

## Copyright and the Music Marketplace Errata Sheet

*Substantive changes to text:*

Page	Correction
Preface	"NYU Law School" changed to "NYU School of Law"
ii	"Elimination of Section 114(i)" changed to "Elimination of Section 114(i) Prohibition"
4	"Repeal section 114(i)" changed to "Repeal section 114(i) prohibition"
6	"with performance rights" changed to "under the PRO consent decrees"
8	"built by" changed to "built from scratch by"
14	"began a" changed to "announced a"
18 n.19	After initial citation, inserted sentence beginning "In 1998 . . . ." and accompanying citation
20	"around over 90%" changed to "more than 90%"
22	"royalties to" changed to "royalties owed to"
25	"the following exclusive rights" changed to "these exclusive rights"
26 n.66	"sheet music." changed to "sheet music annually."
27	"replaced in 2004" changed to "replaced in 2005"
28	"terms for interactive streaming" changed to "terms under section 115 for interactive streaming"
37	"grants of rights," changed to "grants of rights to the PROs,"
38	"real choice in the direct license as an alternative" changed to "real choice to license directly as an alternative"
38	" <i>Buffalo Broadcasting v. ASCAP</i> , the Second Circuit" changed to " <i>Buffalo Broadcasting v. ASCAP</i> , for example, the Second Circuit"
39	"DMX, however, also relied on" changed to "DMX also relied on"
39	"pro rata share of the same annual rate" changed to "pro rata share at the same annual rate"
39 n.157	"catalog was bought by" changed to "catalog was acquired through a transaction with"
40	"publisher's song catalog" changed to "publisher's songs"
40	"the district court held" changed to "the ASCAP rate court held"
43	"fixed after February" changed to "fixed on or after February"
43-44	Changed paragraph beginning "In the 1995 DPRSRA . . . ." for accuracy
49	"Rdio obtain statutory" changed to "Rdio have obtained statutory"
52	Changed sentence beginning "Similar complaints . . . ." for accuracy
56	"music for audiovisual works" changed to "music for inclusion in audiovisual works"
56 n.276	"from videos uploaded by non-record label users" changed to "from uploaded videos"
58	"with YouTube in which" changed to "with YouTube under which"

Page	Correction
59 n.290	Deleted parenthetical beginning "(reporting on recently . . ."
66-67	"to provide standard reporting formats between" changed to "to facilitate standardized reporting between"
69	"requires a basic understanding of" changed to "requires knowledge of"
73	"Others attribute" changed to "Still others attribute"
79	"competing against free" changed to "[and] competing against free"
80 n.391	"clients' music notwithstanding the safe harbors," changed to "clients' music,"
83	"rates set for the public performance" changed to "rates for the public performance"
83	"PROs are overseen by" changed to "PROs be overseen by"
83	"play a predominant role" changed to "play a dominant role"
85	"post-1972 sound recordings would also apply" changed to "post-1972 sound recordings, including fair use and the DMCA safe harbors, would also apply"
85	"recommends full federalization." changed to "recommends full federalization (though with termination rights limited to post-federalization grants)."
90	"amount of royalties" changed to "amount of foreign royalties"
90	"unable to recover as a result of the limited performance" changed to "unable to collect due to the lack of a terrestrial performance"
92	"'time-tested' rates" changed to "'time-tested' ratesetting standards under the ASCAP and BMI consent decrees"
93	"precludes consideration" changed to "precludes rate court consideration"
93	"performances by the rate courts," changed to "performances by the CRB,"
101	"both sound recordings and mechanical rights" changed to "both sound recordings and musical works"
104	" <i>Elimination of Section 114(i)</i> " changed to " <i>Elimination of Section 114(i) Prohibition</i> "
104	"would amend section 114(i)" changed to "would amend section 114(i) of the Copyright Act"
106	"changing the rate standard" changed to "changing the section 115 rate standard"
121	"Music Choice concurred" changed to "Music Choice commented"
133	"special statutory treatment" changed to "special treatment"
136	"whether those rates are" changed to "whether the musical work rates are"
143	"which economic evidence may or may not" changed to "economic evidence that may or may not"
144	"however that rate standard is formulated" changed to "however that single rate standard is formulated"
146	"for products or products are required" changed to "for products that are or are required"
146	"The government, including" changed to "The government, however, including"

Page	Correction
146 n.785	After citation, inserted parenthetical “(defining retransmission consent rights)”
152	“songwriters they represent” changed to “songwriters they in turn represent”
154	“royalty rates could constitute an antitrust violation—or the fact that . . . Pandora.” changed to “royalty rates—or the fact that . . . Pandora—could constitute an antitrust violation.”
154	“UMPG’s negotiation tactics” changed to “UMPG’s tactics”
164	“concede that there must be” changed to “concede that there needs to be”
164	“need, there is little” changed to “need, publisher participants offered little”
164	“rights—and, in addition, to” changed to “rights—as well as to”
165	“be licensed through its MRO.” changed to “be licensable through its MRO.”
172	“parties would be bound” changed to “parties would also be bound”
190	“songwriters would be obligated to license” changed to “songwriters would license”
196	“to that publisher would be entitled . . . royalty payments to that publisher pending . . . .” changed to “to that MRO would be entitled . . . royalty payments to that MRO pending . . . .”
200	“conducted after each phase” changed to “conducted in the first phase and potentially in the rebuttal phase as well”

*In addition, nonsubstantive changes to correct typos, citation format, etc. appear on and in the following pages and footnotes:*

*Main text on pages:* 8, 13, 15, 18, 23, 25, 26, 28, 30, 31, 35, 38, 39, 40, 41, 45, 47, 48, 50, 52, 55, 57, 58, 59, 60, 65, 66, 74, 75, 82, 85, 90, 97, 101, 105, 106, 131, 132, 133, 136, 138, 139, 141, 146, 148, 150, 151, 155, 156, 157, 159, 160, 161, 168, 170, 171, 177, 179, 181, 182, 183, 185, 187, 193, 194, 202

*Footnotes:* 28, 38, 45, 47, 49, 62, 63, 64, 70, 117, 118, 126, 130, 131, 133, 135, 136, 163, 168, 173, 174, 179, 180, 183, 185, 186, 187, 190, 197, 198, 205, 206, 207, 211, 215, 217, 224, 225, 229, 231, 232, 233, 234, 235, 239, 240, 243, 244, 246, 251, 269, 270, 271, 274, 276, 279, 281, 283, 290, 306, 309, 310, 311, 312, 320, 325, 333, 337, 343, 359, 361, 366, 384, 389, 396, 397, 399, 423, 445, 470, 483, 504, 505, 506, 507, 510, 532, 556, 673, 674, 675, 695, 696, 746, 748, 750, 751, 754, 755, 756, 757, 761, 762, 763, 768, 769, 776, 777, 780, 783, 789, 792, 793, 794, 815, 822, 842, 843, 846, 854, 855, 858, 860, 866, 869, 871, 872, 875, 876, 884, 887, 896, 897, 908, 909, 923, 930, 931, 948, 959, 962, 963, 968, 974

*As of May 2016*