Reply Comments of the Songwriters Guild of America, the Society of Composers & Lyricists, and the United States' Affiliate Members of Music Creators North America

Re: U.S. Copyright Office [Docket No. 2025–1]
Issues Related to Performing Rights Organizations [FR Doc. 2025–02418 --Filed 2–7–25]

AGENCY: U.S. Copyright Office, Library of Congress.
ACTION: Notice of Inquiry (NOI)
DATE OF SUBMISSION: May 22, 2025

I. Introduction

The following Reply Comments are respectfully submitted by the signatory organizations Songwriters Guild of America,[1] the Society of Composers & Lyricists,[2] and the United States affiliate members of Music Creators North America[3] (MCNA) (listed at the conclusion of these Comments) in response to the above-captioned NOI.[4] Together, these groups represent and advocate on behalf of hundreds of thousands of independent songwriters, composers, lyricists and music creator partner organizations located within the United States and throughout the world.[5]

At the outset, we wish to thank both the US Copyright Office (USCO) for the opportunity to present these Reply Comments, as well as those members of Congress whose letter of inquiry first prompted the NOI. The collective licensing of US performing rights in musical compositions has a profound bearing not only on the personal, professional and financial survival of American music creators, but also on the overall American economy and trade balance. It likewise impacts our country's ability to maintain its position as by far the world's most popular exporter of musical culture to the world, and as the world's largest single market for the appreciation and consumption of musical works.[6] It therefore behooves us as both a creative community and a nation to monitor as diligently as possible the efficacy of the US performing rights collective licensing system, seeking to preserve the ideals and benefits of free market competition while remaining open to discussing potential improvements in efficiencies for creators, business entities and consumers.

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[1] https://www.songwritersguild.com/site/index.php
[2] https://thescl.com/
[3] https://www.musiccreatorsna.org/
[4] https://www.govinfo.gov/content/pkg/FR-2025-02-10/pdf/2025-02418.pdf
Federal Register / Vol. 90, No. 26 / Monday, February 10, 2025 at 9257:
"The Office is requesting public comment on the following topics: 1. To what extent, if any, have there been increased financial and administrative costs imposed on licensees associated with paying royalties to additional PROs; 2. Factors that may be contributing to the formation of new PROs; and 3. Recommendations on how to improve clarity and certainty for entities seeking to obtain licenses from PROs to publicly perform musical works….4. How PROs currently gather information concerning musical works publicly performed at live music venues, on music services (e.g., digital music providers), and by other general licensees (including bars, restaurants, stores, hotels, and similar venues); 5. Whether the manner in which the PROs gather information regarding public performances adversely impacts lesser-known artists and smaller publishers; 6. What information PROs currently provide to the public, including with respect to: (a) repertoire information and metadata (e.g., song titles, songwriter and publisher information, ownership shares, and unique identifiers); and (b) royalty distribution practices and policies; 7. Whether any gaps or discrepancies occur in royalty distributions, including circumstances where it is likely for performance data to be unavailable or incomplete and where PROs must rely on proxy or survey data for royalty distributions; 8. What technological and business practices exist or could be developed to improve the current systems for usage tracking and royalty distribution; 9. The extent to which current PRO royalty distribution practices are the result of existing legal and regulatory constraints; and 10. Additional recommendations for Congress to address these issues."
[5] A full Statement of Interest regarding each of these parties is included in Section II of these Comments.
[6] See, e.g., https://themusicnetwork.com/america-dominates-ifpi-best-selling-singles-chart-2024/

Having seen no cogent, believable response to our suggestion that copyright users are simply attempting to engage in performing rights royalty payment avoidance altogether, we hereby reiterate in full our prior comments submitted on April 11, 2025. The commenting users seek nothing more than to harm or destroy the system of collective licensing that has been carefully constructed under US Government oversight over the course of nearly a century, *in large part as the result of their own demands for licensing convenience*. And they do so entirely for their own short -term, windfall profits at the expense of American and global music creators.

Our certainty over this conclusion has been wholly reinforced by recent statements from leaders of the technology sector --who are also some of the most vociferous proponents for US PRO "reforms"-- that US and global intellectual property protections need to be "deleted" altogether.[7] This preposterous, anti-competitive, anti-property ownership provocation cannot be ignored for the simple fact of its outrageousness.

At this juncture, nothing could be clearer than the nature of the misplaced motivation underlying attempts to destroy the collective PRO licensing system in the United States: it is blind greed without regard to culture, law or economics. The principle that competition drives efficiency is not one that requires revision. Rather, it is the basis for our entire economic system, and is not in need of fixing—especially not to suit the whims of multi-billion-dollar, multinational corporations whose desire to loot the US and global copyrighted works of others seems to overwhelm all other economic and cultural factors relevant to intellectual property valuation and protection under the US Constitution.

II. Statements of Interest

SGA is the longest established and largest music creator advocacy and copyright administrative organization in the United States run solely by and for songwriters, composers, and their heirs. Its positions are reasoned and formulated independently and solely in the interests of music creators, without financial influence or other undue interference from parties whose interests vary from or conflict with those of songwriters, composers, and other authors of creative works. Established in 1931, SGA has for over 94 years successfully operated with a two-word mission statement: “Protect Songwriters,” and continues to do so throughout the United States and the world. SGA’s organizational membership stands at approximately 5000 members

SCL is the premier US organization for music creators working in all forms of visual media (including film, television, video games, and musical theatre). It has a membership of over 4000 professional composers and lyricists, and is a founding co-member --along with SGA and other independent music creator groups-- of MCNA.

MCNA is an alliance of independent songwriter and composer organizations that advocates and educates on behalf of North America’s music creator community. As the only internationally recognized voice of North American songwriters and composers, MCNA, through its global

[7] See, https://www.digitalmusicnews.com/2025/04/14/jack-dorsey-ip-comments/?fbclid=IwY2xjawKRC4NleHRuA2FlbQIxMQBicmlkETA5eDNTZFFqb3UwY0VvMDAwAR6Ox627cd8bzQoyQbHxbdo3bd -cuo6MqXLGjUhUvgrvQXzZdhtbqlB6O3Graw_aem__HM4Cjt5HpZvVZjjjGU9zw

affiliations, is part of a coalition that represents the professional interests and aspirations of more than half a million music creators across Africa, Asia, Australasia-Oceania, North and South America, and Europe.

III. Conclusion

We once again thank the USCO for consideration of these Comments, and for its recognition of the crucial importance of the role played by the "multiple PROs competition" approach to collective performing rights licensing in the US. As always, we stand ready to assist and participate in all future discussion and initiatives on the issues addressed.

Respectfully submitted,

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Co-Chair, Music Creators North America

cc: Charles J. Sanders, Esq.
Mr. Eddie Schwartz, President, Music Creators North America
Members of the US Senate and House Sub-Committees on Intellectual Property

List of American MCNA Affiliated Organizations:
Alliance for Women Film Composers (AWFC) https://theawfc.com,
Game Audio Network Guild (G.A.N.G.) https://www.audiogang.org/
Music Answers (M.A.), https://www.musicanswers.org
Fair Trade Music International (FTMI), https://www.fairtrademusicinternational.org/ (non-MCNA member)