the disparities.

 6   But there's a couple problems. If I'm a

 7   published writer, I can't use DQI. I have no way to

 8   submit any kind of correction about me or my IPI, just

 9   as Ashley said. So I think in the same way that the

10   MLC was the first to create this DQI, the MLC could be

11   the very first to create a repository for published

12   writers to submit their data. They could go through

13   what's in the portal, identify what's either missing

14   or wrong, and have a separate writer repository where

15   their truth lives.

16   And then, as the MLC is able to get to

17   validating and vetting, it could take that truth and

18   migrate it into the production environment, and that

19   would give writers a voice here that is missing,

20   really, around the world.

21   MS. CHAUVET: Thank you. So, focusing more

22   on, like, the less sophisticated users who wouldn't be

23   using DQI but maybe going to the public database,

24   which is currently available, we've had commenters

25   suggest that the interface should be user-friendly,

1   very simple to use. Do you have any suggestions as to

2   what user-friendly means for perhaps a less

3   sophisticated user as opposed to someone who might be

4   using DQI?

5   And this is, again, to really, you know --

6   as was mentioned on a panel earlier today, this is,

7   like, for transparency, this is wonderful. People can

8   go and view their own information and can find

9   inconsistencies. But are there any best practices

10   for, like, the user interface to help them do that

11   better? Ms. Champarnaud?

12   MS. CHAMPARNAUD: Thank you. As a CMO, I

13   said we need some bulk features on our facilities to

14   ingest works, but it may well be also that we have an

15   urgent mess to solve and that we need to upload only

16   one work or several works of an album, for example,

17   that is becoming very successful in the U.S., and we

18   do not want to miss the opportunity to claim for that

19   work.

20   And in our world, unfortunately, even though

21   there is a lot of technology and there is a lot of

22   bulk facilities, et cetera, we still have so many

23   works to do, especially we want to check very

24   precisely some components of the copyright.

25   And I must say that the MLC portal is very

1   simple and easy to use. The only bit that is missing,

2   to me, for the time being, is dispute management. For

3   the time being, we have to submit a question to check

4   whether there is a dispute or not. We cannot clearly

5   see the dispute, and I said earlier that all the data

6   that we have put in HSA, there's not even half of it

7   in the MLC portal, and we would like to check whether

8   there are some dispute. And sometimes, for big hits,

9   a simple manual check would be much easier than, you

10   know, trying to send files. So the dispute management

11   feature is missing for me.

12   MS. CHAUVET: So just a follow-up question.

13   So would a best practice then be to have some type of

14   alert system, you know, to indicate to the MLC that

15   data for this particular work is -- you know, maybe

16   there's not a dispute in terms of, you know,

17   percentage of claim ownership but just, you know,

18   information about that musical work might be correct.

19   But would that be a best practice to allow users to

20   alert the MLC so that the MLC can investigate further?

21   Mr. Kanner?

22   MR. KANNER: Thanks. Yeah, so I just want

23   to pick up on a few of the points and I think what

24   Abby was mentioning about, you know, giving

25   songwriters -- something we've learned at Spotify, and

1   I'm mostly speaking today, some from claiming portals

2   we've worked in conjunction with in the past but also

3   other artists and creator-facing tools that we've

4   invested in, I think you want to meet the end users,

5   obviously, in the interfaces that they understand and

6   to help them solve the problems that they're trying to

7   solve.

8   I mean, I think everyone will agree, like,

9   user experience needs to focus on who are the

10   different user constituents. And for that songwriter

11   group, you know, there's just a lot of confusion in

12   this incredibly complex system about where does the

13   data come from and, you know -- do I have to contact

14   my publisher? Do I have to contact the label?

15   So I'll just provide one example, is, you

16   know, our songwriter credits feature is just not --

17   it's a feed into, essentially, these public records

18   because those same datapoints are passed along in our

19   monthly reporting. But those names that are being

20   passed along come from the record labels. And so

21   songwriters need to understand, if they have a

22   question, where in the system is this information

23   coming from so they know who to reach out to or to

24   even provide that information in general.

25   So I think, you know, one thing at least

1   with the public search I would say would make sense is

2   being able to, when you pull up a work or the related

3   recording records, be able to easily share what you're

4   seeing to someone else when you have a question and

5   see what the source of the information is.

6   MS. CHAUVET: Thank you. Mr. Irwin?

7   MR. IRWIN: Yeah, I want to go back to what

8   Sindee touched on a little earlier about people who

9   really don't understand the codes, IPIs, ISWC, and I

10   think, in an unclaimed area, I know it would require

11   some work on the part of the MLC, but, you know, just

12   in the way you go shopping for shoes online, you have

13   lots of fields and lots of ways to filter things, and

14   I think if you could, in an unclaimed "sort-by" fields

15   for people who don't understand the codes, maybe

16   something like "language," maybe something like

17   "country of origin," maybe something like "number of

18   writers." You know, obviously, if you're working in a

19   genre, even a "genre" could be a filter maybe, or, you

20   know, a genre like hip-hop where you might have half a

21   dozen or more writers, you don't need to search

22   something that's "classical." Or maybe "country" only

23   has a couple of writers, you know?

24   So, if there were fields that you could

25   filter down to find what you're looking for, I think

1   that would be helpful to people who are not familiar

2   with all the codes and things, you know.

3   MS. CHAUVET: Thank you. Mr. Buchanan?

4   MR. BUCHANAN: Yeah, kind of following up on

5   what Ashley said, I think the idea of an advanced

6   search feature in the public search is good, but I've

7   noticed that when you click through an initial search

8   that advanced search goes away and it's no longer

9   there. But I think being able to filter, to toggle,

10   to sort the initial search results would be very

11   helpful, especially if you're looking at a particular

12   writer that has, you know, 500 works, and you want to

13   be able to go through and find a certain one very

14   quickly or a subset of those very quickly. I think

15   being able to toggle, sort, filter would be extremely

16   beneficial.

17   MS. CHAUVET: Ms. Levin?

18   MS. LEVIN: I think Ashley came out with a

19   good point, which is it was some type of drop-down or

20   filter that would say, you know, titles that came out

21   of Harry Fox. Oftentimes Harry Fox's data was not

22   accurate. And then also, again, going back to legacy

23   artists or heir, they know what HFO was. They think

24   that they registered there. You know, they don't want

25   to do it again because it's not all rational

 1   oftentimes. So I think maybe if there was a way to,

 2   like, filter what was with Harry Fox.

 3   And the other thing -- it goes against

 4   everything in terms of technology -- if there was a

 5   way to print this out. Now, obviously, for Caroline

 6   with, you know, a million copyrights, it doesn't make

 7   any sense. But, you know, again, I have people who

 8   maybe have, you know, 57 copyrights. So, to print

 9   that out, and they're used to working with paper and

10   just have that as an option, even if it's just a list,

11   you know, of things. That's all.

12   MS. CHAUVET: Ms. North?

13   MS. NORTH: So most writers I know have

14   multiple IPI name numbers, and each IPI name number

15   has a unique, let's say, spelling or permutation. It

16   would be outstanding to be able to see all four, let's

17   say, of my IPI name numbers in one search of the

18   portal. So I'd like to be able to, like, check, let's

19   say, multiple versions of me and see that entire

20   display.

21   The other thing is, you know, as a, let's

22   say, published writer, let's say I've gone from one

23   deal to another, I absolutely want to see the link

24   between writer and publisher, which isn't clearly

25   there in my understanding, so that I could confirm,

1   let's say, that my share was being attributed to my

2   publisher.

3   MS. CHAUVET: Ms. Levin, did you have a

4   follow-up comment?

5   MS. LEVIN: No, I just think that Abby came

6   up with a good point because many, if not most,

7   songwriters do have more than one IPI, and it becomes,

8   you know, confusing which one's the right one. So I

9   was just really agreeing with her.

10   MS. CHAUVET: Thank you. Ms. Champarnaud or

11   Mr. Tayebwa, for foreign works, are there any search

12   capabilities that need to consider any unique features

13   searching for foreign works? Accents or, I'm not

14   sure, umlauts or anything?

15   MS. CHAMPARNAUD: I noticed that some have

16   some accents, some don't. But it also depends, you

17   know, on any fluttering that may have happened in

18   between because sometimes, when we report our work on

19   an international level, we skip the accent so that,

20   you know, there is a UPCA to international norm that

21   we use so that everyone can or every work can fit into

22   any given database.

23   Search facilities, you already have a large

24   number of criteria if you want to manually search.

25   Being able to extract, and I agree with what Mr.

1   Buchanan just said, extract the whole catalogue or a

2   subset of catalogue or for the specific one of our

3   members or several at the same time, export them into

4   a machinery to multiple match would be of great help.

5   MS. CHAUVET: So, speaking of access, under

6   the office's regulations, the MLC must make bulk

7   access available through APIs starting December 31,

8   2021. So are there any particular things that the MLC

9   should consider in developing APIs related to bulk

10   access of the public database? Ms. Levin, do you have

11   your hand raised? Okay. Will you please lower the --

12   there's like -- if you click the Zoom hand raise,

13   it'll shut off. There we go.

14   Or perhaps another way, should the MLC

15   solicit feedback from industry participants in

16   developing the APIs and, if so, how should it do that?

17   Ms. North?

18   MS. NORTH: So, yes, absolutely. The people

19   who are using the MLC data dump should be consulted.

20   I think one of the questions is what is the front end

21   that the user would be using to access the data via

22   the API. I think the other question is should the MLC

23   be responsible for creating a front end for that

24   purpose. I think also, you know, we have to look at

25   what's in the data dump right now. There's quite a

1   bit of missing data. So I'm wondering if, within the

2   API in the same way that -- like, if there could be a

3   choreography where, in the same way that, as a user,

4   we access that data dump, maybe we could also deliver

5   in some process with that API.

6   MS. CHAUVET: Mr. Tayebwa, have you been

7   wanting -- I'm sorry if I missed your hand-waving.

8   Did you want to offer a perspective?

9   MR. TAYEBWA: Oh, yes.

10   (Technical interference.)

11   MS. CHAUVET: Mr. Tayebwa, I'm actually

12   having a little difficulty hearing you. You're

13   cutting in and out. Sorry, I'm not able to hear you,

14   Mr. Tayebwa. Maybe let's go ahead and we'll -- okay,

15   now we can hear you.

16   MR. TAYEBWA: I found it. I know this on

17   the MLC portal, examples would be with data that we

18   are actually having some missing links with the

19   filters. Yeah, for example, with territories, which

20   territories are these writers from? For us here in

21   Africa, we're actually missing putting some of our

22   data actually, some of our own content, our own

23   metadata is missing, and it should actually be able to

24   be looked up and not be found.

25   Another thing, I did get full access to the

1   portal maybe to log in and everything, but from the

2   search that I've made, I think we also need to trace

3   back where -- who actually -- who uploaded this music?

4   Who uploaded this content? We actually need to trace

5   them back and maybe know, if we have a mistake, how

6   can we correct it with that person? Yes, those are my

7   comments so far.

8   MS. CHAUVET: Thank you. Ms. North?

9   MS. NORTH: I'm sorry, I didn't actually

10   mean to have my hand up. But I'm really liking this

11   whole territory kind of filter. Territory and

12   language filter, I think, is fantastic. I also

13   actually did want to kind of address what Caroline

14   said and your question regarding things like accents

15   or characters from foreign languages.

16   You know, in CWR, Common Works Registration,

17   the standard for works registration, we are restricted

18   in the characters that we can deliver with that

19   format. But if the data's coming -- like, for

20   example, if the artist's name has some kind of

21   non-ASCII compliant character, like an underscore, I

22   can't deliver that underscore in a valid manner within

23   a CWR file. But, if I'm delivering DDEX feed to

24   Spotify, I can include that underscore.

25   So we need to sort of, with logic,

1   anticipate how the source character will be modified

2   to accommodate ASCII, and then that might be a filter,

3   like, within that search and claiming work.

4   MS. CHAUVET: Ms. Champarnaud?

5   MS. CHAMPARNAUD: I just wanted to add that

6   we are all for API exchanges of data. We have

7   implemented this for sets of machine agreement

8   information that we get on a regular basis at SACEM

9   for France or some other countries. We are about to

10   implement the same co-work registration, and we do

11   believe that it's helped a lot to smooth the process.

12   You can choose the frequency, the volume, et

13   cetera. You can have the basic information on a

14   quicker basis. So anything that has to do with API or

15   API exchanges of data would be very valuable to the

16   whole data exchange, especially if we have, of course,

17   large volumes of data to exchange. Thank you.

18   MS. CHAUVET: So one thing that is seen in

19   the industry is, with SoundExchange, it currently

20   publicizes lists of artists and rightsholders for who

21   it is holding royalties and makes those lists publicly

22   available for searching. Would that be a best

23   practice that the MLC should do, would be to try to

24   publicize lists for rightsholders for which it is

25   holding royalties? Ms. North?

 1   MS. NORTH: Sorry -- but I do want to say

 2   SoundExchange, yes, has done such a good job over time

 3   identifying the rightsholders and getting them to

 4   claim. So how do they do that? Some of it is lists.

 5   Lists can be great. The problem sometimes is we need

 6   to make sure that those lists actually reach the

 7   people who are on there.

 8   But a list is great. But I think also, if

 9   there can be actual outreach somehow to those people

10   on the list, and I remember, you know, John Simson

11   would go around with his laptop. He'd be like, is

12   this you? I mean, it's COVID. It's tough to go

13   around with our laptops, but to the extent that that

14   could be done, it's extremely useful to be taking

15   these lists and publicizing them everywhere, because

16   the MLC has done a wonderful job of so many -- there

17   have been so many webinars and they've been so

18   informative, but they're only reaching people who know

19   about the MLC.

20   So, if you don't know about the MLC, you

21   won't know about those lists. So the lists are

22   fantastic, but let's get them out. And it could be

23   that a PRO should be publicizing the lists because

24   publishers have a lot of members. It could be that,

25   you know, David in Uganda, he probably has a lot of

1   suggestions about who within his territory or other

2   African territories sort of are the resource to reach

3   the writers. That's what we need. Yes, a list, but

4   it's got to get propagated.

5   MS. CHAUVET: Yes, the next panel's going to

6   focus on education and outreach exactly to that point

7   of, like, how to get that type of information to the

8   people who need it. Mr. Irwin, I see your hand has

9   been raised?

10   MR. IRWIN: Yes, just speaking of my own

11   organization, but I think it would be fair to say of

12   most creator organizations, if there was an API or

13   some form of portal that could be assigned to our

14   website so that if these lists are updated on a

15   monthly basis or whatever, members of these

16   organizations would know, be notified and could go and

17   search the new lists in an easy way.

18   There are hundreds of composer and

19   songwriter organizations around the world who I'm sure

20   would love to have access to that, and that would be a

21   way to get the information to people in a very, very

22   expeditious way if there was something like that. A

23   lot of these sites are created on a very fundamental

24   WordPress basis. If there's a simple API that could

25   interface, I don't know anyone who wouldn't want to

1   put it on their site for their members to search.

2   MS. CHAUVET: Thank you. Ms. Levin?

3   MS. LEVIN: Just to add on to what Abby had

4   said, when SoundExchange was first set up, they had a

5   lot of testimonials from big artists who had found out

6   they had money for that. And I think it drew a lot of

7   attention probably because they were big artists. I

8   think -- let's see if there's a nice way to say it --

9   I think the current portal where you look for things

10   is not comprehensive anymore on SoundExchange.

11   But I agree with others in terms of having a

12   portal where people can search and maybe see various

13   trade organizations, like Ashley is saying or probably

14   Sam was just talking about, a song guild. There's

15   countless things, but, yes, to have it on sites so

16   people could be looking for it and even maybe for some

17   of the foreign societies for people, you know, who

18   feel that they have songs here that are, you know,

19   being used. So it's just, yeah, a lot more exposure,

20   and that is what initially SoundExchange, you know,

21   did.

22   MR. RILEY: Could I ask you briefly to

23   follow up on what you referenced with SoundExchange?

24   You said that there was an issue with their portal,

25   and maybe we can take a lesson learned from that?

1   MS. LEVIN: I find the portal is not as

2   comprehensive as it was 10 years ago if that's, in

3   fact, when John left. But, yeah, it's really not

4   comprehensive.

5   MS. CHAUVET: Thank you. Ms. Champarnaud?

6   MS. CHAMPARNAUD: Yeah, I just wanted to

7   share an example with you. All the foreign societies

8   inside of CISAC, the International Confederation of

9   Authors and Composers, we do share on a periodical

10   basis what we call unidentified performances lists,

11   and we do use our CIS-Net network of databases where

12   we all store our copyright information.

13   We push that unidentified performances to

14   this network so that all societies can search for

15   their own work that are in performance, for example,

16   in France or in Germany or wherever in the world,

17   depending upon the CMO, and it's very useful, and

18   something similar or the MLC joining the club of CISAC

19   so that all these unclaimed are known at least by the

20   PRO and CMO community would be very helpful. And I

21   know that the MLC is already talking to CISAC about

22   some working groups, which is great.

23   MS. CHAUVET: Thank you. Mr. Kanner and

24   then Mr. Bogan?

25   MR. KANNER: Yeah, so, just to speak to the

1   API question, I think, you know, that there's a huge

2   advantage in terms of the speed to information. So,

3   even with the bulk information that's available today,

4   there's still a cadence. A lot of the processes in

5   this industry are in bulk, but when it comes to some

6   of the applications that either Spotify or other DSPs

7   might be interested in using that data, we can make it

8   available in other services so that it's visible with

9   an API and they can be real-time.

10   I think that's one of the advantages, is

11   just enabling anybody who's investing in tooling for

12   the industry to have the ability to take the MLC as

13   being this authoritative database and make it visible

14   in as many places and attribute it back to the MLC

15   will speed up that process of data improvement as more

16   actors see what's coming.

17   MS. CHAUVET: Mr. Bogan?

18   MR. BOGAN: Actually, to go off of what

19   Donny was just saying, I think that, you know, again,

20   we've made a lot of examples of different types of

21   features, implementations that the MLC could consider

22   offering, but I think, in addition to providing a set

23   of features and functionality at the MLC, what's

24   incredibly important is also making sure we have the

25   types of partnerships and operability within the music

1   industry that enables innovation.

2   Not only looking at how we can build out

3   something in the limited roadmap and scope of

4   resources, but also how we can partner with innovative

5   startups and emerging technology companies that are

6   already doing the type of outreach that could expedite

7   people's engagement with our data. APIs make that

8   possible.

9   I'm a full supporter of APIs and also

10   working with an array of technology companies at all

11   levels, not just the kind of known and tried-and-true

12   service providers but also the emerging and new tech

13   founders who have innovative ways of using data in

14   their own environments to support their market segment

15   of rightsholder customers.

16   That means that we have to do a great job of

17   providing standardized solutions, which means all the

18   customization based on one set of members' needs may

19   not be as much of a priority as the ability to provide

20   a standardized solution that can be used across the

21   industry in multiple ways.

22   We see that already with the DQI being one

23   example, but with the rollout of new APIs, whether

24   it's to register works or to check data or to check

25   the unmatched or to submit updates, any API, in my

1   belief, is going to need to be quickly and easily

2   accessible by not only existing members who may have

3   their own proprietary systems, like CMOs and large

4   independent publishers, but also the technology

5   companies that are servicing thousands of

6   rightsholders who may be members and who are looking

7   to those software companies to provide solutions for

8   them in their interaction and engagement with the MLC.

9   So we're doing those two things

10   simultaneously. Those are two different strategies

11   that I think we are doing where we're looking at

12   simultaneously not only building our own proprietary

13   systems, but how do we partner with the various

14   proprietary system providers out there so that there

15   is this multi-touchpoint with the MLC's data.

16   So I think this input has been, you know,

17   great not only thinking about, you know, what we can

18   offer in our own portal but also how we can work with

19   services like Music Data Service and like, you know,

20   Best Acts and Blocker and everyone else out there.

21   You know, there's dozens of rights tech software

22   companies that have much faster ways of implementing

23   on unique sets of features that we can't necessarily

24   implement within the same timeline.

25   MS. CHAUVET: Thank you. Mr. Kanner?

1   MR. KANNER: Yeah, if I could just quickly

2   respond, jumping off what Dae is saying, I would say,

3   from a DSP perspective, you know, obviously, all MLC

4   members want publishers and CMOs and everybody to have

5   complete access to that, and I think that's what the

6   APIs and the bulk database is providing for.

7   I think, from the perspective of third-party

8   services, I think one thing to just note is being

9   cautious around creating a situation where data is

10   sort of moved back into the category of valuable as

11   data, right? I think one of the things that has

12   caused such a challenge in the industry for so long,

13   we've talked about, you know, missing works

14   information, and part of the problem is this

15   perception that my information is valuable in and of

16   itself and that it should be kept behind closed doors.

17   So I think whatever we do, it needs to

18   incentivize people to move towards transparency, and

19   if someone is going to build a third-party service off

20   of this information, it should not be incentivizing

21   that adverse effect, and they should be, you know,

22   paying accordingly if they are just using it for a

23   business purpose that's not running a publishing

24   company or trying to collect their works, on their

25   work.

1   MS. CHAUVET: Thank you. So, in the

2   interest of time, I'm going to shift to, after having

3   identified data inconsistencies, how to get corrected

4   data to the MLC. In response to the notice of inquiry

5   for this study, one commenter noted that when payees

6   need to update their repertoire information with a

7   collective, payees should be able to provide updates

8   in the format that serves them best.

9   The MLC has stated that it will remain open

10   and engaged as to emerging formats that may assist

11   copyright owners in registering works in the future.

12   So my question to the panelists is, what are the best

13   methods for allowing rightsowners to update and

14   correct their data with the MLC, and do multiple

15   methods need to be available given the variety of

16   sophistication of users? Ms. North?

17   MS. NORTH: So, absolutely, to Dae's point,

18   Caroline has a much different requirement than I do

19   and completely different from Sindee. So Caroline

20   needs a way machine-to-machine communication. I might

21   need that, but I also need to be able to deliver CWR

22   files in a revised -- so a rev file. That rev would

23   indicate, hey, there's a revision here.

24   There's discussion within the CISAC, the CWR

25   working group, about actually sort of changing things

1   within CWR that clearly indicate the publisher's

2   relinquishing -- and this is something Harry Fox is,

3   you know, involved, knows about -- so we as publishers

4   could be delivering within the CWR file updates,

5   changes, and the society will know for sure that we

6   are indicating these changes or updates.

7   But then you have Sindee's user or you have

8   your average writer who they don't like data and they

9   don't like spreadsheets. They might take five minutes

10   out of a writing session and look at the portal and

11   see, wait a minute, my IPI's missing there, I need to

12   be able to enter that right now into the portal and be

13   done, never think about it again.

14   Dae and I would say we've still got to think

15   about it, maybe six months you've got to look again,

16   but, right now, they want to fix it, like, right now.

17   They don't want to deal with a spreadsheet, a CWR

18   file, machine-to-machine, just right there in the

19   portal. So multiple, actually, that's probably four

20   different ways because many publishers still don't

21   have CWR, so they need a way in a spreadsheet format

22   because pretty much everyone has Excel, and if they

23   don't, they have, let's say, Google Sheets, right? So

24   some format has to fit these three types we've just

25   seen here in this panel.

1   MS. CHAUVET: So, for more sophisticated

2   users, is there general agreement that CWR is the

3   preferred format for getting corrected information to

4   the MLC for more -- I'm seeing you nod your head, Ms.

5   North. Yes?

6   MS. NORTH: You're asking me? Okay.

7   Because I saw that Caroline -- so, for me, absolutely,

8   without a doubt. But, when I'm delivering my CWR

9   files, I'm really delivering them to Harry Fox Agency,

10   and my relationships are with Harry Fox. So, if I

11   deliver my CWR file and I know right now that there is

12   something in the CWR file that might not be completely

13   clear, via email, I will email, follow up, with Harry

14   Fox and say, oh, by the way, I don't represent that.

15   I'm not the administrator of that publisher any

16   longer.

17   But, when it comes down to that data which

18   may be clearly conveyed in a CWR file, yes, CWR

19   currently is the standard, and it, in my opinion, is

20   the best and most efficient way for publishers like me

21   to deliver data.

22   MS. CHAUVET: Ms. Champarnaud, did you have

23   a perspective?

24   MS. CHAMPARNAUD: Yeah, for CMOs as well.

25   From one CMO to another, CWR is good. API is even

1   better, and manual feeding may also be necessary again

2   if there is an urgency or something that can be fixed

3   very quickly.

4   MS. CHAUVET: Mr. Buchanan?

5   MR. BUCHANAN: Yeah, on high-priority works,

6   I've found things that need to be fixed urgently,

7   quickly, I've found that amending the works through

8   the MLC has worked great since it's been available.

9   I'm really happy with how that's set up.

10   One suggestion that I would like to just

11   throw out there is it's great in fixing the works,

12   but, as far as requesting adjustments or back period

13   payments, it kind of falls short in that sense. You

14   know that the work's fixed going forward, but you

15   don't have the opportunity to put in a back period

16   claim.

17   MS. CHAUVET: Would a best practice be a way

18   to, like, within, I guess, the portal or the public

19   database to be able to alert the MLC that a back

20   payment would be necessary?

21   MR. BUCHANAN: Right. Yeah, maybe to create

22   an inquiry with a certain inquiry number, which is how

23   other societies -- XUS would do that -- so that it can

24   then be tracked within the portal would be good. As I

25   understand it now, requests for adjustment should be

1   emailed to the MLC and then you end up in this chasing

2   emails situation, whereas, if it was available in the

3   portal, it would be a lot easier to manage.

4   MS. CHAUVET: Mr. Irwin?

5   MR. IRWIN: The work-for-hire people find

6   themselves sometimes in a very unique situation which

7   the MLC doesn't really account for because, if the

8   creators are not allowed to enter their own

9   information in some form or at least provide their

10   information to be added and they're referred back to

11   their publisher, in a lot of cases, the production

12   companies, while, in name only, they are the

13   publisher, they're being administered by larger

14   organizations, and in those situations, those larger

15   organizations won't necessarily talk to the creators.

16   They'll refer you back to the original

17   production company, who really doesn't care about it.

18   So you end up getting in this ping pong situation

19   where you can't get your information corrected. So I

20   really do believe that there must be a repository for

21   creators to enter their information that flags it in

22   some way that it is then addressed by whoever else is

23   claiming those royalties. And maybe it goes into

24   suspense, I don't know, but the creators really do

25   need to have a bigger voice as they're not allowed to

      1   be members when they're published by someone else, a

      2   full member. So I think that needs to be addressed in

      3   some way.

      4   MS. CHAUVET: So one commenter -- just a

      5   follow-up question to that, Mr. Irwin -- so one

      6   commenter suggested that it could be co-owners or a

      7   songwriter could in some way tag a co-songwriter or

      8   someone affiliated with the ownership of the work to

      9   be able to alert them to be able to go in and claim or

     10   in some way alerting the MLC that there might be a way

     11   or at least alert them to who might be able to have

     12   more information about the work. Is that a best

     13   practice, do you think?

     14   MR. IRWIN: Yes, I think so. I think, you

     15   know, this is the issue, as someone mentioned earlier,

     16   I forget who it was, but a lot of these catalogues,

     17   particularly in the film and television world, are

     18   rolled into other catalogues and then renamed. The

     19   actual titles of the cues can often be renamed. The

     20   titles and, certainly, the publisher changes, you know

     21   -- there's no real chain of title for the creator to

     22   follow. So, if there is someone designated with that

     23   responsibility -- look, the creators, as someone else

     24   said earlier, the creators, they're the ones who

     25   really know who wrote what, and what the percentages

1   were and what the splits were.

2   And, certainly, in our area, you know, there

3   are generally not more than one, maybe two, people

4   writing on, you know, film and television cues and

5   video games. And songs, you know, I think in the pop

6   world obviously, you can get up to eight, nine

7   writers, as I said before, in certain hip-hop and

8   dance music.

9   But, you know, I really do think there needs

10   to be a voice or a way for the people who are

11   affiliated but not necessarily in control of those

12   copyrights to identify, you know, misinformation and

13   have it flagged, yes.

14   MS. CHAUVET: Thank you. So, just in the

15   interest of time, I'm also going to ask Ms.

16   Champarnaud if there are any considerations that need

17   to be considered for foreign works in correcting data

18   that would be unique that the MLC should consider?

19   MS. CHAMPARNAUD: One thing is that we do

20   not control 100 percent of the works that have been

21   assigned to SACEM for the U.S., right? There are

22   works that are published. It's not meant, actually,

23   from an obligation, at least in Europe, to have a

24   publisher to take care of your mechanical rights.

25   So some works may not be published, and

1   those ones we represent are in the U.S. because we've

2   been assigned those rights by the members. Some are

3   published but not self-published in the U.S. So we do

4   represent those rights. And some works are

5   self-published in the U.S., and either the

6   self-publisher has 100 percent or 50 percent or

7   whatever percentage.

8   So this may lead to a situation where we do

9   not see the copyright in the same way. They are 50

10   percent represented by SACEM, but the local

11   self-publisher may think they have 100 percent, so it

12   will lead to some disputes. So we need to be in a

13   position to interact, and it comes back to my previous

14   remark about dispute management or counterclaim or

15   overclaim or whatever. So this functionality is

16   really key to us and, again, in bulk and manually.

17   MS. CHAUVET: Thank you. Ms. North and then

18   Ms. Levin, though, if we could please try to keep

19   comments concise as I realize we only have a

20   half-an-hour left.

21   MS. NORTH: I'm going to be super quick --

22   well, pretty quick. I think we have to look at an

23   actual use case here to talk about what functionality

24   needs to be there. So here's my case, "Unchained

25   Melody." I go into the public portal. I --

1   (Technical interference.)

2   MS. NORTH: First issue, you need to correct

3   the name. There's a problem for the MLC because they

4   have to turn that into a dispute, right? So they have

5   to go to another party to confirm that it's mine, and

6   there's back pay and adjustments. So it's mine. I

7   don't know how long that data's been in Harry Fox, but

8   it's now the MLC's problem. I want my back pay and

9   adjustment. I want the ability to a) make that

10   request and b) receive an answer and, in fact,

11   understand how I will see that, because the responses

12   we're receiving right now are Harry Fox is no longer

13   the vendor, go to the MLC or go to Spotify.

14   This has the data in the MLC's portal.

15   These are common problems. There's a lot of data that

16   has these aggregators as publishers. It's a big

17   problem. It has to be corrected. The MLC has an

18   opportunity to facilitate within its portal.

19   MS. CHAUVET: Thank you. Ms. Levin?

20   MS. LEVIN: I'll be quick. In reading some

21   of the previous reports and panels or speakers, one of

22   the things that I noticed was someone suggested that

23   if you register, you know, say, with ASCAP or BMI or

24   CISAC that, in turn, it will register for everybody,

25   which is an interesting, you know, concept. I

1   register for the MLC and then that confirms against,

2   you know, the PROs. I just think it's something to

3   look into. I don't know -- I don't really know how

4   all the technology works.

5   And the second thing you mentioned about or

6   someone talked about having co-writers, you know,

7   identify things. Maybe it's the lawyer in me, but

8   talk about opening a hornet's nest. I mean, it all

9   sounds good and that everybody is, you know, happy

10   with each other, but you're going to find people who,

11   for whatever reason, feel that they got, you know,

12   screwed out of something, and they're going to, like,

13   change the, you know, splits to them. So I think it's

14   a big mistake and will create a lot of problems.

15   That's all.

16   MS. SCIORTINO: Thank you, Ms. Levin. So,

17   in regard to support from the MLC, one commenter

18   suggested the MLC offer hotlines for telephone calls

19   and "office hours" so that musical work copyright

20   owners can schedule specific times to work with MLC

21   representatives to work through database issues.

22   Would this be a best practice? Why or why not? And,

23   also, is there anything else the MLC could do to

24   support database users?

25   MS. CHAUVET: Mr. Bogan?

1   MR. BOGAN: Thank you for your comments. I

2   would like to say we do have a pretty robust support

3   team in place offering support 12 hours a day, Monday

4   through Friday, and eight hours on Saturday. They're

5   also accessible via chat and email and phone call and

6   have supported many rightsholders so far, especially

7   with sort of hand-holding, if you will, through work

8   registrations or updating data. So it is a pretty

9   robust support system.

10   I will say personally from my own background

11   building and managing rights tech software working

12   with the "long tail," I don't think it's a best

13   practice for any society to provide an office hours on

14   a one-on-one basis with the entire membership because

15   you simply won't have enough support team members to

16   do something like that.

17   I do think that providing an accessible

18   support team as far as hours and the number of days

19   per week and different routes or different channels of

20   communication, I think chat support and email is a

21   throw-away of providing support. I think some of the

22   panelists have already engaged with our support team

23   and could probably speak to their own experiences with

24   that support.

25   We're already rating over 90 percent on a

1   100 percent scale in terms of satisfaction with MLC

2   support, but, obviously, there's always improvements

3   to be made, and as we scale as an organization and

4   bring on more support personnel, we'll be able to

5   support more rightsholders at a time.

6   But I kind of wanted to also go back to the

7   notion that there should be multiple touchpoints in

8   regards to the data. I didn't want to drive back too

9   far, but I did want to speak back to David -- I'm

10   sorry, Donny's point in regards to not necessarily

11   allowing every third party to provide data. That

12   comes with having standards in place and making sure

13   that we vet.

14   We have the Data Quality Initiative with,

15   right now, five partners that have launched in the

16   marketplace, but we actually have a pipeline of over

17   50 partners who have been in the vetting process for

18   months which I oversee with our technology team. So

19   vetting the partners in order to be able to deploy

20   these partnerships is a part of the process.

21   You know, Abby, you went through that

22   vetting process, so you know going back and forth with

23   different people to make sure that it's the right

24   partners for any engagement that we have is a part of

25   the process. So that will continue to be a part of

1   the process of making sure that we have industry-wide

2   partnerships but not at the cost of quality or

3   authority. There's certainly a vetting process in

4   place.

5   MS. CHAUVET: Thank you. So the public

6   database, as we've said, is available to anyone.

7   There's no registration requirement. I'm talking

8   about it separately from the portal because that is

9   how it will be two different access points, is my

10   understanding of how the MLC has initially set it up.

11   So, shifting to talk about the portal, as

12   noted on the MLC's website, all music publishers,

13   administrators, self-administered songwriters,

14   composers, lyricists, and foreign CMOs will need to

15   become members of the MLC in order to access their

16   data via the portal and receive payments from the MLC.

17   So, about the registration process

18   specifically, are there any best practices that could

19   make registration more user-friendly? Ms. North?

20   MS. NORTH: Sorry, this comes back to the

21   CISAC theme. What's happening is, if I am a

22   self-administered songwriter and I do not have a

23   publishing entity with a PRO, I have no publisher IPI.

24   The best practice would be for a publisher to have a

25   publisher IPI, but we have obstacles, okay.

1   So the practice currently is the writer is

2   told -- and, by the way, I got different answers from

3   the MLC than I did from HFA, but the HFA is the one

4   who's actually doing the process, so I believe them.

5   And what I heard was we want the writer to deliver his

6   or her name, publishing designee, Abby North,

7   publishing designee.

8   They do not want any IPI. So, even though

9   the writer will have a writer IPI almost certainly,

10   that is not to be entered because that confuses

11   things. Even though, in Europe, a writer may collect

12   publishing via that, it complicates things. So,

13   currently, what happens is I'm Abby North, publishing

14   designee, and then Harry Fox assigns a P-number, a

15   publisher ID.

16   That publisher ID solely exists or is solely

17   recognized within the HFA/MLC universe. So, all of a

18   sudden, MLC is its own silo that is completely outside

19   of CISAC and BIEM. The best practice would be for MLC

20   to become a CISAC/BIEM player, for there to be

21   publisher IPIs assigned to every party that's a

22   copyright owner/publisher, and then that entity can

23   exist in the world of rights collections.

24   MS. CHAUVET: Thank you. Ms. Levin?

25   MS. LEVIN: Sorry, I didn't really mean to

1   raise my hand that way. Sorry.

2   MS. CHAUVET: Okay. No, that's quite all

3   right. Does anyone else have a comment on how to make

4   registering for the portal more user-friendly?

5   (No response.)

6   MS. CHAUVET: Well, perhaps it might be

7   helpful, Mr. Bogan, since the Office's understanding

8   is that the claiming portal is not currently

9   available, so I think it would be really helpful if

10   maybe you could talk about how the claiming portal

11   will work and who will be able to have access to it.

12   MR. BOGAN: Well, the claiming portal, as

13   you know, is under development, and we're taking input

14   and the feedback from conversations like this to be

15   able to map out those feature sets. But, ultimately,

16   the claiming portal will be accessible to members of

17   MLC just as registering works is accessible to members

18   of the U.S. MLC.

19   We must have authority in regards to the

20   relationships of the data. So we can't simply just be

21   open access for anyone who believes they have some

22   kind of entitlement to a claim. That creates the

23   problem that Sindee kind of referenced before, you

24   know, the legal problem of someone being upset or

25   simply not understanding their association to a

1   particular work.

2   I personally don't sit on the side of

3   building out the claiming portal, so I can't speak to

4   what's currently being built, but I will say that my

5   role in terms of third-party partnerships will be to

6   ensure that where we have opportunities, such as APIs,

7   that we have the right partners in the industry who

8   provide claiming.

9   I previously built a claiming platform that

10   engaged with HFA and MRI and other societies. I think

11   something like that will be helpful. Again, I kind of

12   go back to the idea that it's important for us to have

13   the right partnerships in place in addition to the

14   right proprietary feature sets because we have so many

15   constituent groups that have to be supported.

16   What's going to happen, as Sindee has

17   referenced, from her perspective, she wants a

18   simplified portal to be able to do the things that she

19   needs to get done. From the perspective of a CMO, you

20   need a robust portal that enables you to set up

21   machine-to-machine functionality. And, again, we have

22   to be able to support all of that.

23   So, from my perspective, when I'm advising

24   my colleagues who are in the leadership of the MLC, as

25   we're taking feedback and direction from advisory

1   committees, is that we need to make sure we do this

2   through partnerships as well, and there are many

3   partnerships out there in the industry that are

4   helping rightsholders with identifying disputes or

5   overclaims and then to begin that process of claiming.

6   Again, whether it's a company like Blocker,

7   for example, who's been working with CMOs to provide

8   access to claiming or overclaims or other -- again,

9   there's other rights tech -- I don't want to keep

10   mentioning the same partners we already have -- but

11   there's a lot of services out there.

12   And I just don't see any one society being

13   the complete one-stop-shop for even their own

14   relationship management between any given member. It

15   has to be a comprehensive 21st Century strategy for

16   being a rights organization, and that includes

17   engaging in the type of rights technology that's being

18   developed but also respecting the standards that are

19   already propagated around the world, whether it's CRW,

20   the various versions of DDEX that have been under

21   development.

22   There's other, you know, roundtables or

23   consortiums of APIs and interoperability that have

24   been in discussion over the last several years. We

25   look to explore all of that and to take what our

1   requirements are from the statute in terms of

2   providing access and data from a public standpoint,

3   sort of a minimum viable product in regards to our

4   legal responsibility, regulatory responsibility, but

5   also looking at innovation across the industry and

6   making sure that we can bridge the gaps between those

7   two things in a way that, you know, is supportive to

8   our membership.

9   So I can't speak specifically to the

10   claiming portal because it doesn't exist, but the

11   members will have access to it. There will be a

12   process to engage in claiming and engage in

13   resolutions. But, in addition to that, you know, my

14   internal kind of efficacy is to ensure that we have

15   partnerships in place to allow that same experience

16   through different types of user interfaces so that

17   Sindee's clients can use it just as well as Caroline's

18   members.

19   MS. CHAUVET: Thank you. So, for the other

20   panelists besides third-party partnerships, are there

21   specific features or functionality that you think

22   would be user-friendly or make it easier for

23   rightsowners to claim works? Yes, Ms. North?

24   MS. NORTH: I'm a big fan of Spotify

25   publisher analytics. Love their portal. Super easy

1   to use. They make suggestions related to recordings

2   they believe, with a certain amount of accurate -- or

3   belief that they're mine, and then they give me the

4   opportunity to audition, meaning listen to the sound

5   recording, and then confirm or deny that they're mine,

6   and then, further, they send me, if I ask them, the

7   ISRC that I just claimed as being a match to my ISWC.

8   I love that. It's super easy to use. It's definitely

9   a model.

10   There are other claiming portals. CMA has a

11   good one. SoundExchange has a good one. They all

12   have various functionalities. I agree 100 percent

13   with Dae, though, that we do need to look, you know,

14   past the curve. We need to look at how to be

15   innovative with these claiming portals. You know, I'm

16   not a lawyer, but I'm pretty sure the statute says

17   that the MLC shall maintain a claiming portal, and

18   until there is a claiming portal, that's a tremendous

19   obstacle to making claims.

20   I think there needs to be a hard date

21   imposed by the Copyright Office by which there must be

22   some claiming portal. It doesn't have to be the final

23   claiming portal. It doesn't have to be crazy

24   innovative. It has to do a job that's the beginning

25   of the job. That's my two cents.

 1   MS. CHAUVET: Thank you. Mr. Kanner?

 2   MR. KANNER: Sure. Thanks, Abby.

 3   Appreciate your support of the Spotify publishing

 4   analytics tool. Yeah, I think the experience you just

 5   described, just to touch on it a little bit, I was

 6   listening to some of the earlier panels on matching

 7   and, you know, this big debate between, you know, when

 8   you're dealing with interface design, how do you

 9   strike the balance between the different users, the

10   bulk users who have to do large-scale operations. How

11   do you make things available to maybe other users

12   within the same organization who have less technical

13   sophistication? And it comes down to, like, what are

14   those interaction models that they're used to but

15   also, you know, are fit-for-purpose.

16   So I think, you know, to Abby, what she

17   raised about the suggestions, right, Spotify is not

18   doing the matching for U.S. mechanicals. It's the

19   MLC's job, and it's why, you know, this collective was

20   formed so that we had one place to use all the best

21   practices available.

22   But I think what we can learn from that

23   interaction is definitely trying to marry manual, you

24   know, best practices and manual claiming with the

25   algorithmic opportunities. So, to the extent that

1   there's lower confidence in a match or in works

2   information because maybe the metadata is suspect for

3   whatever reason, maybe you have many sound recordings

4   with different artists on the same work, and it's not

5   very popular, why is that going on? You know, being

6   able to suggest to rightsholders things. You are

7   truly the experts all in your own catalogues, and the

8   songwriters are experts, and they need to play that

9   role in understanding, and it's to give them tools

10   that are going to allow for that.

11   So prioritized lists of content for others

12   to vet when they really know the material, and using

13   best practices, whether it's machine learning or just

14   basic algorithms for confidence matching. So I'll add

15   that in there.

16   MS. CHAUVET: Thank you. My colleague, Mr.

17   Riley, is going to ask some questions, but before we

18   do that, Mr. Bogan, does the MLC have a target date

19   for making the claiming portal available?

20   MR. BOGAN: To my knowledge, I don't have

21   information at this moment, but I'll look at some

22   information.

23   MS. CHAUVET: Okay, thank you. Mr. Riley,

24   go ahead.

25   MR. RILEY: So we may be running out of time

1   here, so, please, if folks could make their answers as

2   quick as possible, it would be appreciated. We wanted

3   to talk a little bit about the prior music dispute

4   settlement and claiming systems. I believe we asked

5   about this in our NOI.

6   I'd like to ask, as we're talking about

7   Spotify, Mr. Kanner, if you have any understanding

8   about the Spotify claiming settlement portals,

9   especially the *Ferrick* settlement portal, which was

10   referred to as the "gold standard." I was wondering

11   if you could talk us through kind of the best

12   practices associated with that to your knowledge? If

13   not, if anyone else would like to jump in on that

14   topic?

15   MR. KANNER: Sure, John. Yeah, I think not

16   kind of getting into too many specifics about the

17   portal itself but just sort of general learnings from

18   those types of portals, I think I can speak to the

19   fact that prioritization is obviously really useful.

20   I think that's one point we've all talked about.

21   There's so much data and so many sound

22   recordings that are available for claiming, and that

23   just isn't something that is benefitting from a

24   large-scale investment from everybody if it's not

25   going to be worth their time to get money out of it.

1   So that's obviously a critical component.

2   I think another lesson learned is, you know,

3   just being mindful of bad UX that could potentially

4   lead to more problems in managing the claims and

5   accuracy of those claims. So, you know, you want to

6   avoid bad user experience patterns like to put a title

7   into the system and claim, you know, a thousand works,

8   right, and have that be validated.

9   Now, obviously, that's not the MLC's

10   process, and I think we've understood that. But just

11   as an extreme example, because you have lower

12   sophistication in some cases, a bad user experience

13   and a bad interaction design could result in just

14   noise that makes the entire process more expensive.

15   So it needs to sort of have checks and use the best

16   technologies available to try to see.

17   And then, ultimately, once those claims come

18   in, right, it's about the effective practices around

19   conflict resolution and, you know, recommendations

20   around making who are the other claiming parties

21   visible so that folks can understand who they're

22   claiming against, and even if they're claiming against

23   themselves, which is a particularly challenging thing

24   in some of these circumstances because they don't

25   realize that they've submitted something on behalf of

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1   the -- they're the writer, or they're submitting one

2   share and then their publisher submitted as well.

3   And now you've created noise and extra costs

4   to everybody to fix a self-conflict. So, just making

5   that as easy as possible with the presentation of who

6   are the writers that the publishers are claiming on

7   behalf of, to the extent that that's possible, so that

8   the writers know that they already have their claims

9   in the system or not.

10   MS. CHAUVET: Thank you. Mr. Buchanan, I

11   saw you nodding your head, and you've had your hand

12   raised for a little while. Would you like to offer a

13   perspective?

14   MR. BUCHANAN: Sure. It's interesting to

15   hear that the *Ferrick* settlement is considered the

16   "gold standard" because I felt that way as I worked

17   through that settlement claiming. It lends itself

18   more to bulk claiming. It allowed to extract the data

19   from the portal a lot better than the prior NMPA

20   settlements portals did for both Spotify and Rhapsody

21   in years prior.

22   And I think that was a step in the right

23   direction. It allowed us to work more efficiently

24   through the data and then to submit claims with all

25   the information needed to where the conflicts as they

1   came back were a lot less. It was just a lot easier.

2   I do think that would be a good blueprint going

3   forward.

4   When it comes to the MLC unmatched data, I

5   did want to make one suggestion. If there was a way

6   that works that were unmatched entirely could be kept

7   separate from a claiming portal whereas shares are

8   just missing, because that's also been an issue. If

9   we could just see a list of the works where it's just

10   not matched to a composition at all, that would be

11   very helpful to see that separate from unmatched

12   shares.

13   MS. CHAUVET: So would that be in, like, the

14   public database, maybe, like, a drop-down option to be

15   able to view those works in isolation? Is that maybe

16   a best practice you're suggesting?

17   MR. BUCHANAN: I think so. Or a separate

18   list altogether, unmatched shares versus unmatched

19   works.

20   MS. CHAUVET: So I guess that's one question

21   I had too, because the way that the MLC has set things

22   up, the public database is a different access point

23   than what the portal will be. And then, now, Mr.

24   Buchanan, you're kind of saying, like, this should

25   also be a separate list. So my question is, more

1   generally, is there an industry practice about

2   different datapoints? And maybe that would make it

3   easier or harder for users to be able to access

4   information? Ms. Champarnaud?

5   MS. CHAMPARNAUD: Yes, I think features that

6   allow you to sort out data per value, per -- again, I

7   agree with what Mr. Buchanan said. Are these truly

8   unidentified and therefore unmatched or partially

9   unmatched or partially claimed? Or sometimes also we

10   have some overclaimed that may happen. Everyone is

11   claiming 100 percent of the work, so the unrepresented

12   is too much.

13   And what would be super useful before the

14   claiming portal to be available to the MLC members

15   would be maybe to have a file that we could match

16   catalogues of our own copyrights. We may save time

17   and money for everyone in the chain rather than

18   waiting for the portal to be up and running and

19   getting used to playing with it if a file could be

20   shared among the rightsowners, that would be, yeah,

21   super useful. And there is an internal format for

22   that. Sorry.

23   MS. CHAUVET: Mr. Bogan?

24   MR. BOGAN: Okay. I want to follow up with

25   some dates, which is obviously very important here.

1   So there's two types of unmatched in terms of

2   claiming, right? There's the historical unmatched

3   data that we're familiar with, and then there's the

4   new blanket unmatched that will begin -- obviously,

5   that has begun as of January this year.

6   So there's two different types of unmatched

7   that members will have to sort through and claim. We

8   will begin in June making that available to members,

9   and that will be the blanket unmatched, that process,

10   from the end of January period will be available in

11   June.

12   But then we're looking at the historical

13   unmatched becoming available around September. Now

14   what's going to affect that is obviously the remand of

15   the formal three rates to determine what the actual

16   amounts would be, but we're looking at June as a

17   target for the blanket unmatched, which would be from

18   the January 2021 period, and then around September for

19   the historical unmatched.

20   MS. CHAUVET: Thank you. And, Mr. Bogan,

21   one follow-up question I had. We're talking about the

22   data, what Ms. Champarnaud was saying about wanting to

23   be able to kind of get the data from the portal. So

24   the Office's understanding is that the data in the

25   public database and the data in the portal will be the

1   same. Like, whatever is viewable in the public

2   database will be the same that's in the portal. Is

3   that a correct understanding?

4   MR. BOGAN: In regards to the works or

5   simply the unmatched? When we're talking data, which

6   dataset are we talking about?

7   MS. CHAUVET: Well, the public database

8   requires information about both unmatched and matched

9   works. That's, like, a statutory requirement. So,

10   for whatever is publicly available in the public view,

11   that same data is what is in the claiming portal, is

12   that right?

13   MR. BOGAN: Generally speaking, yes, but I

14   do understand that there are comments and inquiries in

15   regards to what is visible on the public side versus

16   what is visible in the portal. So I do not have

17   specifically a list of what may or may not be visible.

18   I know that that's an ongoing conversation, especially

19   as we take input from rightsholders themselves in

20   regards to what of their works information will be

21   available.

22   So I know that there are a number of

23   rightsholders who are members of the MLC who have made

24   comments in regards to the visibility of their own

25   data in the public search. So that input, I believe,

1   the Office has been taking into account and I believe

2   we've been taking into account as well.

3   MS. CHAUVET: Thank you. We have about five

4   minutes remaining, so I wanted to ask about ways

5   claiming could be made easier while also recognizing

6   that the MLC has to balance that with making sure

7   fraudulent claims are not made. Are there any best

8   practices that can be suggested by any of the

9   panelists today? Ms. North?

10   MS. NORTH: Sorry. We have to be able to

11   audition the audio. We must be able to hear the audio

12   with -- when we hear the audio, if we know the works,

13   it's so quick for us -- three seconds, four seconds,

14   we know it's ours.

15   The second thing, I was thinking, like, you

16   know, in terms of making a claim, like, so I think, in

17   an earlier panel, Rene brought up that PROs have data,

18   and the obstacle is that it might be different

19   rightsholders. But, if we know at ASCAP, for example,

20   that a certain publisher is the publisher, and then

21   somebody who's, you know, Joe Smith Publishing goes in

22   and claims that work and it's very clearly not the

23   same publisher as we see in most of the other

24   datasets, that should raise a flag. So I think there

25   needs to be rules about flagging where it's probably

1   not the right one.

2   And I think also, coming back to the

3   infringing registrations that we're seeing from the

4   aggregators, I think we've got to look at the most

5   popular songs, the most covered songs, the American

6   songbook songs whose writers are not collecting their

7   royalties. If we see that it's Stevie Wonder's

8   "Ribbon in The Sky" or Lennon and McCartney

9   "Yesterday," and we see somebody who's not Lennon and

10   not McCartney or we see somebody who's not EMI or

11   Sony, that should be instant red flag. We know who

12   the kind of known parties are for the really, really

13   big-earning and important works.

14   MS. CHAUVET: Thank you. Mr. Irwin?

15   MR. IRWIN: Yes, I just want to agree with

16   Abby that the audio is key to all this. So much can

17   be expedited if the audio is there for identification

18   and for claiming, and it's very easy for anyone who

19   has that audio just to use it as evidence. If they

20   have access to that audio and they hear a portion of

21   it, they can provide the entire audio file very

22   quickly to someone to validate the claim. So I think,

23   until we get there, we're really only correcting typos

24   and registration numbers and so on. We're not really

25   expediting the identification and claiming process.

1   MS. CHAUVET: Thank you. Mr. Kanner?

2   MR. KANNER: Yeah, just to touch on those

3   points really briefly, I think, to speak from

4   Spotify's perspective, ultimately, you know, we're

5   working with the MLC and the other DLC members to

6   figure out what the best way to make audio available

7   to members is. It's definitely recognized as a

8   valuable datapoint, you know, from access to claims

9   and, you know, for the time being, right, users can go

10 onto Spotify for our sound recordings in particular

11 and access them there using an advertising-supported

12 account.

13   But, in the long run, I think some of the

14 reducing the workload for someone sitting there and

15 listening to music is really about -- you asked a

16 question about fraud. I don't think it's necessarily

17 bad actors, especially not coming through a claiming

18 portal in most cases.

19   I think it's just the inefficiency that's

20 inherent to large-scale data moving across the

21 industry. And so using best practices around

22 flagging, like Abby mentioned, you know, if it's a

23 very popular song and you have someone who owns two

24 copyrights putting a claim on it, like, there's

25 heuristics and metrics that you can begin to develop

1   that will show that something is suspect and likely

2   due to human error as a result, or some system error,

3   and beginning to surface those up to the people who

4   own them so that they can effectively resolve it, I

5   think, is important.

6   MS. CHAUVET: Thank you. I see we are one

7   minute left. Ms. Levin, you had your hand raised?

8   MS. LEVIN: Just quickly, two things. In

9   terms of listening to the audio, I mean, it might be

10   an option. I don't know how realistic it is for most

11   people. Again, I have legacy clients. I may know two

12   or three of their songs. I don't know 498, and even

13   if I did, the amount of time to listen to that is just

14   unwieldly.

15   And the second thing, talking about -- you

16   know, I agree with Donny. It's not that people are

17   usually, you know, doing it intentionally. You know,

18   shit happens. Many years ago, I was looking at what

19   Caroline talked about. I always heard them as "up

20   files," and one of the countries I got one were all

21   these Beatles songs, and I was wondering how did they

22   miss that stuff, and I saw it was Lennon/McCartney,

23   and Lennon was spelled L-E-N-I. This was a former

24   Soviet state and, you know, it was, like, oh, I guess

25   that's what somebody there felt Lennon -- how it was

1   spelled.

2   So I think sometimes it's just culturally,

3   you know, inadvertent. I don't also ascribe to the

4   fact that people are sitting at home claiming, you

5   know, big songs.

6   MS. CHAUVET: All right. Thank you. I see

7   we are at 3:00. Thank you very much to all of the

8   panelists for participating. Ms. Sciortino, do you

9   have one last announcement before we take a short

10   break?

11   MS. SCIORTINO: Yes, thank you, Ms. Chauvet.

12   Just as a reminder, the last session today

13   is an audience participation session in which members

14   of the public can provide oral testimony for the

15   record. Those who are interested in participating can

16   use the SurveyMonkey link which is in the chat, and no

17   later than 3 p.m. Eastern Time.

18   At 5:15 p.m. Eastern Time, Copyright Office

19   staff will call on those who signed up, time

20   permitting. And approximately keep your comments to

21   three minutes, and make sure to keep your topics

22   limited to the topics of this study. Those who do not

23   adhere to the rules will be muted. Thank you.

24   MS. CHAUVET: All right. So thank you all

25   very much. We're going to take a short break, and

1   then we'll have our next panel that resumes at 3:15.

2   Thank you.

3   (Whereupon, a brief recess was taken.)

4   MR. RILEY: Good afternoon, everyone. My

5   name is John Riley. I'm an Assistant General Counsel

6   with the United States Copyright Office. I'd like to

7   welcome everyone to our next panel, which will address

8   best practices for educating copyright owners,

9   especially self-administered songwriters, and we're

10   going to educate them about the MLC's existence and

11   the procedures to identify themselves and provide

12   correct information.

13   For the Copyright Office, I will be joined

14   by my colleague. I'd like her to introduce herself

15   now.

16   MS. SCIORTINO: Thank you, Mr. Riley. My

17   name is Cassie Sciortino. I am the Barbara Ringer

18   Fellow at the Copyright Office.

19   MR. RILEY: This panel will be moderated by

20   myself and Ms. Sciortino. We will pose questions and

21   call on panelists to respond. A reminder, we will do

22   our best to give everyone the opportunity to respond

23   to questions, but you may use the "Raise Hand"

24   function on Zoom to indicate that you would like to do

25   so. Please try to limit your responses to two minutes

1   or so, so that all panelists have the chance to chime

2   in. And if you're not speaking, please mute your

3   audio to minimize any noise, which helps both the

4   audience and the court reporter.

5   Broadly, we plan on addressing best

6   practices associated with the MLC's education and

7   outreach efforts as they relate to the various

8   messages, mediums, and messengers that the MLC might

9   employ in its efforts. We may also touch on some

10   structural questions with respect to how the MLC can

11   evaluate and improve on its outreach efforts.

12   Although we're not making opening

13   statements, I'm going to ask the panelists to please

14   introduce themselves and your affiliation, including

15   if you are affiliated with the MLC, and we'll go in

16   alphabetical order. So, Mr. Berg, would you please

17   introduce yourself?

18   MR. BERG: Hi, I'm Seth Berg. I run South

19   Bay Music Group, which is a rights management

20   organization that manages the rights for Frank

21   Sinatra, Nat King Cole, Dean Martin, Peggy Lee, and

22   licensing for Bing Crosby Enterprises. Some of my

23   clients in that pile are writers, Peggy Lee the most

24   prolific. Nat King Cole was certainly in there too.

25   And we are affiliated with the MLC to try to match our

 1   smaller publishing catalogue with Nat King Cole and

 2   some of our biggest stuff with Peggy Lee. It's very

 3   important.

 4   MR. RILEY: Thank you. Ms. Bloss-Baum?

 5   MS. BLOSS-BAUM: Hi, my name is Linda

 6   Bloss-Baum, and I work for SoundExchange. We are

 7   based in Washington, D.C. For over 20 years, we have

 8   been collecting and distributing the royalties that

 9   are collected from the § 114 and 112 parts of the

10   Copyright Act. So, basically, we collect and

11   distribute royalties from non-interactive radio-like

12   products, such as Sirius XM and Pandora and

13   iHeartRadio, and we distribute them to artists and

14   copyrights owners across the board on the sound

15   recording side.

16   MR. RILEY: Thank you. Mr. Coles?

17   MR. COLES: Good afternoon, everyone. My

18   name is Kevin Coles. I'm the CEO of 1020 Music, which

19   is an artist management firm, independent, here in

20   Atlanta, Georgia. I have no affiliation with the MLC,

21   but I do support their practices. And I'm just here

22   to educate.

23   MR. RILEY: We appreciate you being here.

24   MR. COLES: Thank you.

25   MR. RILEY: Ms. Corton?

1   MS. CORTON: Hi, I'm Monica Corton from Go

2   to Eleven Entertainment. We're a new equity-funded

3   music publishing company, and I've been in publishing

4   for over 30 years. We will be affiliated with the MLC

5   once we fully launch, but happy to be here.

6   MR. RILEY: Thank you. Mr. Donnelly?

7   MR. DONNELLY: Hi, I'm Bob Donnelly. I've

8   been a music lawyer for over 45 years. I also helped

9   to start a music publishing admin company called

10   Modern Works, and I'm thrilled to be here.

11   MR. RILEY: We are thrilled to have you.

12   Ms. Elton?

13   MS. ELTON: Hi, my name is Serona Elton.

14   I'm the Head of Educational Partnerships for the MLC,

15   and what that primarily entails is working with

16   academic institutions and music business programs,

17   songwriting programs, and composition programs.

18   MR. RILEY: Mr. Galdston?

19   MR. GALDSTON: Good afternoon, everybody,

20   and thanks for the invitation. Happy to be here. I'm

21   an independent songwriter and record producer, and

22   like most music creators nowadays, I wear many other

23   hats, which include being the Director of Songwriting

24   at New York University. My company, Kazzoom Music, is

25   affiliated with the MLC.

1   MR. RILEY: And, Mr. Galdston, you're here

2   representing Music Answers, is that correct?

3   MR. GALDSTON: I most definitely am. Thank

4   you.

5   MR. RILEY: Thank you. Mr. Schwartz?

6   MR. SCHWARTZ: Eddie Schwartz. I'm a

7   songwriter, have been for a long time. I'm here

8   representing the International Council of Music

9   Creators. I'm the first President of that

10   organization elected outside of Europe. We're based

11   in Paris, France. And I have no affiliation with the

12   MLC, but I am delighted to be here today. Thank you.

13   MR. RILEY: Thank you. Last but not least,

14   Ms. Jai Yoko.

15   MS. YOKO: Good afternoon, everybody.

16   Pleasure to meet you all. My name is Jai Yoko. I am

17   the CEO of Jai Yoko Entertainment. We are a music

18   consultation and artist development company. We are

19   independent. We are self-taught and educated

20   consultants. I don't have affiliation with the MLC

21   yet, but I hope to build a rapport with the MLC. That

22   way, we can continue to advocate for independent

23   artists who learn the business aspect for themselves.

24   MR. RILEY: Thank you all for joining us

25   today. To start off, Ms. Elton, would you tell us a

1   little bit about the MLC's approach to education and

2   outreach and some of the challenges the MLC has

3   experienced in these efforts to this point?

4   MS. ELTON: Sure, happy to. So I think, as

5   you can imagine, we've, of course, been impacted by

6   COVID, as everybody has, and so, certainly, you can

7   imagine there's a number of in-person sort of

8   activities we would have otherwise engaged in that we

9   look forward to doing in the future.

10   So, up to this point, our focus has been

11   very much on virtual events and digital ways of

12   getting the word out, and so I'll give you an overview

13   of some of the things that that has involved.

14   We've been very active with webinars, and we

15   put some of these on on our own, and many of them have

16   been done in conjunction with other organizations.

17   So, in 2020, we put on 100 of these, and so far in

18   2021, we've done 36 of these, and we've partnered with

19   over 41 different organizations when it's come to

20   producing these, including songwriter organizations,

21   music publisher organizations, entertainment lawyers,

22   and music managers just to name some.

23   We've been very active in social media. We

24   have over 10,000 followers to date across the

25   platforms, and we're beginning to ramp up social media

1   campaigns that involve languages other than English,

2   beginning with Spanish.

3   We've also certainly handled lots of

4   one-on-one calls between our leadership team and

5   different influencers in the industry, as well as

6   fielding calls from people who just want to know who

7   we are, what we're doing, and if they need to sign up

8   with us. Our Customer Experience Team is there to

9   help anybody that has a question whether they are a

10   member or not.

11   We've also leaned into education, an area

12   that I'm involved in in terms of academic

13   institutions. So we have an educator toolkit that has

14   been downloaded by more than 80 professors, and,

15   certainly, in their classrooms, they are connecting

16   with the future music industry professionals and many

17   songwriters and composers who certainly, at this stage

18   of their careers, are often self-administered.

19   We have just begun getting into advertising.

20   Early days on that, but a lot more to come with

21   respect to that. Some examples of recent advertising

22   would be in Music Row Magazine and Music Connection.

23   And, of course, our website has lots of materials on

24   there, frequently asked questions, and links to

25   recorded webinars and informational videos as well.

1   And so those are all the activities we've

2   been doing. I think, certainly, the challenges that

3   we have are trying to reach people who just aren't

4   connected with all the music industry activities

5   happening, those who may not even have ever heard of a

6   PRO or ever heard of a publisher.

7   So, certainly, we're eager to hear the input

8   of our fellow panelists and others who might join your

9   public comment section later today about ways that we

10   can reach groups of individuals who, up to this point,

11   are just not connected to all of the things that many

12   of us who have been doing this a long time are really

13   familiar with.

14   MR. RILEY: We are also eager to get into

15   it, so let's do it. So I mentioned two statutory

16   tasks that the MLC has to do in terms of education and

17   outreach: notify the public about the existence of the

18   MLC and the importance of how to claim your works.

19   Let me ask broadly the panel, what

20   information, in total, should be included in the MLC's

21   educational content? And if you want to address the

22   different messages the MLC should be giving us -- yes,

23   thank you. Just please raise your hand. Mr.

24   Galdston?

25   MR. GALDSTON: Well, I think, first of all,

 1   it's very important to acknowledge that the people

 2   that, if I may call you Serona, mentioned, who, if we

 3   drew a Venn diagram of the intersection of the writers

 4   the MLC is trying to reach and their engagement in

 5   other parts of the institution of music business, I

 6   think we'd have a very, very narrow triangle there.

 7   And so we have to acknowledge that education

 8   at a fundamental level of the kind she referred to is

 9   really essential. Thanks for mentioning Music

10   Answers, John. Music Answers is a campaign of 4,000

11   music creators and fans. We're actually one of the

12   largest in the country. And we recently performed a

13   survey, which maybe we'll get into later, but,

14   certainly, we found in that survey and we have found

15   in all of our outreach -- and we're very much a

16   grassroots organization -- that the vast majority of,

17   I'll call them "younger," but it's probably more

18   important to call them inexperienced or less

19   experienced music creators just don't know about these

20   fundamentals.

21   And, John, you referred to -- if I may, just

22   one point of clarification -- you referred to the two

23   statutory responsibilities. I think there's a third

24   one, although maybe you'd put it under one of the two

25   you mentioned, which is subparagraph 7, invest in

1   relevant resources and arrange for services of outside

2   vendors and others to support the activities of the

3   MLC. So I think that comes into play right away in

4   all of our thinking. But, to be precise to your

5   question, I think it's a fundamental level of

6   education about how music rights work.

7   MR. RILEY: Oh, I'm muted. Ms. Corton?

8   MS. CORTON: I think we're not doing a very

9   good job, especially with DIY writers, of explaining

10   to them how urgent and important it is for them to

11   sign up with the MLC, and I think we need a lot more

12   direct country messaging like you will not get paid

13   your royalties unless you join the MLC.

14   I'm not really seeing that kind of alarm,

15   and I don't mean to say alarm like shocking, but,

16   like, how are we going to shake them, because my

17   experience with creators is they hate doing

18   administration, they know it's necessary, but it's

19   sort of like this thing they don't want to think

20   about. And if we make it more connected to the money

21   directly, I think they might react better.

22   I also think that we need to be employing

23   every organization that's involved with the MLC.

24   Like, the DiMA companies need to help us promote to

25   the songwriters that are on their platforms, and some

 1   --

 2   MR. RILEY: I think we're going to talk

 3   about that when we talk about the messengers at the

 4   end, but I appreciate that.

 5   MS. CORTON: And also, the songwriting

 6   organizations. Like, if you go to the home pages of

 7   SONA and NSAI and Songwriters' Guild, there's nothing

 8   on the home page saying "Make sure you join the MLC"

 9   or "Be aware that you have to join the MLC or you

10   won't get paid" or something to that effect. That's

11   the place where we have a chance to maybe get people

12   that don't know as much about publishing or how

13   important it is.

14   MR. RILEY: So I think I'm hearing so far

15   that there are at least a couple messages that would

16   be considered a best practice. One is the intensity

17   of not getting paid, and the second that Mr. Galdston

18   mentioned, which is a little bit of basics about kind

19   of the music world, copyright law as it applies to

20   musicians.

21   Ms. Jai Yoko, can you respond to what we've

22   been talking about so far?

23   MS. YOKO: Yes, sir. I think I just wanted

24   to add onto the fact that I think that if we emphasize

25   how much that artists are entitled to royalties

1   because a lot of artists, they confuse the fact that

2   they think that they need to be with a label, they

3   need to be signed to a publishing company.

4   I think, if we stressed the fact that as a

5   creator, you know, overall, if you own the copyright,

6   you are entitled to this, it will make them understand

7   more that regardless of who I'm with or who I'm

8   affiliated with, even if I'm DIY, I can still get

9   these.

10   So, if we stress to these creators that,

11   regardless of what level or what caliber you are when

12   it comes to your artistry, you're entitled to these

13   because, if we get into them and, you know, try to

14   scare them and say, hey, if you don't sign up, you

15   don't get your money, they don't even know that they

16   are entitled to the money. They don't even know that,

17   you know, they're allowed to get it.

18   So it is going back to down to, like Mr.

19   Phil said, the straight fundamentals of making them

20   understand, like, you as an artist, even though this

21   is a hobby, you are part of a business. This is a

22   music business, and when you're in this business,

23   these are the royalties that you get for being

24   involved in this business.

25   Once we kind of make them understand that

1   they can get money on different avenues, I think then

2   they'll be more entitled to, you know, wanting to

3   register and figure out how the money is made. But,

4   right now, they still don't even understand that, as

5   creators, they are entitled to getting these

6   royalties. They're always thinking I need to sign

7   with somebody or, if I don't have my own publishing

8   deal, then I can't collect publishing. These artists

9   don't understand that you can create your own

10   publishing companies.

11   So it definitely goes back to the

12   fundamental aspects of how do we even get them to

13   understand that even if you are DIY, you still have

14   these money that are allocated for you.

15   MR. RILEY: Thank you. Mr. Schwartz?

16   MR. SCHWARTZ: Thanks, John. I think where

17   this is going, and from my perspective, one of the key

18   points is the enormity of the job. This is a massive

19   job, and it's not just a domestic issue. It's an

20   international issue because much of the unmatched

21   royalties, the works that are unidentified, that could

22   be to creators in many different countries around the

23   world.

24   We certainly know the importance of Latin

25   music. Think about the importance of Korean music in

1   the last few years globally. So it's not just a huge

2   domestic issue, it's a huge international one, and

3   it's going to take significant resources.

4   I think that's the key point I want to make,

5   is as much -- and I really do very much appreciate

6   what Serona said and the efforts of the MLC -- but

7   this is going to take all hands on deck. I think

8   we're going to have to, you know, look to resources,

9   financial resources, expertise, and communication, I

10   mean, everything we can think of.

11   We're going to have to sort of throw

12   everything and the kitchen sink included at this in

13   order to actually make a significant dent and properly

14   identify those individuals, those rightsholders and

15   composer/songwriters around the world, not just the

16   United States, as I said, who are deserving of the

17   unidentified funds.

18   So I think we have an enormous job ahead of

19   us, and I think one of the things we have to start

20   working on and thinking about is how specifically are

21   we going to marshal those resources and who we're

22   going to, you know, call on to help, the societies,

23   not just regular organizations. Why aren't, you know,

24   music publisher organizations also involved both for

25   large and small publishing concerns?

1   I mean, I think literally everyone who has

2   an interest in generating good will in the music

3   industry, in fulfilling what they profess to want all

4   the time, which is to work on behalf of creators, I

5   think we're going to have to marshal all of those

6   different people and resources in order to get the

7   word out to as many people as possible.

8   MR. RILEY: So, Mr. Schwartz, can I ask how

9   in the MLC's messaging... Would you consider it to be

10   the same messaging, or do you think it needs to tweak

11   its messaging for foreign musical work copyright

12   owners or international collection societies?

13   MR. SCHWARTZ: Yeah, I don't know that I'm

14   an actual expert in communication, although I do write

15   songs for a living, so I guess I've communicated a

16   little bit along the way. But, you know, like I said,

17   I very much appreciate the MLC and the efforts they

18   are making, and, of course, I've spoken to them a

19   number of times and will continue to do so to spread

20   the word as best as CIAM can and the other

21   organizations I'm involved in.

22   But I think we really need to bring experts

23   in, John, people who really specialize in this kind of

24   work and know how to reach people. I think, to some

25   extent, the people who have been involved in the

1   conversation are the people kind of like me and Phil

2   and others on this call who, you know, kind of have

3   some knowledge of what's going on. But I think we're

4   a very, very small, as I think Phil also mentioned, a

5   very small percentage of the overall folks that could

6   benefit from a really comprehensive communication

7   plan.

8   MR. RILEY: Ms. Bloss-Baum?

9   MS. BLOSS-BAUM: It's obviously, even from

10   this conversation, so difficult to separate the

11   message from the messenger, as is often the case. As

12   soon as your question about the message came up, we

13   all started talking about ways to get that message out

14   there, and that's just a natural inclination.

15   But stepping back to the basics of the

16   message, and I think some folks have said this

17   already, it's that the stakeholders really need to

18   understand that they are entitled to be paid. And

19   while SoundExchange, in our experience, has been on

20   the sound recording side, which isn't necessarily

21   lined up one to one with what the MLC challenges are,

22   it's safe to say that, you know, 20 years ago we were

23   faced with a similar challenge. We were statutorily

24   mandated to go out and inform all of these

25   rightsholders that they were entitled to these

1   royalties, which is a pretty tall order. And what

2   makes it even increasingly difficult for the MLC is

3   you can't see the writers. At least on the sound

4   recording side, you can identify the artist that is

5   standing at the microphone and singing songs, so we

6   have a little bit of an advantage there.

7   But that being said, the message is actually

8   pretty simple. You're entitled to these royalties.

9   Your work has value. And that, you know, is something

10   that most people want to hear and can pretty easily

11   understand, particularly now, as some other revenue

12   streams have dried up in the music industry. If you

13   can't tour, then these streaming revenue streams

14   become even more important than ever.

15   So, you know, sometimes when I would go to

16   large rooms of stakeholders and get their attention,

17   I'd say, do you like money? If you like money, listen

18   to what we have to say. You know, it is very

19   complicated and, absolutely, comprehensive

20   communication strategies are going to be necessary,

21   but for the message itself, it's pretty simple. This

22   is what you're entitled to. There are different

23   rights out there. So there's definitely an education

24   to explain to people.

25   And that happens at SoundExchange all the

1   time. We'll get all kinds of people calling in and

2   saying, you know, but I wrote this song, I'm part of

3   ASCAP, but if you sing the song, you're also entitled

4   to SoundExchange royalties. And even the folks that

5   are most directly impacted by that don't always

6   understand it. Music professionals sometimes are busy

7   making music, which is what they're good at doing, but

8   they're not the best businesspeople. So we really

9   need to help inform them of the business message,

10   which is pretty simple when you think about it.

11   MR. RILEY: I'm going to move on to Mr.

12   Donnelly and Mr. Berg in a second, but as long as I

13   have you, you had mentioned some things that had

14   worked for SoundExchange. Have there been any lessons

15   learned of least-effective methods? I open that up to

16   everyone in terms of other organizations as well.

17   MS. BLOSS-BAUM: Well, yes, and I think this

18   came up on an earlier panel this morning. I mean,

19   sometimes, you know, people have gotten very

20   sophisticated when it comes to electronic email, and

21   we've all gotten those scams that show up in our

22   inbox. So there is a little bit of a laser focus.

23   You can't look like a scam. You can't look too good

24   to be true. So I would say kind of, you know, blast

25   emails to lots of people that may end up in spam

1   folders or at least be ignored probably are not that

2   effective.

3   It's the personalized, trusted outreach that

4   really goes the furthest way. So, in that answer to

5   your question, John, I actually think that goes more

6   to the messenger than the message. Like I said, the

7   message is simple. It's who's delivering it. One

8   thing that's been super successful for us is, for

9   example, at SXSW, when it used to be in person, we

10   would hang up banners around Austin with names of

11   bands on them and say, "If your name is on this

12   banner, SoundExchange has money for you." And so

13   friends and trusted peers would see those names on the

14   banners and call their buddies and say, dude, I think

15   we got money for you at SoundExchange. That is

16   trusted.

17   So, again, that does get a little bit more

18   to the messenger than the message, but the more

19   specific the message, the better. And to the extent

20   you can, you know, mention a track or a title or

21   something, you know, that really will show the

22   recipient that you're paying attention to their

23   royalties, that is a message that really will be

24   listened to.

25   MR. RILEY: Thank you. Mr. Donnelly?

          1   MR. DONNELLY: Hi. I think Phil and Serano

          2   spoke to the education of the new songwriters very

          3   well, and I think that, you know, that's something

          4   they'll hopefully be able to accomplish. And I think

          5   Linda spoke very well to the existing songwriter base.

          6   As the oldest person on the panel, I'd like

          7   to speak to the group that you're going to have the

          8   hardest time, and that is the older songwriters, the

          9   ones who are not even, you know, using social media,

         10   not using a computer, the ones whose songs have passed

         11   to the estates with seven kids, none of whom are

         12   talking to one another.

         13   And the surest sign, you know, of how

         14   difficult this is is the number of songs, I mean,

         15   really good, income-producing songs that are not going

         16   claimed by copyright termination 56 years later. And

         17   so, clearly, if the estates are not paying attention

         18   to those rights, they're not paying attention to MLC

         19   as a source of income. So I think this is going to be

         20   one of the most difficult areas for outreach.

         21   MS. SCIORTINO: Mr. Riley, you're muted.

         22   MR. RILEY: Oh, I'm the one muted. Forgive

         23   me. Mr. Berg?

         24   MR. BERG: Yeah, I just wanted to stress

         25   that, you know, this is a real long game that you're

1   going to be playing because, as Bob said, you've got

2   the older artists. You know, I'm still learning.

3   I've been doing this 25 years. I still find out

4   things that I should have done for my clients in

5   certain countries.

6   I just recently registered Nat King Cole on

7   the site and didn't realize that he had unclaimed

8   royalties there. And it was relatively easy, and I

9   think you've got to make it easy. I agree with the

10 other panelists that you also have to make sure you

11 don't put hurdles up, number one, and stress that

12 there's money there.

13   It is very difficult, for example, in some

14 of the performing rights societies around the world to

15 collect money if you're not an artist from that

16 particular country. I think you have to make this

17 stuff easy.

18   I love the idea about the banners and, you

19 know, hanging up signs that say we owe you money.

20 I've certainly gotten most of my information from

21 lawyers. I think that's got to be a huge area, to

22 educate the attorneys in this business about what's

23 out there. And, you know, there's a ton of attorneys

24 with expertise all over the place, but, certainly, the

25 best attorneys are the ones that find you money.

 1   They're my favorites.

 2   MR. RILEY: So let me ask you this question

 3   because I think that that this is something we will

 4   get into a little bit later as well, but in terms of

 5   messaging, I think, you know, what I'd like to ask is

 6   I would assume that there would be different messages

 7   that would go to attorneys versus DIY songwriters.

 8   In terms of the DIY songwriters, we had

 9   heard that maybe some of the basics of music law might

10   be helpful. What about other things do you think the

11   DIYs need to know about unique identifiers and how

12   they're used, broad understanding of the MMA, not just

13   the blanket license terminology being used or the fact

14   that maybe some money isn't flowing through the MMA

15   because it's flowing through private agreements. What

16   of the messages that are in addition to kind of the

17   existence of the claiming portal and the MLC would go

18   to those DIY folks?

19   MR. BERG: Are you asking me that question?

20   I'll let someone else answer that.

21   MR. RILEY: All right. I think Ms. Elton

22   had her hand up first.

23   MS. ELTON: Thank you. So I just wanted to

24   add one or two things and invite the other panelists

25   to please share some thoughts on this as you proceed

1   through your questions.

2   Certainly, one of our challenges with our

3   messaging is that, unlike with a PRO where every

4   single writer should affiliate with a PRO, or with

5   SoundExchange where every single artist should sign up

6   with SoundExchange, it is not the case that every

7   single songwriter will become a member of the MLC.

8   Some will if they administer their works.

9   Others will not if they don't administer their works,

10   and it is certainly a challenge in explaining if you

11   are or are not self-administered. There's a number of

12   services out there that songwriters look to nowadays

13   to consider signing up with them and having them

14   administer their works, and it's not always clear to

15   songwriters that now they are administered. That's

16   what they just did when they signed up with that

17   company.

18   And so, certainly, I think we definitely

19   have a challenge in not confusing songwriters but

20   helping them understand the different ways they can

21   engage with us, which ones should become members and

22   which ones should not become members, but it's

23   definitely in their best interest to take a look at

24   songs they've written in our database and then engage

25   with the parties who do administer their works to make

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 1     sure the data is correct.

 2             So I just wanted to add that particular

 3     nuanced challenge that we have and certainly invite

 4     input on that.  One or two other things, and I want to

 5     answer your last question you just posed -- sorry,

 6     John, I had my hand up before you threw that out.

 7             Certainly, reaching international groups, we

 8     have been working with over 150 international

 9     organizations, and I think partnering with

10     organizations in the other countries is really going

11     to be critical both for language issues and for

12     understanding the best way to reach the people that we

13     need to reach in their country.  It's very difficult

14     for any one organization in the world to know how that

15     works best in every country around the world.  So

16     working with companies and organizations based in

17     other countries is really going to be key, I think.

18             And then lastly, just to get to your

19     question you asked about identifiers, for example, and

20     things like that and other aspects to the MMA, you

21     know, recently we started also trying to provide more

22     information about identifiers in some of our webinars

23     and on our website.

24             It is certainly also a challenge that we

25     would love input on in terms of making sure that we
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1   are educating people about what they need to know to

2   engage with us and get paid but also not sort of

3   overstepping our bounds and trying to become the one

4   organization that's educating everybody about every

5   single aspect of the music business, because we may

6   not be the right authoritative voice to talk about

7   some particular topic in the industry.

8   For example, you know, the ramification of

9   Title 3 of the MMA and the impact. You know, we get

10   questions here and there in webinars about other

11   aspects of the MMA, and so we definitely try to be

12   helpful in our answer, but we also want to make sure

13   that we're not sort of trying to fill an outsized role

14   in some of the educational aspects of other parts of

15   the industry. So we're so glad for the input that

16   other panelists here can have on those points.

17   MR. RILEY: Thank you. Ms. Corton?

18   MS. CORTON: There's a whole bunch of stuff.

19   I had to write it down. So, for the lawyer group

20   situation, has the MLC -- and this is to Serona -- has

21   the MLC reached out to, like, the copyright society

22   and the state ABA entertainment sports sections? Yes.

23   So, honestly, I think the problem is people

24   that don't have lawyers and don't have representation.

25   I'm having that as we source songwriters that we're

 1   finding that are really talented on streaming services

 2   and they have significant streams, and I say, you

 3   know, are you registered at a PRO, all these things,

 4   and they're not, and they're very engaged in the music

 5   industry, but they have no understanding of publishing

 6   whatsoever.

 7   And that piece, for me at least, I have

 8   written a music primer on what is music publishing,

 9   and I provide that with every person that we talk to.

10   I don't know if the MLC could also have some kind of a

11   primer that really just gets to the basics.

12   And also, they can't really fill out their

13   ISWC unless they do become a member of a PRO. So is

14   ASCAP, BMI, SESAC, and GMR working with you? Because

15   this is a way for them to get new business if they

16   sign these writers to a PRO. It's in their vested

17   interest to be doing that, and you can't get an ISWC

18   unless you are a member of a PRO.

19   And that linkage, I'm not really -- I

20   haven't seen that happening. And I have watched some

21   of the webinars, and, you know, I think at least the

22   beginning ones for the DIY writers were talking so

23   much about what you're not instead of what you are,

24   and I know you're doing that in the name of being

25   thorough, but I think it just confuses them.

1   I think we have to get to the message of,

2   like, what is the MLC, how do you sign up, and when

3   are you going to get your money because, if we don't,

4   you just lose them. If you can't engage them in,

5   like, 10 minutes, it's over.

6   MR. RILEY: Thank you. Mr. Galdston?

7   MR. GALDSTON: So I hate to sound like a

8   broken record. You all remember records, don't you?

9   I hate to sound like a broken record here, but, look,

10   I think we've identified already some really important

11   elements. I think Serona has explained some of the

12   MLC's efforts and some of the challenges. I think

13   they're significant. I think Bob pointed to what I

14   know is a very important area, the estate side of this

15   stuff.

16   But, for the purposes I believe we're

17   discussing today, Linda really nailed it for me. The

18   point is, if you could have a banner running on

19   streaming services or a kairon at the bottom that

20   always said, "We have money for you. We have money

21   for you. Songwriters, we have money for you."

22   And then you get people to come to the MLC.

23   Sure, I understand the fear of overeducating or not

24   overstepping your bounds or et cetera, et cetera.

25   But, if the worse that happened is that people who

1   didn't belong registering with the MLC learned the

2   basics we were talking about before, this would be

3   very much like when somebody goes to look at Social

4   Security, and you go to the website, and there's

5   several key questions, and you know, well, I don't

6   have to do this for five years, 10 years, et cetera,

7   et cetera, and you go away. But, if you do need to

8   enter this portal in one form or another, you do.

9   So I really think it's there, and the worst

10   that happens is you provide not only a public service

11   but a service that may help those writers later,

12   because the writer who is affiliated today with a

13   major publisher and doesn't need the MLC is tomorrow's

14   MLC member.

15   MR. RILEY: So I think, Mr. Coles, were you

16   trying to raise your hand before? Did you have

17   something to add? I think you'll have to unmute

18   first.

19   MR. COLES: Okay. Can you hear me?

20   MR. RILEY: I can.

21   MR. COLES: Yeah, I was trying to raise my

22   hand. But just to back up what Mr. Galdston had to

23   say, I find it very difficult that I have less and

24   less time to explain publishing to new songwriters or

25   artists. They just don't want to hear it. They don't

 1   know about it. And even though you're getting them

 2   money, essentially, and sometimes I'll come right out

 3   and tell them this is what this is for, they're just

 4   not interested.

 5   And even for me, I stay abreast of these

 6   types of things like the MLC, I almost stumbled across

 7   this information. I knew that this was happening.

 8   But for someone who's not engaged or know anything

 9   about publishing, I think it'd be very difficult. I

10   guess I know the full marketing push hasn't been there

11   yet social media-wise. It's just the visibility and

12   clarity, maybe bullets, just keep it simple to explain

13   the importance to the newer generation.

14   MR. RILEY: I think Ms. Bloss-Baum made a

15   comment earlier that, as we go through this panel, and

16   forgive me because I am well-aware that time is very

17   short, but in your comments as folks reply, I'd like

18   to add an additional question in: what are the best

19   ways that the MLC can actually build trust with its

20   songwriter constituents in respect through its

21   messaging? First, I want to call on -- there we go --

22   Ms. Jai Yoko.

23   MS. YOKO: I'm glad you said this because

24   this is actually what I was going to add too. But I

25   think the biggest way to build trust in an industry

1   where people don't understand it is to teach them it.

2   Though we were speaking earlier about, you know, for

3   instance, not sending out, you know, blasts from the

4   MLC saying "Sign up", but instead, what if you sent

5   out an email, you know, bi-weekly that was just even,

6   for example, hey, do you know what metadata is? This

7   is what metadata is. This is why it's important.

8   This is why you should know. If you want to know how

9   you can make money off what we're trying to teach you,

10   come to this website.

11   If we continue to educate people, and,

12   again, I don't want to be like Mr. Galdston and sound

13   like a broken record, but that's what it all goes back

14   to, is the education aspect. So, in order to build

15   trust with somebody, anybody who you want to have good

16   business with, it's like, what value are you bringing

17   to them? So, if we continue to bring small tidbits of

18   education -- not so much give them too much because we

19   all know the younger creators are 120 characters or,

20   you know, 60 to 30 seconds type thing. So, if you

21   give small tidbits to be able to say, you know, little

22   pieces of what they need to build stuff together, one,

23   it's going to engage them. Two, it's going to make

24   them figure out, are there more of these small pieces,

25   and where can I find them?

1   So, if the MLC was to do something like

2   create, I don't know, a TikTok account, just like all

3   these TikToks where it's 15 seconds, it's literally

4   like, hey, are you a writer? You should sign up for

5   this. You can get this royalty, da, da, da, da. Tune

6   in for more. Now they're going to follow that TikTok.

7   Now they're going to try to figure out where the

8   information is coming from. How can they continue to

9   get more? After this, you know what? I trust this

10   company. This company has been educating me. They

11   are teaching me, you know, things that I don't know in

12   the industry, and they're also offering me money; this

13   is somebody who I'm willing to build a rapport with.

14   So I think the trust factor has to come from

15   what are they missing? They're missing how to

16   understand this. So, if we can bridge that gap, I

17   would trust somebody who's telling me the things that

18   I don't know and offer me an opportunity to make money

19   off of.

20   MR. RILEY: Thank you. Ms. Bloss-Baum?

21   MS. BLOSS-BAUM: One thing we've found about

22   the trust factor, and I do think that SoundExchange

23   does a pretty good job of having so much trust that we

24   get so many phone calls a day. They want to talk to

25   the person that they met at this conference or at this

 1   show. But, really, there's not a one-size-fits-all.

 2   Like you were saying, like, having a TikTok,

 3   you know, to educate folks is interesting, but it

 4   sometimes, I think, gets more at this level to the

 5   messenger than the message itself. The message is

 6   going to be what the message is, but, again, if it's

 7   an organization that you trust -- maybe you're a local

 8   SONA member or Grammy member or whatever organization

 9   that you might already be a part of, you're going to

10   trust that organization to give you information and

11   the right context.

12   And I think that, as Serona was saying, the

13   MLC's done an amazing job of this. I think Chris said

14   this morning, you know, they've been to hundreds and

15   hundreds of webinars and getting to where the people

16   are and really helping them get these messages. And

17   getting to where they are, they're there because they

18   trust the reason that they're there. It's an

19   organization; it's a genre. There's different ways to

20   do that.

21   So I think, with the trust factor, giving

22   them something they need, absolutely. That's a given.

23   But having it come from someone that they trust and

24   that they've heard from several times really makes a

25   difference. And as you were saying, Mr. Donnelly,

1   like, right, a TikTok is probably not going to work

2   for some of these estates, you know, where the music

3   was made 100 years ago. So we have to think of

4   something else that might work to get those

5   organizations to trust you and to maybe have estate

6   specialists that do this for a living and they know,

7   you know, who these players are and that they can go

8   in and explain it in a very individual way.

9   So it's both the message and the messenger

10   when it comes to trust.

11   MR. RILEY: And in terms of messaging, I'm

12   wondering, would you consider it a best practice if

13   the MLC went out and surveyed songwriters for

14   demographic data, for example, so they can tune to

15   maybe underrepresented groups in terms of their

16   messaging? Is that something that SoundExchange does

17   or others in the industry?

18   MS. BLOSS-BAUM: Sure. I mean, we

19   definitely try to take the pulse of underserved

20   communities as much as we can.

21   And getting to an earlier point, we are set

22   up such that, you know, anybody can register for

23   SoundExchange. So, if you're about to write your next

24   great song and have it recorded and receive those

25   royalties, we can actually get you in our system

1   before we've even collected that money.

2   So, on my team, I actually have folks that

3   affirmatively will look at the charts and see songs

4   that are new or, like, they're rising on the charts or

5   lots of breakout artists, and we will go to them

6   before they even know that they have money waiting and

7   explain what SoundExchange is and the importance of

8   having SoundExchange as part of their business

9   thinking process and to get in before that first dime

10   is even out there.

11   So, yes, we really do try to find those that

12   need to hear the message the most, and in many cases,

13   they don't even know that they have these royalties

14   waiting for them.

15   MR. RILEY: Thank you. Mr. Berg?

16   MR. BERG: I would say that the trust is

17   going to come when the checks start flowing. You

18   know, one of the things that I, you know, solve real

19   quick when synchronization -- I was one of the early

20   guys in the synchronization world, and, you know, for

21   a moment in my career, I had some young songwriters

22   and some young artists with me, and believe me, when

23   they got on "Dawson's Creek," they signed up with

24   ASCAP because it was established.

25   All of their friends told them you're going

1   to get checks when this plays in reruns. This is

2   mailbox money for you. And that's where it's going to

3   come from. So ease of use -- as I said before, your

4   site's relatively easy to use -- and cutting checks.

5   There are plenty of organizations out there, whether

6   they're unions or performing rights organizations,

7   that don't want to pay you. You sign up, they demand

8   information that's virtually impossible to get. Mr.

9   Donnelly and I are probably closer into the same

10   business. You know, I have artists that died before

11   they were issued Social Security numbers. So, you

12   know, you can't provide that information.

13   So just make sure that it's easy to use and

14   that you're cutting checks. But, when those checks

15   flow, you will see people will come.

16   MR. RILEY: I want to go to Ms. Corton.

17   MS. CORTON: I think songwriters trust other

18   songwriters in their genre, and if we could engage

19   sort of some celebrity songwriters that people really

20   respect to do videos. We actually were talking about

21   this quite extensively in the December 2019 meeting in

22   Washington, D.C., that I think was the beginning of

23   the unclaimed royalties study.

24   And there were lots of people, especially

25   publishing people, in the room who were interested in

1   doing that and possibly engaging them to maybe write a

2   song. So some of the videos could be about *why* you

3   need to join the MLC, and the other one is *how* you

4   need to join the MLC, that are in two minutes, you

5   know? And I'm not saying that's going to be an easy

6   thing to construct, but let's rely on the creativity

7   of our songwriters to bring in the community of

8   songwriters.

9   MR. RILEY: Thank you. Mr. Schwartz?

10   MR. SCHWARTZ: Yeah, I agree. I think

11   songwriters and songwriter organizations have a very

12   important role to play, and hopefully we're already

13   doing that. And I also agree that when you get a

14   check from somebody, it does an awful lot to increase

15   trust.

16   But there is a wrinkle here, I think, that

17   we all have to make note of. For most of the creators

18   who receive checks, they won't come from the MLC.

19   They will come from their music publisher. So it's

20   going to be much harder, it's going to be a much more

21   complicated narrative to draw a line between any

22   individual creator and the MLC when there's, you know,

23   probably their publisher in between.

24   Now, when it comes to DIY, you know, the

25   smaller guys who don't have deals, I agree there will

1   be more of a direct line there for sure.

2   The other thing to keep in mind is that if

3   you leave the United States and look at the rest of

4   the world, which I spend a lot of time doing these

5   days, in most other countries, it's societies like

6   ASCAP that collect both performance royalties and

7   mechanical royalties.

8   So, again, I'd love to keep it simple, but

9   it's not that simple. It's a little more complicated

10   when it comes to the MLC, and I think that that makes

11   Serona's job and the MLC's job harder. So, again, I

12   think you're going to have to enlist the publishers

13   and other rightsholders and administrators. They're

14   all going to have to be part of the messaging so they

15   understand where the money is coming from, because the

16   check is probably not going to have the MLC at the top

17   of it.

18   MR. RILEY: Ms. Elton?

19   MS. ELTON: Yes, the timing of this

20   roundtable has really worked out perfectly for us in

21   that, up until this point, we have not been able to or

22   wanted to lead with the statement "We have money for

23   you," particularly in the time of the pandemic when so

24   many people are hurting and, you know, the last thing

25   we wanted to do in November, in December, in January

1   was lead people to think that if they just did a

2   couple steps we could literally pay them right away.

3   That would really not have been an appropriate thing

4   to do in today's times.

5   But now, with our upcoming royalty

6   distribution in April, we're very excited to pivot

7   that messaging not just about membership but to the

8   fact that we will have money for many of you. And so

9   the timing of this roundtable and all of the input on

10   how to best get that message out is very well-timed.

11   But I just wanted to chime in about why you

12   may not have seen the messaging up to this point focus

13   on the money yet. But we are at that pivot-point.

14   MR. RILEY: I did want to let anybody else

15   who had any comments about how to address the

16   underrepresented make that comment now. If not, we'll

17   turn to Mr. Galdston. Mr. Donnelly?

18   MR. DONNELLY: I'd just like to chime in on

19   that. I have some of the only experience in this

20   category having, in 2005, been part of a lawsuit

21   brought by the State of New York, Attorney General

22   then Spitzer, against the major labels and publishing

23   companies which brought in a tranche of $50 million of

24   unclaimed royalties.

25   And to your question about what were some of

1   the effective ways of locating the royaltors, we were

2   grateful to have the services of people who we didn't

3   call "influencers" in those days, we just called them

4   "celebrities" or "superstars", but people like Sheryl

5   Crow and Don Henley, who stepped up and got the word

6   out, and the press loved to cover these folks, and it

7   was a very effective way for us to get our message

8   across of how much money we were holding for people.

9   MR. RILEY: Thank you. And we're going to

10   turn to Mr. Galdston, and then I'm going to ask my

11   colleague to ask some questions about the different

12   mediums. So, Mr. Galdston?

13   MR. GALDSTON: Well, this may be going in a

14   direction you don't want to go, John, but I think that

15   Serona's comments and even some of the comments I've

16   made actually touch upon some key issues that I

17   believe we need to acknowledge.

18   For example, is Serona -- if now is the

19   appropriate time for the MLC to begin to announce that

20   money exists, money will be available, one question

21   is, how much money and not only how much money to be

22   distributed, but more important and pertinent to this

23   conversation, how much money do you have in your

24   budget to handle the messaging we're all talking

25   about?

1   Now, in the music creator organization

2   world, of which Eddie and I are a part, and so is

3   Monica, we have a lot of discussion, well, if there's

4    $425 million that are sitting in this first pot,

5   certainly, it's reasonable to suggest that 5 percent,

6   or 21.25 million, or $20 million could be set aside to

7   start really promoting this in earnest to really

8   educate.

9   Certainly, the royaltors, as Bob calls them,

10   the people whose work generated this money, are not

11   going to miss it pro rata when you start doing that.

12   So that's one issue. There are many issues like this.

13   I'll mention one other.

14   The idea that influencers could play an

15   important role here, I think, is a really great point.

16   But who are the influencers who are going to be

17   receiving money from the unclaimed royalties? Almost

18   any prominent person worth their salt has an

19   administrator, has a deal with a major publisher.

20   That money may have already been received in the

21   pre-MLC settlement and all that. You know, we get

22   into all that. But these are core issues that I don't

23   think we should walk past.

24   MR. RILEY: Appreciate that. I understand

25   what you're saying because, you know, the MLC is set

1   up by statute a little bit differently. But I think

2   Ms. Elton wants to respond, and then we will be moving

3   on to Ms. Sciortino.

4   MS. ELTON: I just want to clarify that all

5   the royalties we receive, both historical unmatched

6   and going forward under the blanket license, we are

7   not allowed to use that money to fund our operations

8   in any way. It must be paid out to rightsholders.

9   So I just wanted just to clarify that. Even

10   though that might sound like a great idea, that is not

11   an option that we have to use any of the royalty money

12   that we collect for any of our operations. It has to

13   all be paid out to rightsholders.

14   MS. SCIORTINO: Thank you, Ms. Elton. While

15   we appreciate that a lot of these topics of discussion

16   bleed into each other, in regard to the best medium

17   for the MLC to deliver messages, the first question I

18   want to ask is, have there been any cost-effectiveness

19   studies as to what types of educational or outreach

20   efforts for music creators have been most efficient,

21   for example, digital outreach versus in-person, and if

22   there haven't been such studies, what's your personal

23   experience? And I can see Ms. Elton has her hand

24   raised still, but I'm not sure if that's on purpose.

25   MS. ELTON: I'm sorry. I forgot to take it

1   down after the last time, which I should know better

2   as a professor that teaches on Zoom all the time. So

3   I don't have an answer here, and I'm eager to hear the

4   answers from my fellow panelists.

5   MS. SCIORTINO: Great, thank you. Ms.

6   Corton?

7   MS. CORTON: I think, as far as platforms

8   where I see sort of everyone, definitely Instagram for

9   music people seems to be, like, the must-have go-to

10   kind of platform. And as far as in-person, I don't

11   think the MLC's had any opportunity to do anything in

12   person because of COVID, and so we don't know. But

13   because there are so many songwriters, I mean, you

14   know, I guess the festival circuit would happen. You

15   know, maybe that would be a way.

16   But it seems to me that digital is the way

17   to go because everybody's using it in some way,

18   whether they're doing livestreaming shows. You know,

19   I would search out the livestreaming platforms. Maybe

20   you could create some kind of commercial that goes on

21   in between shows on those platforms. I think you have

22   to go where the writers are, and, right now, they're

23   all making money on digital.

24   MS. SCIORTINO: Thank you. Ms. Jai Yoko?

25   MS. YOKO: I was pretty much going to say

1   what Ms. Monica said, is, like, we have to follow

2   where the creators are. So, whether the creators are

3   on, you know, Instagram, Twitter, Facebook, or whether

4   it's a situation where, you know, they have so many

5   text messaging apps where you can send stuff directly

6   to people's phones.

7   You've just got to follow where the writers

8   are going. I even think that, you know, engaging with

9   different major labels because you've got to think

10   artists always aspire to be somebody else or somebody

11   bigger. So, even though these major labels are

12   responsible for some of the people who we may admire,

13   you know, to administer their self, what if we get

14   these labels to speak out and say, hey, us as

15   Atlantic, we, you know, partnered with the MLC to do

16   this X.

17   You know what I'm saying? Like, go where

18   the people -- where their goal is to be. Most

19   people's goal is, I want to be signed with this

20   person, I want to be the next Lady Gaga. So let's

21   figure out, who does the admin for Lady Gaga? Let's

22   talk to them and say, hey, would you be willing to

23   speak out on behalf of all the Lady Gaga fans?

24   Like, we just have to follow where the

25   creators are at, and that should be across the board

1   regardless of what age it is. We should have, you

2   know, Russ speaking out for the young independents.

3   We should have Dolly Parton speaking out for some of

4   the older writers and stuff so that way we cover all

5   spectrums. That way, regardless of, you know, what

6   age or what category the creator is, we cover some of

7   everybody and we're getting the word out to them based

8   on how they create and what creator they are.

9   MS. SCIORTINO: Thank you. Mr. Galdston?

10   MR. GALDSTON: You know, one idea that has

11   come up in discussion among music creator

12   organizations, and I'm wondering, Serona, if you can

13   tell us if this has been pursued, is to make sure that

14   those with a related vested interest in serving and

15   profiting from music creators are involved in this.

16   So we've spoken, all of us, about the PROs.

17   Okay, that's logical. I totally agree with that, and

18   Monica made a great point before that all music

19   creator organizations should pay more attention to. I

20   made a note that we have to make sure Music Answers

21   has this on our front page. We have it within, but we

22   need to put it up front.

23   But how about ideas like -- and, by the way,

24   I have it on good authority from members of the ASCAP

25   board whose names I can't cite, that they are going to

1   announce this in their future royalty distributions -

2   but, beyond that, how about, like, Guitar Center? How

3   about Sweetwater? Guitar Center, although it's in

4   some economic trouble, they have a foundation, and

5   Sweetwater has a charitable efficacy arm. I believe

6   Sam Ash probably has the same. Have we thought about

7   that? These are the places beyond the places that Jai

8   Yoko cited that I think, really, these are where music

9   creators live.

10   MS. SCIORTINO: Thank you. I saw Ms.

11   Bloss-Baum?

12   MS. BLOSS-BAUM: That's exactly right. I

13   would just echo what people are saying. But I will

14   say, in our experience at SoundExchange, one size does

15   not fit all. I mean, absolutely, you know, you can

16   reach, you know, a certain group of people in a

17   certain way based on age or demographics or even

18   language barriers. I mean, if you're reaching

19   somebody who speaks a different language, it sounds

20   like the MLC is starting to realize that you really

21   need to tailor that message to each person

22   individually.

23   Digital works for some. Some younger

24   artists in particular are going to be answering

25   Instagram direct messaging all the time because that's

1   where they live. But that's not going to be the case

2   for some older writers. Genre plays a big part in

3   understanding kind of how people like to communicate.

4   Sometimes it's just going to take a human being going

5   up and shaking a hand and saying, "Did you write that

6   song here at," you know, "the folk alliance or the

7   blues foundation" or wherever that personal contact

8   can be made.

9   Or having people, you know, in those

10   organizations help to spread that word because, again,

11   they're trusted messengers. So there really is not

12   one-size-fits-all that works for us. I mean, we

13   certainly have found that methods will work, some

14   better than others, but it's thinking creatively as to

15   which people you're speaking to to really get that

16   message in a way that it's going to be heard and

17   understood.

18   MS. SCIORTINO: Thank you. Mr. Schwartz?

19   MR. SCHWARTZ: Yeah, I wanted to reinforce

20   and echo some of the things that Mr. Galdston said

21   about -- I mean, I think he has the right idea, and I

22   understand that the MMA doesn't allow for any part of

23   the revenues associated with the, you know, unmatched

24   works to be dedicated to this.

25   And, you know, I'm very grateful for the

1   MMA. I'm very grateful for the MLC and the work of

2   the Copyright Office on this because you have brought

3   to light, you know, kind of an underground river of

4   revenue that most of us who spent our lives in the

5   music business were only very dimly aware of, if aware

6   at all, until the work of the groups that I've

7   mentioned.

8   So the thing is, you know, now it's kind of

9   made a detour, you know, into the full light of day

10   here. And so we're at a critical moment in terms of

11   figuring out how do we shed as much sunshine on this

12   as possible. So, you know, the challenge here is that

13   most creators weren't even aware that there's this

14   enormous amount of money that was unmatched. I mean,

15   we're talking about something approaching half a

16   billion dollars. That's a lot of money.

17   So the MMA, as much as I am grateful for it

18   and appreciate it, I don't know that it's the perfect

19   piece of legislation, and I don't know, you know,

20   exactly what the political process would be to reform

21   it. But I think, you know, everybody who might

22   benefit from a small part of that money, if some small

23   percentage, as Phil mentioned, 5 percent, 10 percent,

24   whatever the right number is, was to go to help

25   identify people in this country and around the world,

1   I don't think that's a bad idea.

2   So, again, whether that's practical that the

3   MMA -- that some of these provisions be reformed over

4   the next couple of years, I mean, the clock is ticking

5   on this, right? There's, what, two, roughly two years

6   to identify the proper recipients of this money? And

7   it's a significant amount of money. So I think that

8   is an interesting idea.

9   But, failing that, again, I want to just

10   echo what Phil said. I mean, in my mind, anybody

11   who's in the chain, whether it's the PROs, no matter

12   what -- and even if they don't collect mechanical

13   rights, the music publisher associations, the creator

14   associations, we're all going to need -- whatever the

15   answer is, it's going to take all of us to reach as

16   many people as possible so that they understand that

17   there is money there for them.

18   Creators are notoriously hard to get to, and

19   we're also challenged by the fact we have this thing

20   called, you know, the pandemic, global pandemic. It's

21   a little hard to press the flesh when, you know, we're

22   not meeting in person. So, obviously, we're just

23   going to have to use every digital means we can, and

24   everyone's going to have to be proactive. And the

25   message is going to have to go out not once or twice

1   but, you know, on a regular basis. And it's going to

2   be slow-going, but I think that's the kind of effort

3   that's going to be necessary.

4   MS. CORTON: Can I just jump in for a

5   second? I want to allay Eddie and Phil's fear here

6   about the money. Like, they have a budget for

7   education at the MLC. It's being paid for by the

8   digital companies. That's not the problem. The

9   problem is, how are we going to reach people, what are

10   we going to say, and how do we get them to sign up?

11   MS. SCIORTINO: Thank you. So, going off of

12   the current context and the pandemic, how do best

13   practices change for the MLC's message delivery

14   post-pandemic? What in-person activities should the

15   MLC engage in? Where are the best forums to do so?

16   MR. RILEY: We heard the Folk Alliance

17   before, SXSW. Anything else?

18   MS. SCIORTINO: I see Mr. Berg has his hand

19   raised, if you want to answer?

20   MR. BERG: Yeah, you know, I don't think

21   there's one-size-fits-all, sort of echoing what

22   everybody else says here. I think this is, like I

23   said before, the long game. You know, I certainly

24   found out about information in different ways. You

25   know, Monica's social media posts inform me about a

 1   lot of different things that I then, you know, tell my

 2   lawyers, and they look into stuff or the lawyers call

 3   us.

 4   To echo what Bob had talked about earlier

 5   about the 2005 settlement with the record labels where

 6   they were forced to pay out unclaimed royalties, they

 7   were really obligated to pay those out, and they not

 8   only put the word out that, hey, you should reach out

 9   to the royalties department or reach out to your

10   contact at a record label or even call the main line

11   and ask for the royalty department, but they also had

12   people internally that had to go out and find those

13   people.

14   And that was, of course, the beginning of

15   the internet, so it was a little easier than flipping

16   through phonebooks, you know, asking where somebody

17   was, the last place they were in Chicago. Is there

18   something in place, I guess, Serona for you, that --

19   are you going to have internal people trying to reach

20   out?

21   I mean, like I said, when I got on for my

22   clients, I've got pretty big-name clients who were

23   unregistered who didn't have publishing deals because

24   they either, for some reason, retained 20 or 30 songs

25   and they're not big enough for a major to take on or

 1   to administer. Is there somebody that's going to

 2   internally reach out to even the low-hanging fruit?

 3   MS. ELTON: I'm not sure if you guys wanted

 4   me to jump in, but, yes, absolutely. Our Rights

 5   Management Team will be doing that for missing shares

 6   and trying to find people and reaching out to them

 7   proactively to get them into our ecosystem so we can

 8   pay them. Absolutely.

 9   MS. SCIORTINO: Thank you. And just going

10   back to any specific in-person activities that can be

11   used for the MLC's message delivery, I think I saw Jai

12   Yoko. I'm not sure if that's what you wanted to

13   address.

14   MS. YOKO: Sure. I think that, you know,

15   once we're past the pandemic, everybody's going to

16   want to be outside some type of way. So I feel like,

17   once again, it's just following the flow. So just

18   imagine being able to, you know, be at Coachella and

19   there's a banner that's saying, you know, we are

20   creative like you, or something, you know what I'm

21   saying? We have something to collect.

22   What about if, you know, you think about

23   even though we're in a pandemic right now, but the

24   Grammys still actually are going to happen. So what

25   if we got the Grammy Academy and the Grammy U to be

1   affiliated, you know? Billboard, I'm looking at Mr.

2   Bob's background alone and I'm just thinking, like,

3   what if Billboard itself, you know, had an article on

4   their website about the MLC?

5   So, when it comes out, you know, once

6   post-pandemic, I'm just thinking -- just think

7   everybody's going to want to be outside. Festivals

8   are going to be full, Rolling Loud is going to be

9   full. Every concert you can think of that, you know,

10   Ticketmaster has on there is going to be full.

11   So, again, these are where the creators are

12   going to be. How do we get to where they are? So how

13   do we get banners on Ticketmaster's website? How do

14   we get, you know, when we have certain types of

15   concerts, can we have a rep go out and say, hey, look,

16   I know, you know, this is a festival for creators with

17   a bunch of independents. I'm from the MLC just

18   letting you all know that, you know, we represent you

19   all as well.

20   Like, we have to go where the creatives are

21   going to be, whether, you know, again, it doesn't

22   matter large or young. We can go to Rolling Loud for

23   the younger people. We can go to, you know, the Soul

24   Fest for some of the older people. We just need to be

25   where they are. So, at the end of the day, when

1   COVID's over, we know everybody's going to be some

2   type of way outside. Let's just plan to also be

3   there, whether it's, you know, present, whether it's

4   digitally, or whether it's advertising. But we just

5   need to be where the people are.

6   MR. RILEY: I think that we all appreciate

7   that sentiment, and it's not wrong, and I hear you. I

8   think maybe a spin on that question is, if the MLC is

9   going to engage in outreach, it does not have an

10   infinite budget. And so, in terms of where people get

11   their answers, maybe considering how much bang for the

12   buck they would get in different types of mediums.

13   For example, advertising, you made mention

14   of Coachella, which could be great for people who go

15   to Coachella but might not reach, you know, certain

16   disenfranchised songwriters, right? They're not a

17   major. It's a poor example. And, you know, I don't

18   actually know who goes to Coachella myself, but I have

19   a feeling that there's a huge swath of people or

20   songwriters that don't.

21   So I'm wondering, for the folks who we're

22   talking about -- not the message and not the partners

23   but kind of the context of what medium we're going to

24   be talking about, what would be the most efficient in

25   terms of reaching the right people who need to connect

1   with the MLC in the context of best practices? I

2   don't know who goes next. Ms. Bloss-Baum?

3   MS. BLOSS-BAUM: I don't want to jump the

4   line. Okay. One thing that might make sense, and you

5   asked specifically about in-person post-COVID, is this

6   is not going to be everybody gets their vaccine and

7   creators are suddenly made whole from the last year

8   plus that they haven't been able to tour or even play

9   at their corner bar. So this is going to be going on

10   for a while.

11   One thing that SoundExchange has realized

12   and I think has done a pretty good job of over the

13   past few years but will become even more important

14   here post-COVID when we can get out there again, many

15   local governments and municipalities have nonprofits

16   or sometimes even part of their city or state

17   government that focus on the arts, on creatives, on

18   culture, and they oftentimes will put together

19   toolkits for those creators in those cities or

20   communities that they want to help across the board.

21   One example that comes to mind specifically

22   is, in Texas, they have a wonderful music office that

23   works with their Governor's Office, but there's also

24   nonprofits in Austin. TALA, which is the Texas

25   Accountants and Lawyers for the Arts, they do lots of

 1   workshops and seminars for folks that maybe can't go

 2   out and hire some of those fancy lawyers we were

 3   talking about before, but they still need some legal

 4   representation. They do workshops for their clients,

 5   and they open them up. They're free.

 6   And SoundExchange has worked with folks like

 7   that in the past, specifically with TALA in the past,

 8   where we've taken a bunch of computers and people

 9   down, and we will sit at the TALA workshop and

10   actually help people see, you know, do they have money

11   waiting for them? Can we help you register?

12   You know, really kind of getting out there

13   through these services that may be more fulsome than

14   just the MLC or just SoundExchange, but it's all

15   things that creators can take advantage of and putting

16   your organization in those toolkits because they're

17   getting to the folks that will need the help.

18   And, sadly, post-COVID, more and more of

19   those people will need that help. Yes, people will

20   still go to Coachella, and they also need to receive

21   their royalties. But every last royalty that is

22   deserved, that was earned in the streaming time that

23   COVID has been taking place, people are going to be

24   looking for that, and that might be one way to latch

25   your coattails on those efforts and get some of that

1   post-COVID relief with some of these royalties maybe.

2   MS. SCIORTINO: Thank you. I think, in the

3   interest of time, we're going to go ahead and move on

4   to the messenger portion of the session. So I'm going

5   to go ahead and turn it back to my colleague, Mr.

6   Riley.

7   MR. RILEY: Thank you. Ms. Corton, did you

8   have a last word, or is that hand --

9   MS. CORTON: Yeah. I think that festivals

10   are a great way to get to people, and there are many

11   festivals that have a certain size factor that you

12   could tell they have more participants than other,

13   which I'm sure there's festival books for this.

14   But the first big festival I know that's

15   happening this year is JazzFest, and I think that's a

16   particularly good festival because it crosses all

17   genres there, and, literally, there are over 200,000

18   people there a day usually. And they also have a

19   radio station. I think that would be a great

20   festival.

21   But also, you know, you need to do it by

22   genre. So, like, the Americana organization and, you

23   know, the country festivals or maybe state fairs or

24   places -- because even if the songwriters might not be

25   performing, they're probably there listening to music.

1   So I think you'll find them there because that's what

2   they do. They live and breathe music.

3   And also, I would say community colleges

4   that have music programs, I think that might be an

5   interesting way. You know, they might only have one

6   music teacher, but that music teacher could have a

7   huge influence on getting the word out.

8   MR. RILEY: Thank you. So I did want to

9   touch on something we have been touching on in pieces

10   throughout this panel, and that is, what are the best

11   practices associated with the MLC as it engages others

12   in outreach? Certainly, we've heard a lot of that

13   happening already, but I'm wondering, does anybody

14   want to expand on those thoughts or comments,

15   especially with respect to maybe the different roles

16   that, for example, songwriter organizations or PROs or

17   others can fill? Anybody want to jump in on that?

18   Mr. Schwartz?

19   MR. SCHWARTZ: Yeah, I mean, I really, you

20   know, think that a lot of great points have been made

21   about social media and using, you know, all different

22   kinds of platforms to try to get the message out, you

23   know, and I really agree with that.

24   You know, at CM, we have written, you know,

25   a number of articles about this, tried to separate the

1   wheat from the chaff and, you know, get to the

2   important stuff about there's money for you, you know.

3   In fact, the headline was something like, you know,

4   there's millions of dollars waiting for you or

5   something, or your share of that, something along

6   those lines.

7   So we've really been trying to put the

8   message out there. We represent something like

9   500,000 music creators around the world, and we've

10   sent it out to the creators who are the boards of

11   societies around the world who are influencers in

12   their own countries. So we've been proactive.

13   And I just thought maybe this was the moment

14   to share the fact that the echo chamber has not kicked

15   into operation, you know, and Kris Ahrend saw the

16   article. You know, Serona, I don't know if he shared

17   it with you, but before it went out, I shared it with

18   Kris and, you know, he thought it accurately reflected

19   the MLC and the situation we have with the

20   unidentified.

21   But I guess what I'm getting at is there

22   seems to be reluctance on a lot of parties to really

23   help get the word out, and I think it's worth

24   mentioning, and, you know, you scratch your head, why

25   would that be, you know, and it's no particular

1   society, but some societies I don't think have been as

2   proactive as I would have hoped. And other

3   rightsholders and stakeholders have not been as

4   proactive in this area.

5   So I'm not quite sure what it is. I think,

6   you know, there are some built-in conflicts of

7   interest in the music industry. There are people who,

8   you know, they have their particular area of concern,

9   and they're very insistent that they're not going to

10   look at any other areas. You know, some people only

11   collect certain rights and not other rights.

12   So I think this is another problem. I think

13   we have to really try to get this echo system working

14   so that the message that the MLC puts out there about

15   this, you know, gets repeated and sent out by as many

16   other people as possible, and I think that right now

17   that's a challenge.

18   Now maybe it's because, you know, when it

19   comes to the unidentified, the main event, I guess,

20   will come in June when that data is available. So

21   maybe it's premature. Maybe we're just ahead of the

22   curve here and things will kick in. I wonder what

23   Serona would say about that or others on this panel.

24   But it really seems difficult to get people to echo

25   the message so it spreads to as large an audience as

1   possible.

2   MR. RILEY: I'm interested to see if other

3   people on the panel have that same understanding or

4   experience that, but also, remembering that this is in

5   the context of best practices for the MLC, so, of

6   course, we can't advise other organizations on whether

7   they should participate or not. So, in terms of what

8   the MLC should do, I'm seeing Mr. Galdston's hand up.

9   I'll call on him next.

10   MR. GALDSTON: Well, it's clear, and a few

11   people have made -- I think Linda and Monica in

12   particular have made really good points, as did Bob

13   and Seth about we might describe them as either

14   underserved music creator populations or potential

15   royalty recipients or those who are almost by

16   definition or by tradition, by practice, independent.

17   So, you know, I'm thinking about Americana.

18   NYU is about to announce a big partnership with the

19   Americana Music Association. I'm going to be talking

20   to them about this now that I'm inspired by this

21   conversation. I think we all, as professionals, could

22   cite a number of areas where independents live.

23   When it comes to best practices beyond that,

24   I would just pick up on Eddie's point to this degree,

25   John. I'd say, if I were in Serona's shoes and her

1   colleagues, I wouldn't waste time asking major music

2   corporations or their publisher affiliates to promote

3   this. It's just an inherent conflict of interest.

4   Every dollar that's unclaimed is a dollar they're

5   claiming somewhere between 80, 90 percent of. So we

6   can get into an argument or a disagreement or a

7   discussion or whatever you want about that.

8   But, where it comes to best practice, I

9   would say don't go there. Go to these more

10   independent groups that serve greater numbers of

11   independents and find the best medium for that.

12   MR. RILEY: Jai Yoko? Excuse me, Jai Yoko.

13   Oh, I think you're muted.

14   MS. YOKO: There we go. I guess this is a

15   possible question for Ms. Serona, but when it comes to

16   based off what Mr. Phil said, you guys are kind of

17   going a lot for major and larger people. Is there, I

18   guess, a process or some type of vouching for more

19   independent companies like myself who would love to

20   speak on behalf of MLC where, you know, we don't want

21   to be compensated, there is no type of, you know,

22   conflict of interest. We're just independent people

23   who want to teach, you know, independents how to

24   continue to move. So we're not established with

25   bigger people yet. We're not quite affiliated with

1   labels, but we're willing to, you know, spread the

2   gospel, if you would.

3   So how do we get more people who, you know,

4   like myself or have smaller businesses that may be

5   more boutique to be able to either, you know, learn

6   the verbiage that you want us all to say, right?

7   Like, we want to give the words. We want to teach

8   them. How do we get underneath of you all to be able

9   to say, hey, you're vouched by the MLC to continue to

10   spread the gospel?

11   Because I'm not with a major label, but I've

12   been talking about the MLC since January 1 when it

13   came out. And I don't know how many people, myself

14   alone, that I've enrolled people with just by telling

15   them, like, this is what you need to do. So how do we

16   get not necessarily notoriety but just to be able to

17   evolve in that situation so we can continue doing what

18   we do without, you know, having the majors behind us?

19   MS. ELTON: We would love to work with you.

20   We definitely are not just focused on the big ones at

21   all. In fact, they probably have a lot of it covered.

22   We've done panels with A2IM, and anybody listening who

23   would like to work with us to help get the word out,

24   please, please, please work with us.

25   If you go to our website, under "Contact

1   Information" there, you'll find there's a

2   marketinginfo@themlc email address. You can find it

3   themlc.com. We would love to do something with you:

4   share materials with you, a webinar with you. Come

5   one, come all, please. Thank you very much. You've

6   got it. Absolutely.

7   MR. DONNELLY: Can I address a point that I

8   don't think we've talked about at all today, and

9   that's what are we going to do a year from now when

10   we've only identified 40 percent or 50 or 60 percent

11   of the unmatched sources? Are we going to allow

12   finder companies, third-party finder companies, for a

13   percentage to participate? Because, as abhorrent as

14   that thought is to me, even worse is the fact that,

15   you know, this money in two years will end up

16   black-boxed and get distributed pro rata to the

17   majors. So I'm curious if anybody's talked about that

18   so far?

19   MR. RILEY: I appreciate that. I'm going to

20   take that opportunity as a lead-in because I'd like to

21   ask Ms. Elton to talk a little bit about any

22   promotional partner work that the MLC has done to set

23   the stage.

24   MS. ELTON: Promotional partner work?

25   MR. RILEY: Yes.

          1   MS. ELTON: So, as I mentioned, we've

          2   already worked with more than 41 organizations to do

          3   webinars and over 150 organizations outside the United

          4   States. We're also connecting with digital

          5   aggregators and other parties at different points

          6   along this sort of supply chain, if you want to think

          7   about it like that, as well as started working on a

          8   number of the great ideas that other panelists have

          9   suggested, like instrument companies, you know, Guitar

         10   Center, Sweetwater.

         11   We are actually also talking to companies

         12   that create plugins for use in digital audio

         13   workstations to try and hit creators when they're

         14   there creating the songs. So we are very much leaning

         15   into partner relationships. My colleague, Dae, was on

         16   a panel before this one. He's the head of Third-Party

         17   Partnerships, and between him and our marketing team

         18   and all of us, actually, in the organization, we have

         19   a very open organization in that anybody through their

         20   own contacts can bring somebody into our ecosystem so

         21   that we can begin engaging with them in a way that's

         22   going to help get the word out.

         23   So that's just some examples. I mean,

         24   there's a long list. I didn't quite necessarily have

         25   the notes handy to run off all the companies. But

1   those are some examples. And if you also take a look

2   at our socials, for example, you might see a lot of

3   Webinars we've been involved with with organizations.

4   Production Music Association comes to mind. Lots of

5   things with SONA, lots of different organizations.

6   But we're always looking to grow that. I

7   don't think we will ever get to a point that we say

8   we've got them all covered. That's not going to

9   happen. We're going to keep leaning into that. I

10   don't know if that answers the question you had?

11   MR. RILEY: I think it was the part about

12   aggregators or distributors is what I was

13   understanding Mr. Donnelly to be suggesting. Is that

14   correct, Mr. Donnelly? Yes? Okay. Does anybody else

15   have any comments on that or anything else? As we

16   think about that, I'm going to call on Ms. Corton and

17   then Mr. Schwartz.

18   MS. CORTON: I was just wondering, I mean,

19   all the digital platforms know their unidentified --

20   you know, places they couldn't identify songwriters or

21   publishers, because I think we know from the Spotify

22   settlement that a majority of the money that was

23   unidentified are people that are not published

24   because, when they sent the list of unidentified

25   repertoire around to the publishers who were part of

1   that settlement, some of whom were not NMPA members

2   but just participated, they couldn't match a majority

3   of that. I mean, I think they only matched, like, 10

4   percent of the unidentified. So we know that that's

5   really where it is.

6   And after this past year of sourcing

7   songwriters, I know that's where it is too because I'm

8   seeing them. You know, they're very knowledgeable

9   about a lot of aspects of the business except

10   publishing. And so I don't know if that also means

11   going to, you know, like, all the different instrument

12   places or effects boxes/pedals or, you know, other

13   places that are part of production, if there's a way

14   to sort of utilize those companies and the access, you

15   know, while they're buying equipment to write or to

16   produce, if that's another resource that, you know, is

17   sort of a little outside the box?

18   MR. RILEY: Mr. Schwartz?

19   MR. SCHWARTZ: Yeah, I'd just like to maybe

20   enlarge a little on Mr. Donnelly's comments and fear

21   that a relatively minor portion of the huge

22   unidentified pool will actually get distributed to the

23   people who should receive it. I mean, you know, I

24   think there's already a lot of cynicism, and I'm not

25   sure how that's impacting the whole communication, you

1   know, issue that we're discussing, outreach issue.

2   I mean, a lot of people are so cynical. You

3   know, I think, you know, maybe to paraphrase some

4   things that I've heard from creators, they just think,

5   well, you know, the majors are going to get all this

6   money anyway, so why bother? And, you know, I

7   appreciate that's not a happy thing to share, but it

8   is out there. It does exist. And I think, you know,

9   there is some justification for that concern, as Mr.

10   Donnelly just suggested.

11   But, to come back maybe to what the solution

12   is and best practices and a positive place to go to

13   counter that or to move beyond that is that, you know,

14   there are a lot of people who are maybe trying to get

15   the message out, and Ms. Elton just, you know, listed

16   some of them. But maybe we need to all get together

17   on something like this on a Zoom call and figure out

18   and work with somebody who's really good, you know,

19   really understands, you know, how you communicate

20   these kinds of things, hammer out a very simple

21   message that we can all work on communicating together

22   at the same time or over the course of the next six

23   months or year, whatever we think it's going to take.

24   So I think, you know, I don't know if that's

25   best practices or not, but I'd like to throw it out as

 1   a suggestion that the creator groups that you

 2   mentioned -- I know my group and I'm sure Phil's folks

 3   would love to take part in that -- get everybody

 4   involved. And I think, again, for the majors, it's a

 5   real opportunity to show the world and to show the

 6   community that there's good will there, that they

 7   don't want to walk down the road that Mr. Donnelly

 8   suggested, that they want to be part of the solution,

 9   not part of the problem, because, if most of that

10   money does go out the door through market-based

11   distribution a couple of years down the road, it's

12   really going to be kind of a sad moment. This is an

13   opportunity for us to all do the right thing together.

14   And I don't know that we're ever going to

15   get to 90 percent distribution to the right people,

16   but we have to try. We have to do everything we can

17   to try to get as much of this money as possible to

18   people whose music was used, much of it maybe here in

19   the United States, but much of it also maybe in other

20   parts of the world. And I think that good will will

21   do all of us good going forward as an industry.

22   So I think, you know, let's come up with a

23   plan together. We've got time to do it now because

24   that, as I said, from my understanding is the data

25   won't be in the MLC's hands until sometime in June.

1   So let's start working on that together and get the

2   message out to as many people as possible.

3   MR. RILEY: Thank you for that. I actually

4   have a follow-up on that. When you said "we" or "us,"

5   who are these groups? We had mentioned maybe

6   songwriter groups, PROs. Let's see, would it also

7   include things like -- we had mentioned earlier on

8   this panel education, so schools. Would it also

9   include things like A&R representatives, music

10   managers, the Copyright Office? Who on that list are

11   we missing?

12   MR. SCHWARTZ: Well, you know, if you're

13   asking me, John, you know, major labels, major

14   publishers, the societies, collection societies,

15   remember, keeping in mind that even on this continent

16   we have, you know, PROs that collect mechanical

17   royalties.

18   So, I mean, the short answer because I know

19   time is of the essence is just that we cast the widest

20   net we possibly could and include anybody and

21   everybody who, you know, makes a living from the work

22   of songwriters and composers, and that's a very, very

23   broad group, obviously, all the people you mentioned

24   and as some mentioned. And, you know, again, CM

25   alone, like I said, we have partner alliances in

1   Africa, Asia, Latin America, Europe. I would bring

2   all of them in as well.

3   MR. RILEY: I appreciate that. I appreciate

4   the mention that we are slowly running out of time,

5   but I'd like to get to Mr. Galdston and then Mr.

6   Donnelly.

7   MR. GALDSTON: I'll make it simple. Just

8   going from the macro on down, I think Bob raised a

9   point I had not heard addressed before. I'm not sure,

10   Serona, you had the time to address it, but the fear,

11   not always seen as a fear, of aggregators stepping in,

12   and I think that should be, as Eddie said, a

13   motivating force here. That's one, and I would love

14   to know the MLC's position, or we could talk about

15   that offline.

16   Two, I think that it may sound like the most

17   obvious point in the world, but like you, Serona, I'm

18   a college professor among other things, and talking to

19   students about how they get their information -- we've

20   all read articles about this -- but how they get their

21   music information is an entirely different world than

22   the way the rest of us have done it and do do it.

23   We at Music Answers have really rejuvenated

24   some of our activities just in the past three months

25   by hiring four NYU students, who have really changed

1   the way we're doing things. I'd be happy to bring

2   them to the discussion, but, of course, there are many

3   other people like that.

4   Finally, you know, when I work with

5   songwriting students and production students, the

6   first question I ask them is, which DAW do you use?

7   And almost all of them use a DAW. Well, almost all of

8   them buy Apple Computers. So the first DAW almost all

9   of them use is GarageBand, and then it's just a very

10   simple leap from GarageBand to logic.

11   Yes, some of them use Ableton, et cetera, et

12   cetera, but almost all of them use the Apple product.

13   And since Apple is putting some money into the MLC's

14   pockets, why don't we approach them? Maybe you have

15   already, but that, to me, would be the totally logical

16   connection that bypasses almost everything else we're

17   talking about or at least complements it.

18   MR. RILEY: Mr. Donnelly, I think you have

19   your hand up?

20   MR. DONNELLY: Thank you. Just to follow up

21   on a couple of different points, one, I don't know if

22   Serona's been doing this, but I hope you approach

23   unions as well, the AFM, SAG-AFTRA.

24   With regard to outreach, I'm not sure how

25   long Linda has been at SoundExchange. She looks too

1   young to have been there when my partner, John Simson,

2   ran it for the first 10 years. But one of the things

3   that John did very early on was to hire a series of

4   people who had a phonebook-sized group of contacts

5   within the industry and had those people hunting down

6   people who were owed SoundExchange monies and I think

7   he would tell you with great success.

8   And then the final point is following up on

9   what Seth was saying, just so you know that the record

10   companies weren't doing those things based on their

11   good instincts and their better angels. That was part

12   of the settlement, was that they had to do that

13   advertising, do that outreach, have those websites,

14   you know, have new accounting procedures in place. So

15   I just wanted to make sure that was clear.

16   MR. RILEY: Thank you. Ms. Corton?

17   MS. CORTON: So I just made a list. I don't

18   know if you've reached out to the music supervisors of

19   the Guild of Music Supervisors. They're using a lot

20   of DIY people in film and television. I would say all

21   colleges, four- and two-year, there are lots of

22   hobbyists at colleges.

23   Online music stores, not just physical music

24   stores, and the music tech world. You know, I don't

25   know if you've been to Music Tectonics or SF Music

1   Tech. A lot of these music tech people are trying to

2   circumvent licensing by engaging DIY writers to be on

3   their platforms. So they have all these ways that

4   they're reaching them and pitching to them and using

5   them to launch their platforms, and they want a wide

6   variety, so they actually have more contacts in this

7   than the industry does.

8   MR. RILEY: Thank you. Ms. Bloss-Baum?

9   MS. BLOSS-BAUM: Well, Bob, I've got to

10   confess, actually, I was around when John Simson

11   started SoundExchange, and very different -- and I

12   have to just personally -- I know -- I think he's

13   speaking on another panel of the roundtable, but he's

14   done an incredible job.

15   And I use that as a caveat to a program that

16   he started at American University in the business of

17   arts and entertainment and is very involved in music

18   educators, and I'm proud to say I've been teaching

19   with him at my alma matter, American University, for

20   eight years.

21   So very dear friend of mine too. I know

22   there's been a bit of a fan club going on today. But

23   I will say absolutely it's those folks with the

24   rolodexes. But I make the educational point because,

25   Serona, you know this, and Phil, I mean, if you're an

1   educator, these students, they're hungry, and they

2   just know -- they know where the fan clubs are. They

3   know what, you know, the social media followings are,

4   and they can go out and really, really help be a

5   finger on the pulse of bands, frankly, folks that are

6   as old as me and John and others might not have ever

7   heard of.

8   But students are such an incredible

9   resource, and they're so hungry and they want that

10   experience and they want to add it to their resumes,

11   and, I mean, certainly, they're not, you know, select

12   to American University. They're select in all these

13   universities.

14   So I really can't stress enough kind of, you

15   know, how kind of creative. And no small is too small

16   because, as somebody said earlier, I mean, today's DIY

17   is going to be on some movie. They're just trying to,

18   you know, get some cheap music, and then they're the

19   next big hit. So use those students, and they're

20   hungry, and they're smart.

21   MR. RILEY: All right. I have Mr. Berg, and

22   then I have another question for the panel.

23   MR. BERG: Yeah, I just wanted to say there

24   are programs at a lot of universities primarily used

25   with the CDC, believe it or not, where they try to

1   identify social cliques in communities that can help

2   spread correct information. The CDC has used them a

3   lot. I know there's a great program over at USC and I

4   think it might be in the Psychology Department where

5   they help identify, in certain areas, you know, in

6   this community, this is a clique.

7   It might be a mommy group in this community.

8   It might be a bunch of young hipsters in San

9   Francisco. But that might be something to think about

10   reaching out to. It's sort of what we're doing today,

11   but they can really help identify and pinpoint, and,

12   you know, there's so many groups in music that you

13   could end up spinning your wheels trying to figure

14   out, you know, 300 places to go when it really could

15   be more effective to go to five or six where you're

16   hitting, you know, more people. Maybe it is the

17   festival circuit. So it's just something to consider.

18   MR. RILEY: So there's been a lot of

19   suggestions today, and, in fact, on the first panel,

20   the earlier panel, Mr. Castle suggested that a best

21   practice would be to employ robust analytics with

22   respect to customer service. Whether you would like

23   to answer that question or kind of the broader

24   question, how does the MLC improve its efforts over

25   time? What would be a best practice for that? What's

1   the best way to get songwriter feedback? If anybody

2   has a perspective on that, please raise your hand.

3   MR. BERG: Yeah, I'd just like to jump in on

4   that. I mean, I love taking those surveys after I

5   filled out information that says, you know, simply,

6   how did you hear about us? And you might be

7   surprised. You know, for years, it was Facebook. It

8   might change, and who knows what it's going to be five

9   years from now. I mean, did we know about TikTok a

10   few years ago? Now people are talking about it like

11   it's the most ubiquitous platform. So I think you

12   need to focus on something like that. And if you did

13   ask that, it's a reasonable thing to add. I don't

14   think it's too expensive. And that's, you know, I

15   think one of the most effective ways. Just ask.

16   MR. RILEY: Mr. Galdston?

17   MR. GALDSTON: I was just going to say -- I

18   was going to say it before in relation to another

19   question. It may be obvious, and, Serona, you may

20   tell us you're all the way down the track with this

21   one. But there are several organizations that we've

22   touched on today that pretty regularly conduct data

23   analytic surveys of their own. ASCAP has. I'm a

24   lifetime ASCAP member. I'm assuming BMI has.

25   Certainly, the recording academy has.

1   I noticed that Evan Bogart, who's the new

2   Chair of the Academy's new songwriters' composer wing,

3   was supposed to be with us today, is not here, but,

4   you know, that's what they're going to be about. I

5   was very involved in setting up the producers and

6   engineers wing, and the first thing we did there was

7   set up a survey. And last year the academy set up a

8   big survey, NYU helped prepare it with music creators.

9   So not that I'm suggesting that a lot of

10   academy members are the people we want to reach, but,

11   certainly, they're a fair number, certainly, in the

12   categories that touch on the independent music creator

13   community. So, to me, it would be totally logical. I

14   love Seth's idea of going to universities and finding

15   out, in non-music areas, where survey work is being

16   done. But the same thing can be done with larger

17   organizations that regularly do this to improve their

18   outreach.

19   MR. RILEY: Ms. Corton?

20   MS. CORTON: I don't know if you're using

21   data analytics companies like Chartmetric or Nielsen

22   to find these DIY fans. I mean, you can see who

23   streams the highest, and you can see if they're in

24   your system or not, and, you know, most of them

25   aren't.

1   So, you know, you could find them from --

2   you know, this would involve, actually, the digital

3   companies helping us find them and reach out to them

4   by comparing the digital analytics with, also, you

5   know, where we could get the information of how to

6   contact them.

7   MR. RILEY: Thank you. I wanted to take a

8   step back in the couple minutes we have left here and

9   just ask one broad question and hope to get as many

10   perspectives from the audience as possible. And the

11   broad question is, what should self-administered

12   songwriters expect when they're getting information

13   from the MLC? Ms. Corton?

14   MS. CORTON: They should be expecting to get

15   help signing up if they don't know how to do that and

16   just if they have questions about their statement to

17   be responded to. I mean, service. You know, they're

18   going to need help. It's not natural for them to be

19   doing anything administrative.

20   So, you know, just a friendly voice and a

21   place to call, or if you can do an automated bot that

22   can answer those questions online, you know, that

23   might free up some staffing. I'm sure they're all

24   going to have very similar questions, and you'll know

25   what those questions are within a very short amount of

1   time if you don't already if they've started to call

2   you. So, you know, an interesting FAQ just to clear

3   up things so that you can move them along and help

4   them be, you know, self-registered.

5   MR. RILEY: Thank you. Mr. Berg?

6   MR. BERG: Yeah, I would say information. I

7   don't know what your royalty statements are going to

8   look like, but, certainly, my experience is that the

9   royalty statements don't always match up to the social

10   media. You know, a lot of the social media people

11   might follow you, but they're listening to you for

12   maybe free or -- but I would say information. It

13   certainly gives the songwriter, you know, information

14   on where they might be popular, what country they

15   might be popular, what format might be working for

16   them, what medium, anything like that. I think that's

17   always important. And then timely payments.

18   MR. RILEY: Mr. Galdston?

19   MR. GALDSTON: I think, going back to the

20   beginning of this conversation but now refining it a

21   little bit hopefully, I think it's a clear path to

22   first knowing if you are eligible. And, of course,

23   the only way to do that is to know the basics of the

24   music business, whether it's an FAQ, as Monica

25   suggested, or some other way of doing it.

1   So knowing early on am I really eligible,

2   from there, it's a clear path to signing up. It's a

3   pretty clear path right now to signing up. By the

4   way, I compliment you on that. But I also think that

5   even some organizations, at the risk of sounding like

6   I'm stroking, I think the Copyright Office has done a

7   really good job of explaining some of these panels,

8   some of these complex situations in which civilians,

9   in effect, are given the opportunity to provide

10   information. It's really clear how to do it, whether

11   you may do it, et cetera.

12   So there are great examples out there, but I

13   think it's a clear path to whether you're eligible.

14   Along there is a sidecar for what does that mean and

15   then, if you are, it's how do I register, then what

16   can I expect.

17   MR. RILEY: Jai Yoko?

18   MS. YOKO: I think continuing with great

19   tutorials is great. MLC has done a really great job

20   to, you know, create guidelines for people who need to

21   learn and understand how this works. But I feel as

22   though, especially with self-administered creators,

23   they get in these different niches where it's like,

24   you know, I'm a writer and I'm a this or I'm a this or

25   I'm a that.

1   And as we continue to learn in different,

2   you know, situations that these writers get in, like

3   we were saying before, it's kind of hard to, you know,

4   reach out to each individual and say, well, let me

5   learn about your specific, you know, scenario.

6   So, as we continue to realize like, okay,

7   this is a scenario that's come up 10 times. Maybe

8   let's make a video specifically for them. So, as we

9   keep, you know, learning the needs that these creators

10   have, let's continue to evolve the education that

11   we're giving to them, because just a regular, basic,

12   you know, MLC video that you watch, it'll give you

13   great, you know, information, but it's also, like,

14   well, I'm in this situation. What do I do?

15   So, as we continue to get different

16   scenarios, creating literature or creating videos for

17   these specific people will, one, eliminate, you know,

18   so many people having to do so much one-on-one stuff,

19   but then it's going to make them feel like, wow, the

20   MLC included me as well, you feel me?

21   I'm a songwriter who self-administers some

22   stuff, but I'm signed to a publisher deal on some

23   stuff, and they have a video just for me. So just as

24   we continue to learn, you know, the creators that we

25   have, contouring the literature and the verbiage for

1   them, that way they can understand it directly in

2   their language, is probably going to be something that

3   helps in the long run.

4   MR. RILEY: Thank you. Ms. Bloss-Baum?

5   MS. BLOSS-BAUM: Jai Yoko said it perfectly.

6   You can't have singular messages for every individual

7   out there. But I will say and echo what Monica

8   mentioned, is having, you know, a human being at the

9   ready that will be there to pick up the phone.

10   And one thing, you know, we really have to

11   remember as an industry is these are songwriters or

12   creators, and they're not, you know, calling their

13   water company to have their water turned on or, you

14   know, a utility. This is their work that they've

15   thrown their heart into. I can't imagine something

16   more personal that you'd be calling a customer service

17   representative for.

18   Not everybody's going to call. Not

19   everybody's going to want that. But a lot of people

20   do. My desk at SoundExchange used to be right outside

21   our call center, and I heard those calls coming in all

22   day. First of all, they come in all day. People pick

23   up the phone, they want to talk to a human being.

24   This is their love, their work, you know,

25   their life story, their love story, you know, and they

1   want to talk to a human being about it. They just

2   don't want to punch some numbers with an automatic bot

3   on the computer.

4   Some do, and they can have that, but a lot

5   don't. They really want to tell you about their lives

6   and their story. And so just having, you know, that

7   understanding, and I'm sure that you will, but just

8   having kind of the right person on the phone too to

9   kind of be patient and help people through. This is

10   new. It's not easy, and just having somebody there to

11   kind of hold their hand, particularly at the outset, I

12   think would be what folks would hopefully expect to

13   get when they call the MLC.

14   MR. RILEY: And I'm going to go to Mr.

15   Schwartz next.

16   MR. SCHWARTZ: Thanks, John. I just want to

17   reinforce everything that's been said. I couldn't

18   agree more. I mean, you know, I've been very loyal to

19   collective management for many years now, and it's

20   because, as a young writer who had no success, the

21   first people who opened the door to me were at the

22   PRO. They said you're welcome, come in, we want to

23   help you, we want to work with you. And I have never

24   forgotten that, and that was a long time ago now.

25   So the fact that the MLC is welcoming to

1   everyone who's a creator to come in and to search the

2   database, to register if it's appropriate, et cetera,

3   I think it's a huge thing and very, very welcomed by

4   the creative community because it is a hostile world

5   for most young creators, and it makes a big difference

6   when someone welcomes them into the fold. So I think

7   that's very important.

8   MR. RILEY: All right. Ms. Elton, we'll

9   give you the last word, and then we will end this

10   panel.

11   MS. ELTON: Oh, no, the pressure of the last

12   word. I was just -- I got so excited because I just

13   wanted to make sure everybody knew about how important

14   it is to get a human on the phone who can actually

15   help you. We're already on top of that. We have a

16   team that our MLC employs specifically over 20 people

17   who work more than 69 hours a week of availability to

18   answer the phone.

19   And so you can literally just call and say,

20   what the heck is the MLC? And we'll take it from

21   there, all the way up to, you know, how do I structure

22   my data? So, you know, we're one of the only

23   organizations that also has a bunch of Saturday call

24   hours. So it's something so many -- you may not have

25   known that. I see some faces. You're like, what?

1   Yeah, 12 hours a day, Monday through Friday, plus,

2   like, another nine hours on Saturday.

3   So there's a lot of amazing ideas that have

4   come out of this session, and I know the Copyright

5   Office is going to be compiling them, and they're

6   going to put different things in their report, and I

7   think we're so excited and so open to that feedback.

8   My last word would simply be that outreach

9   begins with all of you. We need all of your help, all

10   these great ideas, all of your connections to

11   organizations. We invite all of you to please engage

12   with us. And sometimes there'll be these large public

13   forums where you can share ideas, but they can also be

14   shared with us on an individual basis.

15   So please don't hold back to share your

16   ideas with us. It really takes all of us, this whole

17   music industry and every segment of it, to help get

18   the word out. And so we invite all of you to work

19   with us to help make that happen.

20   MR. RILEY: So I'd like to thank my

21   colleague and all of our panelists for taking some

22   time to talk to us today. We really do appreciate

23   that. We're going to take a short break, and then, at

24   5:15 Eastern, we are going to have a period of

25   audience participation. So, for this panel, if you

1   would all turn your video off, and we thank you one

2   last time. Take care.

3   (Whereupon, a brief recess was taken.)

4   MS. SMITH: Welcome, everybody, to the last

5   panel of the day, it has been a long day, in the

6   Copyright Office's roundtables for our unclaimed

7   royalties study. We are studying best practices that

8   the Mechanical Licensing Collective may consider in

9   order to ultimately reduce the incidence of unclaimed

10   royalties held by the collective.

11   This session is called our audience

12   participation session. So we have circulated a

13   sign-up list, and we have members of the public who

14   we're going to invite to share some brief statements

15   related to best practices for the MLC. We're going to

16   ask that you try to limit your contribution to around

17   three minutes.

18   If we run out of time today or if someone

19   wants to sign up and has not yet signed up, we will

20   also have a session tomorrow, which will be at 1:00.

21   I think we will be able, right now, to accommodate

22   everyone who has signed up so far, although I'm not

23   sure if everyone is here. So bear with us for a

24   second.

25   I think first I'll say a couple of names,

1   and if someone is maybe not listed by their name, if

2   you could just message us in the chat or the Q&A so

3   that we will know how to find you. But the first

4   person who signed up is Michele Vice-Maslin, so, if

5   you are here, let us know.

6   (No response.)

7   MS. SMITH: Okay. Pierre Schwab? Did we

8   bring Pierre? Okay, Pierre, could you unmute and turn

9   on your video, please?

10   (No response.)

11   MS. SMITH: All right. We will wait just a

12   second. If you decide you would like to contribute,

13   we'll be able to accommodate you. So two more names

14   I'll just call out in case you're here and we're

15   missing you, is Ashley Irwin. I know Ashley was on an

16   earlier panel. If you would like to add on a topic

17   that was not in your panel, let us know.

18   Shiva Estelle Miriam, which I may not be

19   pronouncing quite right, so I apologize if not. And

20   then Mark DiPaula. Do we have him? We may not. I

21   think Gwendolyn Seale is the next person who I do see.

22   So, Gwendolyn, we are going to promote you to a

23   panelist and ask you to unmute yourself if you can.

24   And then I think I do see Mr. Irwin, so he will be

25   next. Go ahead, Ms. Seale. Thank you.

1   MS. SEALE: Hi there. I'm Gwen Seale, a

2   music lawyer in Austin, Texas, and I work primarily

3   with independent songwriters and artists. Last

4   November, I realized that there was a significant

5   visibility issue with respect to the MLC. My partner,

6   who is a songwriter and a director of a music

7   nonprofit here in Austin, was asked to do some of the

8   marketing work for one of the December MLC webinars.

9   Before he shared the information for the

10   webinar for other Austin songwriters, he actually

11   asked me what the MLC was. That question,

12   understandably, shook me, forcing me to realize that

13   there were probably lots of other Texas songwriters

14   who did not know the existence of the MLC.

15   I think it's really difficult for industry

16   professionals in Los Angeles, Nashville, and New York

17   to truly understand what everyone else is facing with

18   respect to the MLC. The songwriters don't know about

19   the MLC. They won't be visiting the MLC's website or

20   social media pages. And above all, they won't realize

21   that they are likely owed some of this $424 million in

22   unclaimed royalties. I'm doing my best to play my

23   part to educate Texas songwriters about the MLC. I

24   have co-presented panels with two panelists from

25   earlier today, and I educate songwriters during our

1   firm's free legal clinic each week.

2   This lack of visibility disproportionately

3   affects songwriters of color. Extensive efforts must

4   be made to reach Spanish-speaking songwriters because,

5   unfortunately, I've found that they have the worst

6   song data issues.

7   For example, I have been working with an

8   older Latin songwriter who did not understand why he

9   hadn't received any royalties outside of his PRO for a

10   considerable period of time. I first checked HFA's

11   song file and noticed that his most popular song had

12   five different HFA song codes. Three codes reflected

13   copyright control. The other two reflected different

14   publishers.

15   Thereafter, I went to the MLC database, and

16   that same bad data was replicated at the MLC database.

17   Mind you, this is one song, a Spanish song, one writer

18   with a Spanish name. I had to work with HFA to fix

19   this issue so that the content would get merged into

20   one and so the proper data would be reflected at the

21   MLC and at HFA.

22   I assure you that this is not an isolated

23   incident. Skimming over the last roundtable

24   transcript last night, I stumbled upon a great quote

25   from Linda Bloss-Baum as she discussed SoundExchange's

1   outreach strategies. She said, "That's where we

2   really had the most success, is going to where the

3   artists are."

4   I understand that COVID has restricted

5   travel, but the MLC needs to understand that

6   songwriters spend a considerable amount of time on

7   social media. So maybe instead of just posting links

8   to webinars on MLC social media pages, the MLC could

9   hire some songwriters to make posts on their own

10   respective social media pages to get more engagement.

11   Also, I suggest that the MLC work with VLAs

12   around the country, Voluntary Lawyers Associations for

13   the Arts, just because those organizations are in the

14   space to educate. Ultimately, songwriters cannot

15   collect if they don't know that they're supposed to

16   connect.

17   I have plenty of other ideas, and I've even

18   come up with a list of potential marketing strategies

19   which I'm also happy to share with the MLC. So thank

20   you for your time.

21   MS. SMITH: Thank you. Thank you very much,

22   Ms. Seale. Mr. Irwin, can you turn on your video?

23   You can go ahead.

24   MR. IRWIN: Hi, thanks, Regan. The

25   fundamental problem that I see as an ongoing situation

1   that needs to be resolved is the imbalance of the

2   board. I'm not sure if there's going to be any panels

3   that are addressing that because we're talking about

4   unclaimed royalties.

5   But I think, without the correct oversight

6   from creators, I don't think there's ever going to

7   really be the transparency that everybody certainly

8   hoped for when the legislation was passed. There are

9   a couple of ways to address this with, you know, a

10   selective group of representatives from creator

11   organizations as an oversight committee, as an outside

12   ombudsman could look at this.

13   But I think the real fundamental problem is

14   that even with an imbalance in the board, the way that

15   future directors are elected means that only creators

16   that meet the standards set down by the publisher

17   members are ever going to be admitted, and I think

18   that really will continue the imbalance, you know,

19   unless the numbers are balanced.

20   Just the mere fact that anyone who does not

21   toe the company line, for want of a better policy or

22   want of a better description, rather, the company

23   policy in line with what the publishers think, the

24   creators will never have a voice, a real voice on that

25   board because the real creators who have some input

1   that would best represent the creators will never be

2   elected to that board.

3   So I think whether that's something that the

4   Copyright Office can address, or whether it's

5   something the creators really do need to go back to

6   Congress to address, remains to be seen. But I just

7   wanted to get that on the record because I don't think

8   there's going to be an opportunity to do that anywhere

9   in any of the panels the way they've been laid out.

10   So thank you for that.

11   MS. SMITH: Thank you, Mr. Irwin. I think

12   the next person we have located, Michele Vice-Maslin,

13   we're going to try that again. So if you could turn

14   your video on?

15   MS. VICE-MASLIN: I'm not anywhere I can

16   turn the video on right now.

17   MS. SMITH: Okay.

18   MS. VICE-MASLIN: But I'll just be really

19   brief because really everything's been discussed. But

20   I would just say that I noticed today you really had a

21   lack of self-administrated songwriters. In fact, you

22   had none, and that would be really nice, to address

23   people who are self-administrated.

24   You had Eddie and Phil, but they're not

25   self-administrated. They both have administrators.

1   So I think as furthering this conversation that we

2   need those people, the self-administrated songwriters

3   who are in the know and are savvy and can help others

4   in that same position navigate, could be very useful.

5   So I just wanted to mention that. But, other than

6   that, everything's been wonderful.

7   MS. SMITH: Okay, thank you. Thank you for

8   sharing. So I don't want to cut you off if you did

9   have more to say, though.

10   MS. VICE-MASLIN: No, I just wanted also to

11   say that everybody's talking about registrations, and

12   in terms of registrations and transparency, the entire

13   world is a mess, and I know that personally because I

14   have a catalogue of over 1600 works that at every PRO,

15   every CMO, including the MLC, each one differently,

16   there's no continuity. They're different in different

17   ways everywhere.

18   And you had on someone from SACEM today,

19   which was of great interest to me because SACEM has a

20   situation where not only don't they have a public

21   repertoire search, but my sub-publisher, who lives in

22   France, is French, is a member of SACEM, can't even

23   see all the works of all his affiliates. He can only

24   see the works that make money. So he can't even fix

25   the registrations and reconcile them. So perhaps some

1   other works would be making money, but he, at his own

2   society, cannot even see the catalogues of all of his

3   writers. This stuff is insane, and this doesn't help

4   the MLC at all because all of the information that

5   gets transferred from the HFA is correct, and the

6   songwriters can't fix their information.

7   And just like was mentioned, the songwriters

8   who are administrated cannot get on the MLC to check

9   their catalogues. So, even though we have Phil and we

10   have Eddie, they cannot even go look at their own

11   catalogues and try to reconcile the works because

12   they're not allowed to because they can't be members.

13   So I think there is a lot of things that

14   still need to be worked out in this wonderful

15   organization that has so much potential. So that's

16   what I have to say. Thank you so much.

17   MS. SMITH: Thank you. And thank you. We

18   appreciate it. So I think the next person will be

19   Michelle Shocked, and, Michelle, if you could wait for

20   a second, I'm going to read the names of the other

21   people we had sign up because we may not be seeing you

22   as attendees. But, if you are here, maybe let us know

23   in the Q&A so that we can find you and promote you.

24   So the others that we had were Ahmed Ishra,

25   Kayda Mezay -- I may be saying this not quite right,

1   in which case I apologize -- Chris Sarnek, Scott

2   Gunter, Mary Steenbergen, and George Johnson. So, if

3   any of you are here, send us a note in the Q&A and we

4   will find you. And with that, Ms. Shocked, we are

5   happy to hear from you. Thank you.

6   MS. SHOCKED: Thank you for taking the time

7   to hear my issue. I have been trying to raise this

8   red flag from inception of conversations about the

9   MLC. Obviously, the NOI process was a big part of

10   what led us to this, and in anticipation of not having

11   the ability to screenshare, I prepared a visual aid.

12   I'm going to hold it up to the screen very briefly,

13   and then I'm going to explain what I'm demonstrating.

14   So there's glare on the screen, but what you

15   see me holding is a stack of NOIs for one song, "Come

16   A Long Way," my composition, issued by Harry Fox in

17   the name of an artist from Jamaica called George

18   Nooks. And the rest of this feedback panel I'm going

19   to be posting in the chat links to articles about Joe

20   Lubin and the MLC vendor chosen, Consensus, and the

21   article that links Joe Lubin to this reggae artist,

22   George Nooks.

23   So I'm basically implying and directly

24   stating fraud, and all the conversations that I've

25   listened to today talking about transparency and

1   getting writers paid, no, that's not what's going on.

2   When the MLC chooses a vendor like Consensus to help

3   launder money and you've got this unclaimed royalties

4   issue, I'll just leave it as a hanging participle

5   there, but thank you. That's the point that I wanted

6   to make in this issue.

7   MS. SMITH: Okay, thank you. Thank you for

8   participating and for sharing. I think now we've

9   found Mr. Schwab, if you would like to speak?

10   MR. SCHWAB: Thank you, Regan. I put my

11   question in the Q&A. I don't know if you can see it.

12   MS. SMITH: I see it, but since we have a

13   transcriber, you've got to state it because that is

14   how it will get into the study. So I know it's a

15   little lengthy.

16   MR. SCHWAB: So I am involved with Classical

17   Archives, and most of the work that we offer are in

18   the public domain. In fact, more than 80 percent of

19   the streams that we offer every month are for public

20   domain works. And we find it strange that we have to

21   contribute so much to the pool of mechanical royalties

22   when most of the work that we stream are in the public

23   domain. And I hope that something can be done about

24   this because we operate on very thin margins. Every

25   cent counts, and we want to make sure that this is

1   being considered. Thank you.

2   MS. SMITH: Thank you. And so Classical

3   Archives is a DSP, right? Just to confirm for the

4   record.

5   MR. SCHWAB: That's correct.

6   MS. SMITH: Okay, thank you. I think this

7   may be everyone who had signed up to speak. Anyone

8   from the Copyright Office, if I'm missing someone,

9   this is, I think, maybe the last chance. I see one

10   clarification in the chat from Mr. Galdston, who says

11   that he has been self-administered since January of

12   this year and has previously had experience. So I

13   will state that for completeness.

14   All right. Well, thank you. Thanks,

15   everyone, who has participated today. We are going to

16   have a half-day wrapping up tomorrow which will start

17   at 10 a.m. Eastern Time. There's a different link

18   which is available on the Copyright Office website,

19   and maybe someone could throw that in the chat right

20   now. And we will start at 10 a.m., and we will close

21   at 2:00. So thank you very much.

22   (Whereupon, at 5:35 p.m., the roundtable in

23   the above-entitled matter adjourned, to reconvene at

24   10:00 a.m. the following day, Friday, March 26, 2021.)

25   //

CERTIFICATE
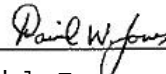
CASE TITLE: Unclaimed Royalties Study Roundtable

DATE: March 25, 2021

LOCATION: Washington, D.C.

        I hereby certify that the proceedings and

evidence are contained fully and accurately on the

digital recording and notes reported by me at the

meeting in the above case before the Library of

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