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# LATHAM & WATKINS LLP

August 11, 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: Ex Parte Letter re: August 7, 2020 Copyright Office Virtual Meeting

Dear Ms. Smith,

This letter is to follow up on the *ex parte* meeting held with Digital Licensee Coordinator, Inc. (“DLC”) to discuss issues raised by the Office’s July 17, 2020 rulemaking on the transition period transfer and reporting of royalties to the Mechanical Licensing Collective. Attending the meeting on behalf of DLC were Garrett Levin, DLC Board Member; Kevin Goldberg, VP, Legal, DLC; Jon Cohen of Amazon; Elizabeth Miles of Apple; Rachel Landy and Leo Lipsztein of Google; Seth Goldstein and Jeff Wallace of MediaNet; Iain Morris of Pandora; Lucy Bridgwood and Emery Simon of Spotify; Les Watkins of Tidal; and DLC’s outside counsel Sy Damle of Latham & Watkins. Attending for the Copyright Office were Regan Smith, Anna Chauvet, Terry Hart, John Riley, Jason Sloan, and Cassie Sciortino.

During the meeting we discussed the following topics:


1. We discussed industry-wide agreements between certain digital services (Spotify, Google, MediaNet, and Napster/Rhapsody) and the National Music Publishers’ Association (“NMPA”) that predated the enactment of the Music Modernization Act (“MMA”) and facilitated distribution of historic accrued royalties to copyright owners. As we explained, those agreements were the model for the MMA. We noted that it is common ground that copyright owners who had received a share of accrued royalties related to unmatched usage under those agreements should not receive any further payments of such royalties, while copyright owners that had *not* participated in those agreements should receive royalties they may still be owed. We explained the need for a regulatory framework to facilitate those royalty payments to that latter group of copyright owners, while ensuring that the services do not double pay participating copyright owners.

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2. We discussed the Office's proposal to update the revised rules related to the cumulative statements of account that must be served with accrued royalties. As we explained, services have been compiling reporting under the regulatory regime that the Office put in place shortly after the enactment of the MMA. We explained the impossibility—mere months before license availability date—of completely revamping royalty accounting systems to accommodate the Office's new proposed rules.

We thank the Office for its time, and look forward to providing more detailed comments in response to the Office's NPRM.

Best regards,

A handwritten signature in black ink, appearing to read "S. V. 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