



American Association  
of Independent Music

**UNITED STATES COPYRIGHT OFFICE  
LIBRARY OF CONGRESS  
Washington, D.C.**

**Docket No. 2013–2**

In the matter of Technological Upgrades to Registration and Recordation Functions  
Comments by The American Association of Independent Music (“A2IM”) - May 21, 2013

The American Association of Independent Music (“A2IM”) thanks the Copyright Office for this opportunity to comment on the Notice of Inquiry related to Technological Upgrades to Registration and Recordation Functions.

A2IM is a 501(c)(6) not-for-profit trade organization representing a broad coalition of 300 independently owned U.S. music labels. Billboard Magazine, using Nielsen SoundScan data, identified the Independent music label sector as 32.6 percent of the music industry’s U.S. recorded music sales market in 2012 (and using the same source data by our computation over 39 percent of digital album sales) and well over 90 percent of all music released by music labels in the U.S. A2IM’s music label community includes small and medium-sized music enterprises (SMEs) of all types across the United States, from Hawaii to Florida, representing musical genres as diverse as our membership. All of our label members have one thing in common, they are smaller business people with a love for music who are trying to make a living. A2IM members also share the core conviction that the independent music community plays a vital role in the continued advancement of cultural diversity and innovation in music both at home and abroad.

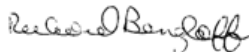
For our members, whose livelihoods depend on the ability to license copyrights in a free market, it is essential to have government partners helping advance a worldwide enforceable regime for the protection of intellectual property online that enhances accountability at all levels of the online distribution chain and that deals effectively with unauthorized usages. A2IM’s members are in agreement with the goals of the U.S. Copyright Office related to technology upgrades related to registration and recordation and just want to highlight some considerations that the Copyright Office might want to take into account related to the concerns we have heard from the SME’s that A2IM represents as follows:

- We believe that the Copyright Office database should become a key searchable source for copyright information so that creators’ works are easily identifiable and do not become Orphan Works. At the same time, given our members limited resources, we do not want the registration and recordation process to become onerous. The key data would include the album/track name, artist/author, owning label, date of release and UPC/IRSC code, with latter data the most important as the unique identifier. A simple system with key data should be sufficient to protect creators and provide a database.

- Related to UPC and ISRC codes it has come to our member's attention that there are cases where the same codes have been used more than once for different works. There should be a system in place that does not allow for duplicate usages of UPC and ISRC codes which creates an edit report and notifies duplicate claimants. No changes should be made to the Copyright Office registry until the duplicate filings are resolved.
- Related to recordation of changes on a mass basis our members have noted cases related to performance income belonging to their labels of their copyrights being claimed by others with no rights, including both other SME's and major copyright owners. The prospect of others making electronic transmissions of bulk recordation changes to our existing copyrights is an area of real concern unless there is an automated notification system with appropriate approvals of the original copyright registrants required. There are similar concerns about any mass integration of third party databases controlled by any one party where our members have not vetted the data for accuracy and our member's copyright concerns are not considered.
- Finally, as outlined in our Copyright Office filing on [May 3, 2012 on Copyright Office Fees](#), we oppose any increase in filing fees as a burden on our financially strapped members with the expectation that the electronic upgrades proposed in this Notice of Inquiry would reduce the Copyright Office's costs.

A2IM and our members understand, respect and support the objectives of the Copyright Office enumerated in the NOI, and we support anything the Copyright Office does to preserve and make available to the public the music that makes up our cultural heritage. In meeting that goal we also need to protect and support small and medium sized creators so that the future creation process can continue.

We thank the Copyright Office for this opportunity to comment on this NOI of great importance to our Independent music label community related to Technological Upgrades to Registration and Recordation Functions. Please do not hesitate to contact me with any questions you may have about our position.



Respectfully,  
 Rich Bengloff, President  
 American Association of Independent Music ("A2IM")