



June 24, 2020

Dear Anna and Jason,

I appreciate the opportunity to represent the Nashville Songwriters Association International on June 19, 2020, regarding U.S. Copyright Office Rulemaking 2020-5. I am pleased to present a summary of the main points NSAI hoped to amplify during that call.

1. There is nothing more definitive to confirm authenticity of a match of a musical work copyright to a sound recording than an audio link. As song titles are not copyrightable, there can sometimes be hundreds of completely unique songs that share the same common title. As an example, country artist Tim McGraw has recorded two songs called "Shotgun Rider". The first was in 2007 on his album *Let It Go*. The second, entirely different "Shotgun Rider" was a single in 2014 and appeared on the album *Sundown Heaven Town*. Imagine the ambiguity without audio links of determining which underlying work a Tim McGraw song called "Shotgun Rider" should be matched to. That said, even a 15-20 second audio clip would suffice to make that determination.
2. The USCO must mandate a set timeline and framework for DSPs to be able to provide those audio links. The importance of setting a timeline for both the MLC and DLC to implement the functionality of audio links cannot be understated.
3. Consideration must be given to which users of the portal are granted access to audio links, but by limiting that access to administrators and songwriters, the concern of the DLC regarding the MLC becoming a de facto streaming service should be eliminated. That concern can also be addressed by providing access only to audio clips as opposed to entire songs.

Thank you again for the opportunity to participate and provide the perspective of songwriters on this matter. Please reach out if you require any additional information.

Respectfully,

Bart Herbison
Executive Director