

Submission of Paul Jessop, Founder and Director, County Analytics Ltd

**In response to
Library of Congress - US Copyright Office
Notice of Inquiry Docket 2014-03
“Music Licensing Study”**

Date: May 23rd, 2014

Introduction

Paul Jessop, Founder and Director of County Analytics Ltd respectfully submits these comments in response to the Notice of Inquiry (NOI) issued by the Copyright Office on March 17, 2014 concerning the Copyright Office’s *Copyright Licensing Study*.

Paul Jessop is a consultant providing services in fields including metadata and media identifiers. His clients include organizations that own, represent or manage rights in content in the US and worldwide. He has wide experience in international standardization and sits on the relevant standards committees for media identifiers in the US, the UK and France. He also participates in the committee of the International Organization for Standardization (ISO) that develops standards in this area. He is the Head of the UK Delegation to the parent committee that oversees this work along with numerous library-related standards, and has previously acted as Head of the UK Delegation to the Moving Pictures Experts Group (MPEG).

He was previously Chief Technology Officer at the International Federation of the Phonographic Industry (IFPI) in London and subsequently at the Recording Industry Association of America (RIAA) in Washington DC. In these capacities he supervised numerous projects concerned with rights management and rights exploitation in the recording industry. He was one of the project managers of the Music Industry Integrated Identifiers Project (known as MI3P) which led to the foundation of Digital Data Exchange (DDEX) and continues to represent the recording industry associations at meetings of that organization.

He has represented the interests of CISAC, the International Confederation of Societies of Authors and Composers at the registration authorities of the identifiers for textual works (ISTC) and parties (ISNI), and has provided advice on the revision of the ISO standard that specifies the International Standard Musical Work Code (ISWC).

He manages the recording industry’s involvement in the international standardization aspects of the International Standard Recording Code (ISRC) and acts as Executive Director of the US ISRC Agency on behalf of RIAA.

These comments are submitted solely as a personal response to the NOI. Their preparation has not been supported by any client of County Analytics Ltd and they do not necessarily represent the views of those clients.

Background

This response is focused on the identification related aspects of the notice. Specifically it makes recommendations with respect to the use of standardized identifiers in *managing* licensing rather than the legal or business related facets of this process.

The submission is made in response to question 22 of the notice:

Are there ways the federal government could encourage the adoption of universal standards for the identification of musical works and sound recordings to facilitate the music licensing process?

It is deliberately silent on all the other questions.

The Benefits of Standard Identifiers

It is widely understood that the use of descriptive metadata alone as a way of identifying media entities (such as sound recordings and musical works) does not lead to efficient management of the identities. For example to identify a sound recording as:

Title: My Way
Artist: Frank Sinatra

exposes the user to several problems:

- (a) the metadata does not distinguish between different recordings such as studio and live versions,
- (b) the metadata may not match when name variants (such as Francis Sinatra or Francis Albert Sinatra), transliterations (such as Франк Синатра) or nicknames (Ol' Blue Eyes, The Chairman of the Board) are used,
- (c) the metadata may not match in the case of accidental misspellings and protection from such accidents is difficult,
- (d) the metadata may not match if the title is translated, even though the recording remains the same.

Where this kind of text-based identification is used (and at present it is a dominant technique in the field of usage reporting) it is necessary to compare the provided metadata against a database of textual data and select the best match. Although the best practitioners are very good indeed at this, it is inevitably a "lossy" process. Where the results of many separate matches are aggregated, the "law of large

numbers” ensures an acceptably accurate result. However, individual entities may be wildly over-matched or under-matched for the reasons outlined above. This can obviously have a serious impact on the individual owners of those entities and the rights in them.

However, codifying the identification avoids all these problems. The use of the International Standard Recording Code (ISRC):

*ISRC US-RE1-68-00008*¹

is unambiguous in referring to the studio version of *My Way* rather than the version recorded live at Carnegie Hall in 1974 (ISRC US-RH1-09-03480) or any of the other recordings of the same song that Sinatra made. It is resilient to use in different languages and scripts and can be protected against transcription errors by the addition of a check digit².

The preferred, or perhaps necessary, characteristics of such an identifier have been outlined by the cross-industry *Linked Content Coalition* (LCC) in its paper “Principles of Identification”³. These include:

- the creation of a registry to establish trust in an identifier and ensure quality,
- the registration of standard and interoperable metadata for discovery and disambiguation,
- resolvability⁴ to the entity or metadata about it, and
- persistence in the face of other changes.

In this context the nature of *trust* is important. LCC means that:

- users can trust that the identifier used really is linked to the relevant entity,
- the identity has been asserted by a party that has known authority (i.e. they are appropriately placed to know about the entity or perhaps they own/control the entity), and
- the metadata defining the link has not been subverted.

¹ The observant will note that the “68” in this code appears to show that it was assigned in 1968 – which is not possible as that pre-dates the ISRC standard. A very early version of the standard did require the use of the recording date (and the studio recording was made in 1968 and released in 1969). It is possible that this is a non-compliant assignment but provided no collisions occur it nevertheless acts as an effective identifier for the track.

² Note that unlike some other media identifiers, ISRC does not include a check digit and relies on error protection/correction being provided by the system in which it is transported.

³ Linked Content Coalition, Principles of Identification v1.1, available from <http://www.linkedcontentcoalition.org>

⁴ Resolution in this technical context is the process of accepting an identifier and giving back either the entity identified (if this makes sense because the entity is represented digitally) or its location, or some other set of information about it (metadata).

Where these conditions are met, arbitrary groups of two or more users can have confidence that in citing an identifier, they all share an understanding of what linked entity is being referenced. This means that they can confidently use the identifier alone to refer to the entity without any need to associate the identifier with supporting textual information.

This response focuses on the issue of identification in the context of copyright licensing and identification for the purposes of (a) specifying rights licensed and (b) reporting usage against those licenses is critical. However, it should be noted that the same identifiers can be used in many other ways. These include:

- content discovery and reference sharing – it is not necessary to share content itself to share the experience of seeing or hearing it: it is only necessary to share the identifier that references it,
- metadata enrichment – where one source of metadata about some media focuses on a particular aspect, it can be enriched with metadata from another source provided the two sources use the same identifier to tag their metadata records,
- linking between media – press and blog reviews of media can include the relevant identifier so that users can access it from authorized sources,
- archiving – curators who include identifiers for media in their records can ensure that their catalogues are interoperable with other collections.

Available Identifiers

In the identifier landscape of 2014, the only plausible option for the identification of musical works is the International Standard Musical Work Identifier (ISWC), which is published by ISO as ISO 15707:2001 and managed by CISAC which acts as the registration authority (the *International ISWC Agency*) and operates the registry containing assigned codes.

Similarly for sound recordings and music video recordings the only candidate is the International Standard Recording Code (ISRC) which is again published by ISO as ISO 3901:2001 and managed by IFPI which acts as the registration authority (the *International ISRC Agency*). In this case there is no registry. Though various national and regional operators maintain databases which include ISRCs, these do not formally act as registries under the standard.

Linking Entities

This submission focuses on the question asked: how can the adoption of standards be encouraged? However it should be noted that it is also necessary for the links between works and recordings to be established with authority. This information is currently fragmented and inaccessible.

The Encouragement of Standards Adoption

There are clear benefits to the entire industry in the adoption of these standards but it is sometimes difficult to construct a business case for individual players to use standard identifiers, particularly in the early stages of adoption. The benefits are often spread across different business units and the costs exceed the benefits seen in any single unit.

For this reason, it is welcome that the Copyright Office is considering taking a leadership role in promoting the use of certain standard identifiers.

This response recommends four classes of action: participation, education, systems and incentives.

Recommended Actions – Participation

The Copyright Office should, by direct participation take an active role in the development of identifier standards to ensure that their evolution meets the needs of all stakeholders and those of the Copyright Office itself.

Specifically, the Copyright Office should, via the US National Standards Body (in this case NISO acting on behalf of ANSI), nominate experts to working groups established in the International Organization for Standardization (ISO) to review or create international standards that affect entities which are subject to copyright.

Recommended Actions – Education

The Copyright Office should work with industry experts to prepare materials that explain the benefits of standardized identifiers and make these available to those involved in the creation of media, those involved in the management of the rights in these media and those involved in the supply chain. These should sit alongside, augment and enhance existing materials focused on the existence of and respect for copyright.

Further, the Copyright Office should undertake a targeted campaign of presentations to industry conferences, user groups, national associations and local chapters. These should be presented by local experts based on centrally created materials derived from those proposed above.

Finally, the Copyright Office should package these materials in a form suitable for use in music classes in undergraduate and graduate level institutions, covering both specialist music business courses and courses aimed at music practitioners (performers, composers, engineers etc.). This might include textbook style handout material, stimulus material for assignments and audio or video lectures provided online.

Recommended Actions – Systems

The Copyright Office should ensure that its systems clearly and unambiguously request an appropriate standardized identifier whenever metadata about a musical work or recording is requested. Though it is probably not yet acceptable to *require* such identifiers, systems should encourage their provision, adopting what the organ donation world calls *required request*: the system should prompt the user for an identifier if they do not provide one, asking them to declare that they prefer not to enter one and explain why not.

The Copyright Office should ensure that such systems provide links to the educational materials described above when these identifiers are being requested.

Recommended Actions – Incentives

The Copyright Office should investigate whether it is possible to offer discounts on fees payable if properly registered identifiers are provided when users interact with Copyright Office systems to take advantage of services such as registration. For example, the existing lower fees for electronic registration might be further reduced if valid identifiers are provided. This might be justified by a reduction in costs where some metadata can be checked automatically against an identifier registry. It might also be justified by the increase in the value to users of the data held by the Copyright Office.

Conclusions

Though this study is broad, constructive action is possible on this single issue of the adoption of standardized identifiers. Early action will pay dividends whatever other actions are contemplated as a result of the study.

The submitter is very willing to provide more information on these recommendations on request and to participate in further stages of this important process.