

# LATHAM & WATKINS LLP

July 8, 2020

**VIA EMAIL**

Regan Smith  
General Counsel and Associate Register of Copyrights  
U.S. Copyright Office  
101 Independence Ave. SE  
Washington, D.C. 20559-6000  
regans@copyright.gov

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Re: DLC's Response to the Copyright Office's Request for Updated Regulatory Language Regarding Audio Links

Dear Ms. Smith,

I write on behalf of Digital Licensee Coordinator, Inc. ("DLC") following up on the *ex parte* call held on June 19, 2020, during which the Office invited participants to submit updated proposed regulatory language and an accompanying explanation, with respect to what the Office has called the "audio link" issue—*i.e.*, the MLC's request that digital music providers report "links" that would allow the MLC to develop an embedded player that can be used to listen to audio from all digital music providers.

We believe that the Office has appropriately addressed this issue in the notice of proposed rulemaking, and that no further amendment to the proposed rule is necessary. Specifically, the Office proposed requiring digital music providers to report unique DMP identifiers, which, for the largest services, can be used to listen to a particular track on the DMP's consumer facing service.<sup>1</sup> After our *ex parte* meeting, the MLC asked for additional detail regarding how the MLC and users of the MLC's unclaimed royalty portal can use the unique DMP identifiers to get access to audio on the DMPs' services. We provided to the MLC detailed directions, together with information about any limitations. We have attached that document as an addendum to this letter. In many instances, access to the webpage on a service can be obtained via a simple conversion of the unique identifier into URL. In those instances, the MLC—which is building the unclaimed royalty claiming portal—should easily be able to add functionality to convert the unique DMP identifier into a clickable URL on the portal.

As DLC has repeatedly emphasized, the use of unique DMP identifiers to search for audio is an operationally straightforward, low-cost solution that will provide visitors to the MLC's

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<sup>1</sup> 85 Fed. Reg. 22,518, 22,530-31 (Apr. 22, 2020).

claiming portal with significant access to audio. Indeed, DLC is not aware of any claiming portal that currently offers this level of functionality; notably, SoundExchange's claiming portal does not allow users to listen to audio. Far from being evidence of an unwillingness by DLC members to work towards improvements in the mechanical licensing system, this solution would be a significant advancement over the status quo; one that will allow for gathering of real-world usage data and a far more refined understanding of the value of audio access in reducing the level of unmatched and/or unclaimed works.

DLC remains firmly of the belief that additional conversations on this topic are best conducted through the statutorily-created Operations Advisory Committee (OAC) of the MLC, rather than through regulatory mandates of unclear impact. The OAC presents the ideal forum for thoughtful and collaborative assessment of the performance of the existing solution and consideration of other potential efforts. After the *ex parte* meeting with the Office, a representative of the DLC reached out to the MLC to schedule an OAC meeting before submitting this letter, as the Office had requested. That meeting has not yet been scheduled, but the DLC representatives stand ready to meet and discuss this issue within that framework.

Ultimately, the solution consistently offered by the DLC over the past six months is just that—a direct solution to the MLC's request. DLC remains committed to the collaboration necessary to successfully launch the MLC and looks forward to continuing to work toward that goal. No further action by the Copyright Office is necessary at this time.

Best regards,

A handwritten signature in black ink, appearing to read "S. Damle". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Sarang V. Damle

CC via email: Jason Sloan  
jslo@copyright.gov

**ADDENDUM  
TO DLC'S JULY 8, 2020  
LETTER**



# Overview of Existing Capability For Audio Search Using Unique Identifiers

July 8, 2020

# DMPs With Access to Audio Using Unique Identifiers

- Amazon
- Apple
- Google/YouTube
- Pandora
- Qobuz
- SoundCloud
- Spotify
- Tidal

# Amazon

- Amazon's unique identifier can be added to the end of the following URL:

[https://music.amazon.com/albums/\[album ID\]/\[track ID\]](https://music.amazon.com/albums/[album ID]/[track ID])

- That URL navigates to the album page where the particular track belongs, with the track highlighted in gray
- After logging in, users can listen to the track

# Amazon: Example

music.amazon.com/albums/B001BZLMSM/B001BZLMU0

amazon music Hello, Sign In

BROWSE  
Home  
Stations  
Playlists  
Amazon Music Store

ALBUM  
Aretha Now  
Aretha Franklin

10 songs (29 minutes) - Released on June 14, 1968

1	Think	2:19
2	I Say a Little Prayer	3:36
3	See Saw	2:46
4	Night Time Is the Right Time	4:50
5	You Send Me	2:29

Unique identifiers for album and track are in the URL

After logging in, users have access to the track, which is highlighted in gray on the album page

# Apple

- Apple's unique identifier can be added directly to the end of the  
REDACTED
  - 30-second clips of tracks can be streamed without a login or subscription



# Apple: Example

music.apple.com/us/album/aretha-now/933583586

Unique identifier at end of URL,

**REDACTED**

Apple Music

Search

For You

Browse

Radio

Open in iTunes ↗

Think  
Aretha Franklin — Aretha Now

0:12

PREVIEW

Aretha Now  
Aretha Franklin  
R&B/SOUL · 1968

Preview

★ Think

★ 2 I Say a Little Prayer

3 See Saw

4 Night Time Is the Right Time

5 You Send Me

30-second clip publicly available by clicking on the track

# Google / YouTube

- Option #1: YouTube's unique identifier can be added to the end of this URL: <https://www.youtube.com/watch?v=XXXXXXX>
- Option #2: A user can navigate to <https://www.youtube.com> and enter the unique identifier in the search bar in double quotes
  - A small percentage of content requires a subscription for access (per label policy)

# Google / YouTube: Example #1

Unique identifier at end of URL

# Google / YouTube: Example #2

The screenshot shows a YouTube search results page. The search bar at the top contains the query "P9yloSpWWNE", which is circled in red. Below the search bar, there are three search results. The first result is "Aretha Franklin - Think (Official Audio)" by RHINO, with 88K views and posted 1 year ago. The second result is "Think X Think - Aretha Franklin & Aretha Franklin | RaveDj" by Reese a beast, with 8 views and posted 3 months ago. The third result is "Ain't No Way Aretha Franklin" by Rion Mantes, with 8.4M views and posted 10 years ago. The page also features a left sidebar with navigation options like Home, Trending, Subscriptions, and Library, and a "Related to your search" section at the bottom.

Unique identifier in search bar, in double quotes

Full track publicly available

# Pandora

- Pandora's unique identifier can be added directly to the end of the following URL: <https://www.pandora.com/XXXXXX>
  - That URL navigates to a page containing information about the track (e.g., album art, lyrics, song credits, genre, etc.)
  - After logging in, users can listen to the track. For free tier users, access to track would be through Pandora's "Premium Session" program.
  - Limitations: In some instances, the URL navigates to a different version of the same sound recording (e.g., studio release vs. "best of")

# Pandora: Example

https://www.pandora.com/artist/aretha-franklin/aretha-now/think/TRXp2nfwz73Vwp2

Think by Aretha F...

Now Playing My Collection Browse

Search

pandora Sign Up

### Think

Aretha Franklin  
From the album Aretha Now

LYRICS

You better think (think)  
Think about what you're trying to do to me  
Think (think, think)  
Let your mind go, let yourself be free  
[See All Lyrics](#)

SONG CREDITS

Writer: Aretha Franklin  
Writer: Ted White  
Tenor Saxophone: Andrew Love  
Vocals: Aretha Franklin  
[See All Song Credits](#)

FEATURES OF THIS SONG

- Classic soul qualities
- Acoustic rhythm piano
- Call and answer vocal harmony (Antiphony)
- Repetitive melodic phrasing
- Mixed acoustic and electric instrumentation

SIMILAR SONGS [See All Similar Songs](#)

Respect (Stereo)  
Aretha Franklin  
2:28

Play Song

Unique identifier at end of URL, redirected from <https://www.pandora.com/TRXp2nfwz73Vwp2>

Full lyrics, song credits, and genre elements are publicly available

After logging in, users have access to full audio (including at the free tier through Premium Sessions)

# Qobuz

- Qobuz's unique identifier can be added to the end of this URL:  
<https://open.qobuz.com/track/XXXXXXX>
- That URL navigates to a page containing information about the track (e.g., album art, label, song credits, production info, etc.)
- 30-second clips of most tracks can be streamed without a login or subscription

# Qobuz: Example

open.qobuz.com/track/30610279

qobuz TRY FOR FREE

### Holding On

Charlie Paakkari  
Take Me To The Alley

Listen on Qobuz Buy Share

Available in  
Hi-Res AUDIO 24-Bit CD Quality  
96 kHz - Stereo

#### Song

TRACK	LENGTH
Holding On	05:01

#### About

**Jazz**  
May 5, 2016 - 5m 1s

Label: Universal Music Division Decca Records France  
Composer: Howard John Lawrence

#### Production

- Alicia Olatuja, Additional Vocals, Associated Performer
- Keyon Harrold, Trumpet, Horn Arranger, Associated Performer
- Gregory Porter, Producer, Co-Arranger, Vocals, Main Artist, Associated Performer, Composer Lyricist
- Guy William Lawrence, Composer Lyricist
- James John Napier, Composer Lyricist
- Howard John Lawrence, Composer Lyricist
- Ondřej Pivec, Organ, Associated Performer

Unique identifier at end of URL

30-second clip publicly available by clicking on the track



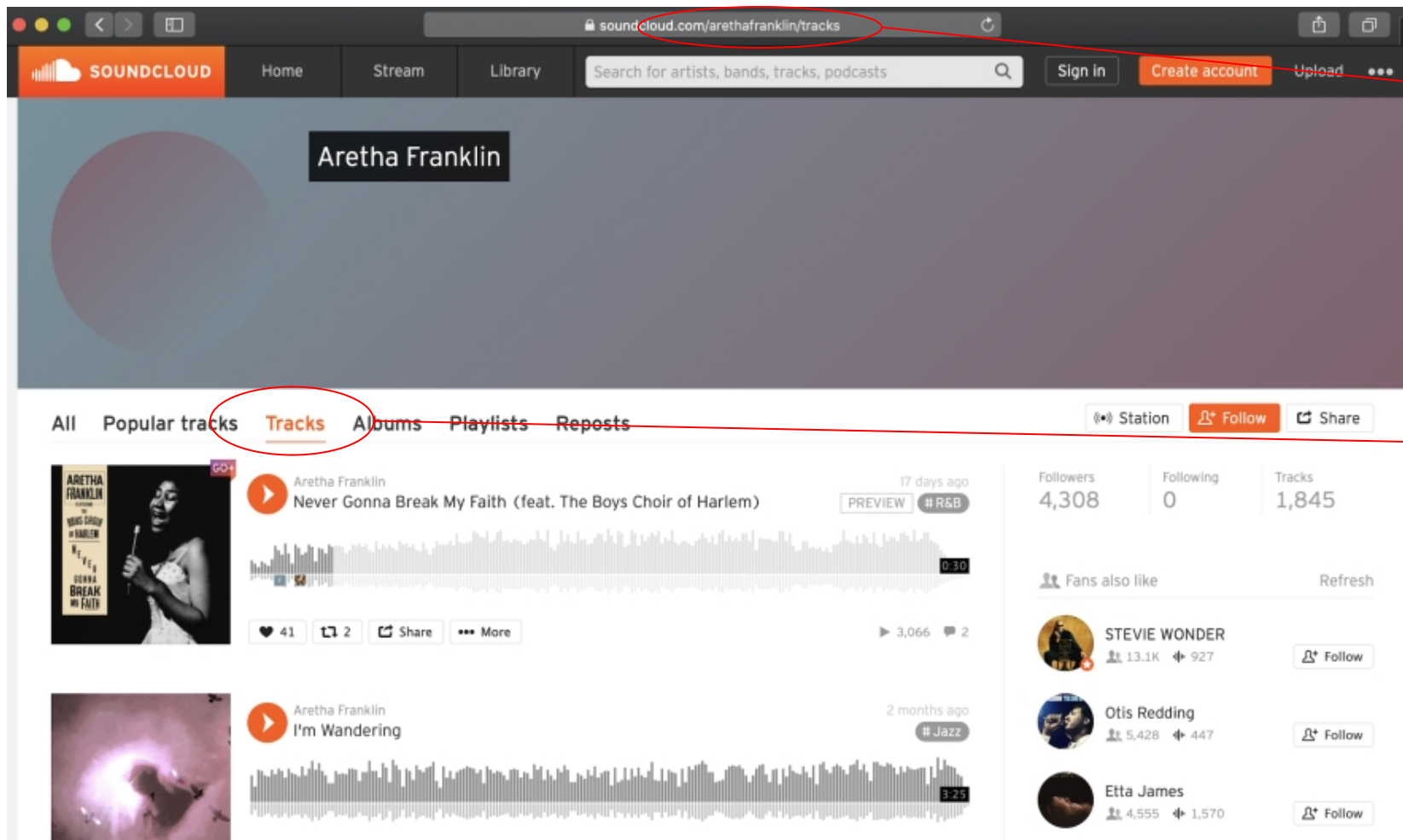
# SoundCloud

- SoundCloud's unique identifier can be added directly to the end of the following URL:

[https://soundcloud.com/\[artist name\]/\[song title\]?query=\[track ID\]](https://soundcloud.com/[artist name]/[song title]?query=[track ID])

- That URL navigates to a webpage for the specific track
- 30-second clips of most tracks can be streamed without a login or subscription
- A small percentage of content is not available for 30-second clips and requires a subscription for access (per label policy)

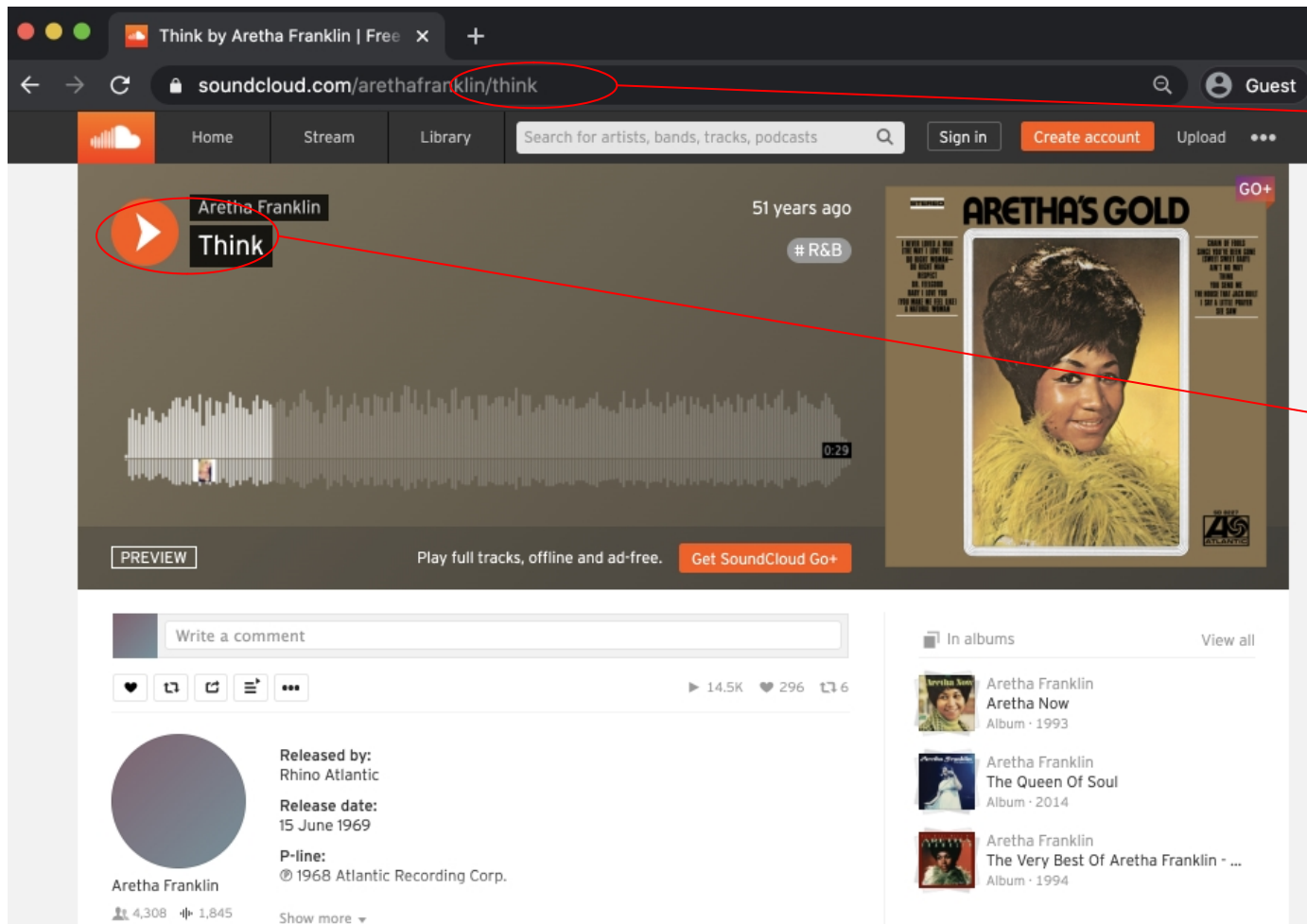
# SoundCloud: Example



Every SoundCloud track is anchored to an Artist Profile page. In this example:  
<https://soundcloud.com/arethafranklin>

30-second clip publicly available by clicking on the track

# SoundCloud: Example



Every track is linked to a Profile (see previous slide) and can be accessed in the URL by adding a "/" and the song title

<https://soundcloud.com/arethafranklin/think>

30-second clip publicly available by clicking on the track

# SoundCloud: Example

soundcloud.com/arethafranklin/think?query=255802686

SOUNDCLLOUD Home Stream Library Search for artists, bands, tracks, podcasts Sign in Create account Upload

Aretha Franklin Think 51 years ago #R&B

0:30

PREVIEW Play full tracks, offline and ad-free. Get SoundCloud Go+

Write a comment

Like Repost Share Add to Next up More 14.5K 296 6

Released by: Rhino Atlantic  
Release date: 15 June 1969  
P-line: © 1968 Atlantic Recording Corp.

Aretha Franklin 4,308 1,845 Show more

In albums View all

- Aretha Franklin Aretha Now Album · 1993
- Aretha Franklin The Queen Of Soul Album · 2014
- Aretha Franklin The Very Best Of Aretha Franklin - ... Album · 1994

Every Unique identifier at end of URL is tied to the song page and profile page

<https://soundcloud.com/arethafranklin/think?query=255802686>

30-second clip publicly available by clicking on the track

# Spotify

- Option #1: MLC can add Spotify's embeddable player to portal
  - Instructions: <https://developer.spotify.com/documentation/widgets/generate/play-button/>
- Option #2: A user can go to the search bar at <https://www.open.spotify.com>, and type “**spotify:track:**” followed by Spotify's unique identifier into the search bar
  - After logging in, premium subscribers can listen to full tracks. Certain 30-second clips may be available without logging in depending on the terms of label agreements

# Spotify: Example #1

2. Paste the link or URI in the field below:

spotify:track:4yQw7FR9lcvL6RHtegbJBh

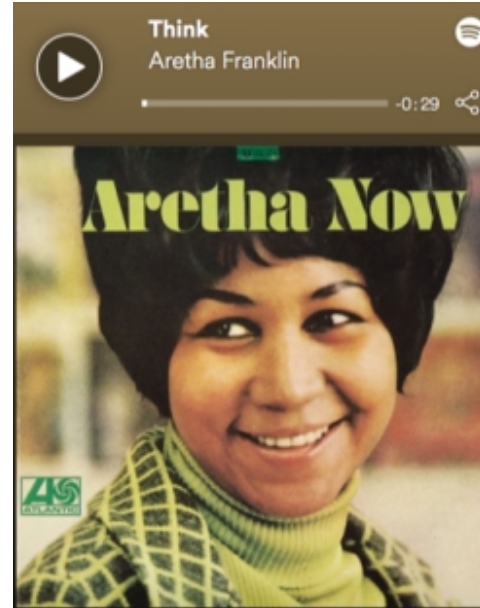
(For example, `spotify:album:1DFixLWuPkv3KT3TnV35m3` or `https://open.spotify.com/album/4RuzGKLG99XctuBMBkFFOC`.)

3. Copy the code below and paste it on your website.

```
<iframe src="https://open.spotify.com/embed/track/4yQw7FR9lcvL6RHtegbJBh" width="300" height="80"
frameborder="0" allowtransparency="true" allow="encrypted-media"></iframe>
```

Unique identifier

Preview



MLC can generate this code automatically and include it in the portal.

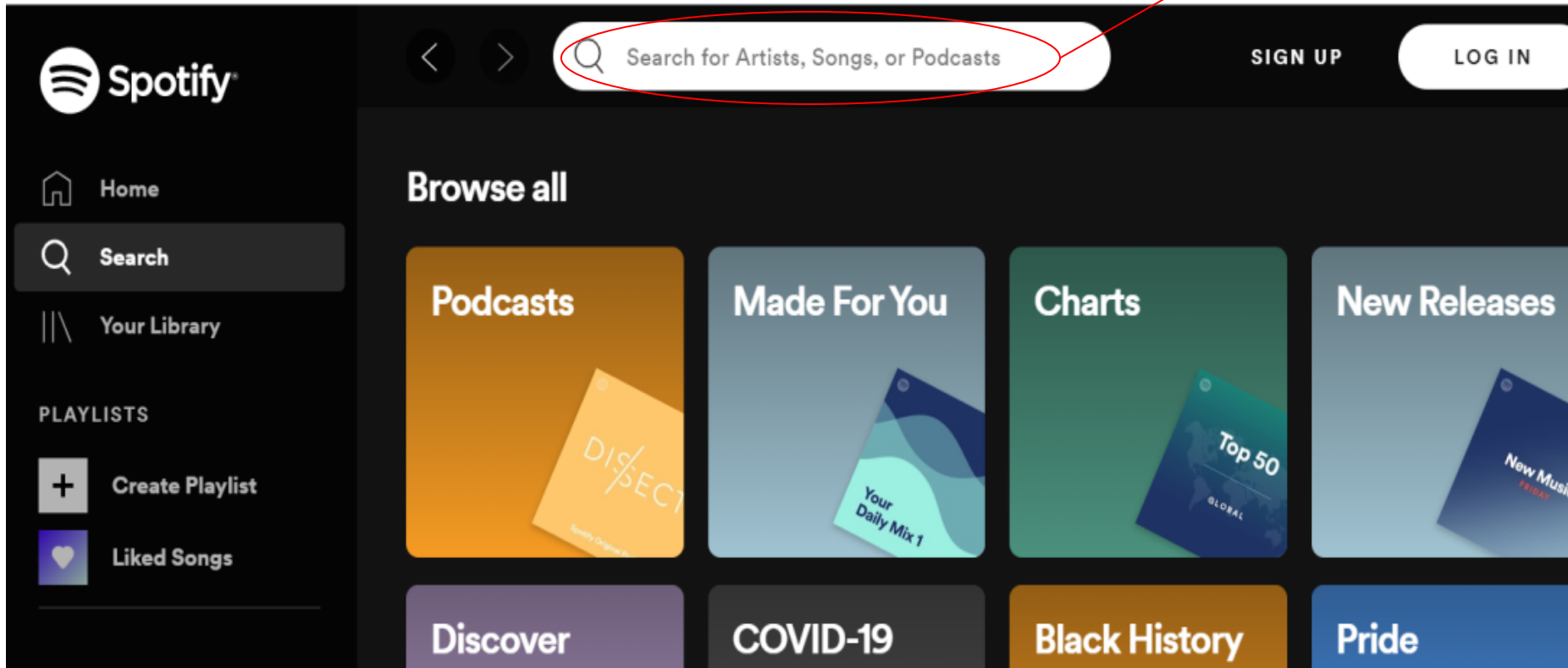
The code generates an embedded player for the track.

# Spotify: Example #2

The screenshot displays the Spotify mobile application interface. On the left, a dark sidebar contains navigation options: Home, Search, Your Library, and PLAYLISTS (Create Playlist, Liked Songs). A red circle highlights the 'Search' option, with a red box containing the text 'Initiate a search' pointing to it. The main content area shows the album 'Aretha Now' by Aretha Franklin, released in 1968, with a duration of 29 minutes and 27 seconds. Below the album cover, there is a play button, a heart icon, and a list of tracks: 'Think' (2:19) and 'I Say a Little Prayer' (3:36). At the bottom, a purple banner reads 'PREVIEW OF SPOTIFY Sign up to get unlimited songs and podcasts with occasional ads. No credit card needed.' and a blue button says 'SIGN UP FREE'.

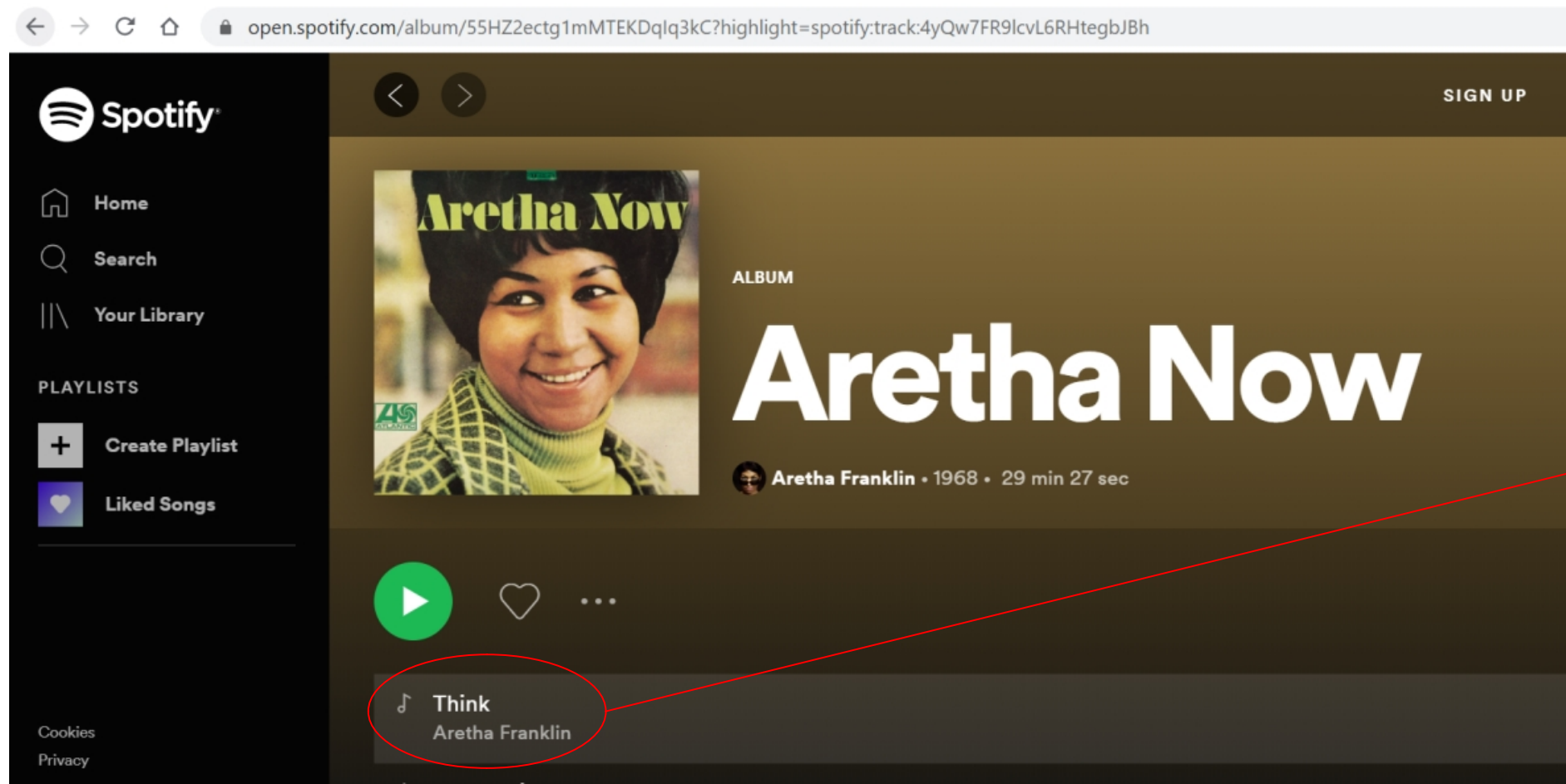
# Spotify: Example #2

Add spotify:track:4yQw7FR9IcvL6RHtegbJBh to search bar, and hit Enter





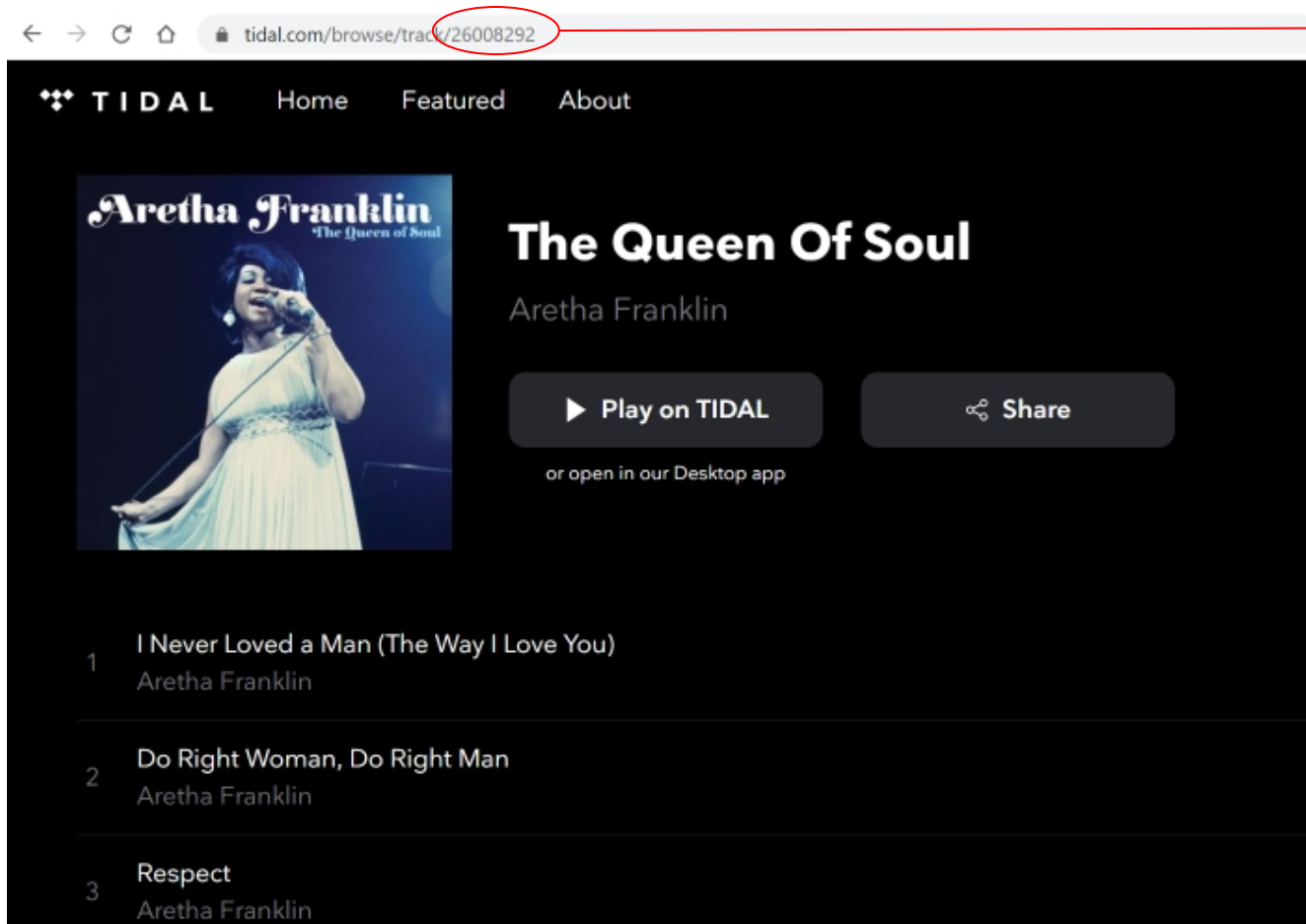
# Spotify: Example #2



# Tidal

- Tidal's unique identifier can be added directly to the end of the following URL: <https://tidal.com/browse/track/XXXXXXXX>
  - That URL navigates to a page containing the specific track
  - 30-second clips of all tracks can be streamed without a login or subscription

# Tidal: Example



The screenshot shows a web browser window with the URL `tidal.com/browse/track/26008292`. The browser's address bar highlights the number `26008292` with a red circle. A red line extends from this circle to a text box on the right that reads "Unique identifier at end of URL".

The Tidal page features the following elements:

- Navigation: TIDAL logo, Home, Featured, About
- Album Cover: **Aretha Franklin** "The Queen of Soul" (The Queen Of Soul)
- Artist Name: Aretha Franklin
- Buttons: **▶ Play on TIDAL**, **🔗 Share**
- Text: *or open in our Desktop app*
- Track List:
  - 1 I Never Loved a Man (The Way I Love You) Aretha Franklin
  - 2 Do Right Woman, Do Right Man Aretha Franklin
  - 3 Respect Aretha Franklin

Unique identifier at end of URL

# Tidal: Example

A screenshot of a music playlist on the Tidal platform. The playlist contains six tracks by Aretha Franklin, numbered 24 through 29. The track 'Think' (number 26) is highlighted with a light gray background. A red oval is drawn around the track title and artist name. A red line extends from the bottom of this oval to a text box on the right. Another red bracket on the right side of the playlist highlights the light shading of the 'Think' track, with a text box pointing to it.

24	(Sweet Sweet Baby) Since You've Been Gone Aretha Franklin	...
25	Ain't No Way Aretha Franklin	...
26	Think Aretha Franklin	...
27	You Send Me Aretha Franklin	...
28	I Say a Little Prayer Aretha Franklin	...
29	The House That Jack Built Aretha Franklin	...

Light shading distinguishes the track that was searched

30-second clip publicly available by clicking on the track

# DMPs Without Access to Audio Using Unique Identifiers

- MediaNet

# MediaNet

- As previously noted in DLC's June 15, 2020 letter, MediaNet does not own or operate a consumer-facing service in which playing audio tracks is possible for any purpose
- Accordingly, MediaNet does not have a publicly accessible search function that uses unique identifiers as inputs; MediaNet utilizes unique links that are usable for a single play only