Before the
UNITED STATES COPYRIGHT OFFICE
The Library of Congress
Washington, DC

Issues related to Performing Rights Organizations	Docket No. 2025-01

COMMENTS OF ALLTRACK PERFORMING RIGHTS LLC

ALLTRACK Performing Rights LLC ("ALLTRACK") respectfully submits these comments in response to the U.S. Copyright Office's Notice of Inquiry regarding issues related to Performing Rights Organizations (PROs) (Docket No. 2025-1).

INTRODUCTION

ALLTRACK is a modern, full-service performing rights organization ("PRO") founded in 2017 and launched in 2019 – one of the first new U.S. PROs created in roughly the past century. As a PRO, we serve songwriters, composers, and publishers to ensure they receive royalties whenever their works are publicly performed, whether via streaming services, radio/TV broadcasts, satellite and cable TV transmissions, in venues like bars, restaurants, and hotels, and at live events. We accomplish this by providing non-exclusive blanket licenses to businesses that use music for all of the musical works in the ALLTRACK repertoire at any given moment in time. ALLTRACK is a purpose-driven organization founded with a mission to represent independent music creators and publishers on a global scale, a demographic that has proliferated due to new technology tools available in the marketplace and is now responsible for over 50% of streaming volume on Spotify[1]. We are also the only PRO in the U.S. solely dedicated to serving this demographic.

Gaining recognition as a legitimate and capable PRO requires far more than simply establishing a business, it demands meeting some of the most rigorous global standards for rights management, developing

[1] https://loudandclear.byspotify.com/#takeaway-9

significant technological systems and capabilities, establishing licenses with a wide network of licensees and foreign PROs, and providing financial accountability to your base of creators and publishers. ALLTRACK is proud to be only the fourth U.S. PRO to become affiliated with CISAC (the International Confederation of Societies of Authors and Composers) in its capacity as a rights management entity, alongside fellow members and rights management entities ASCAP, BMI, and SESAC, a distinction that underscores our technological capabilities and integrity. CISAC is a global non-governmental organization that sets rigorous standards, promotes best practices, and facilitates cross-border collaboration for the administration of creators' rights, while also maintaining crucial technical systems and identifiers (like ISWC and IPI) used by PROs that underpin global royalty tracking and exchange. Affiliation with CISAC is not granted lightly; it requires sophisticated and interoperable systems capable of exchanging standardized song codes globally, managing international royalty flows, and ensuring accurate and transparent accounting to creators and publishers. These systems are heavily used by each PRO affiliated with CISAC and foundational to maintaining the trust of both the global rights community and our independent creators. We have invested heavily in technological capabilities in order to process billions of performances down to the platform, songwriter, and song level across the globe, which are prerequisites for operating effectively and reputably in the modern music rights industry.

Our team at ALLTRACK is comprised of seasoned professionals who have served on PRO boards, as CEOs of music data platforms, and as executives and technology professionals at prominent PROs (including ASCAP, BMI, and SESAC), CMOs, music publishers, and music streaming services. While smaller than most of our PRO counterparts, this collective expertise ensures that ALLTRACK operates at the highest levels of professionalism and effectiveness, with deep knowledge of the creative, technological, and administrative aspects of music rights management, bringing institutional credibility to all of our operations and licensing practices.

Music is more than a licensed commodity, it is a universal language that sparks memories and emotions, motivates customers, and shapes the atmosphere of every space it reaches. PROs and the businesses they serve therefore share a natural synergy: PROs exist to clear the path for music to flow legally and without friction, while digital services, broadcasters, restaurants, gyms, hotels, and other local businesses eagerly rely on that music to enrich the experiences they provide to their customers. The only potential tension arises at the moment value changes hands, but this exchange is not "music vs. business". In reality, every songwriter is also a small business, investing time, talent, and capital in the hopes of earning a fair return so they can support their livelihood and families. When a local business remits a modest blanket license

fee, it is supporting thousands of these creative micro-enterprises, ensuring the soundtracks it depends on continue to be written, recorded, and shared.

SUMMARY

1. **The value of public performance rights have been subject to multiple compounding regulatory ceilings that continue to depress songwriter and publisher earnings below free-market levels.**

   Many regulations have been implemented over past decades that layer various forms of artificial ceilings on the value of public performance rights, including:

   a) Consent Decrees
   b) Fairness in Music Licensing Act of 1998
   c) Music Modernization Act of 2018

   Generally speaking, businesses should be able to operate in free markets with willing buyers and sellers – a concept that is a bedrock of U.S. capitalism. However, the forces of significantly larger industries and special interests have successfully influenced legislation over the past decades, which have collectively imposed unnatural limitations on songwriters' earnings. As a result of these regulations, **the United States, a leader in arts and entertainment on the global stage, is now ranked a dismal 45th in terms of royalty collections as a % of GDP**[2] (per the "2024 CISAC Global Collections Report"). This is not just a factor of the size of the US economy, both developed nations and smaller nations rank up to 5 times higher than the US in this statistic. As a nation, the US is already so far behind the rest of the world in compensating our songwriters relative to the size of our economy that it is quite difficult to imagine introducing even more regulations to artificially hinder their earning potential. If anything, we should be looking at ways to increase songwriter earnings.

[2] See p.53 of the 2024 CISAC Global Collections Report (https://www.cisac.org/global-collections-report-2024)

2. **Nonetheless, certain aspects of our free markets that are still intact allow for much better outcomes than if new regulations were introduced to limit competition.**

In the year 2000, ASCAP and BMI had 362,000[3] combined members. Today, the US PRO system has approximately 2.5 million[4] members, representing almost 7x growth during that period. This proliferation in creators was made possible directly by the technological advancements and new tools made available to creators in the marketplace. Free markets have enabled ALLTRACK to be formed and focus on this new and underserved demographic. Please find a more thorough explanation of this in our response to question A2 below.

RESPONSES TO U.S. COPYRIGHT OFFICE INQUIRIES 1 THROUGH 9

A. THE INCREASE IN PROs

1. **To what extent, if any, have there been increased financial and administrative costs imposed on licensees associated with paying royalties to additional PROs?**

We believe several factors should be taken into account when assessing the trends of public performance licensing and administrative costs to licensees:

a) Businesses have a choice of whether to play music, which music they play, and how they license the right to play that music (which options extend beyond just obtaining blanket licenses directly from PROs). For businesses considering obtaining an ALLTRACK blanket license, the ALLTRACK repertoire is available to be searched by the public anytime on alltrack.com, and has been ever since ALLTRACK launched to the public in 2019. Similarly, most of the other PROs have public tools that allow music users to search their repertoires, all of which ultimately allow a music-using business to hand-select which songs they would like to play.

b) Licensees are not required to take PRO licenses. As the Copyright Office noted in the NOI, "businesses have the option of obtaining performance licenses directly from publisher or songwriter copyright owners."

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[3] In the year 2000, BMI had 250,000 members (https://www.bmi.com/press/entry/534745) while ASCAP had 112,000 members (130,000 in 2001 after adding 18,000 that year, resulting in 112,000 in 2000)(https://www.worldradiohistory.com/Archive-All-Music/ASCAP/Annual-Reports/ASCAP-Annual-Reports-2001.pdf)

[4] Per a recent ASCAP press release, ASCAP has "greater than 1 million members" (https://www.ascap.com/press/2025/05/05-21-cardi-b-voice-of-culture), and per a recent BMI press release, BMI has "1.4 million members". (https://www.bmi.com/press/entry/593388)

c) While we do not interact directly with other PROs on pricing, based on information that we have seen in the marketplace, we are confident in most cases that an ALLTRACK license costs less than an equivalent license issued by ASCAP, BMI, GMR, or SESAC. We recommend that the immateriality of the cost of an ALLTRACK license, often only a few hundred dollars per year for a restaurant or bar (for example), be taken into account in the course of this investigation and the Copyright Office's recommendations to Congress.

d) ALLTRACK has invested considerable time and capital into making our licenses extremely simple and easy to obtain, so as to avoid unduly burdening licensees with administrative headaches. Most ALLTRACK licenses can be obtained in under five minutes.

e) We recognize that businesses already maintain relationships with hundreds or even thousands of suppliers. In that light, working with just five reputable PRO partners, up from three for approximately the past 100 years, should feel comparatively straightforward, far from untenable, and need not add meaningful burden to day-to-day operations. We believe this to be especially true given that the vast majority of general licensing blanket licenses are fixed fee annual payments with little to no reporting or other material administrative maintenance requirements.

f) Regarding the Congressional Request stating that bars, restaurants, stores, hotels, and music venues engaged in the public performance of musical works "have reported receiving demands for royalties from new entities claiming to represent songwriters, and threatening litigation if the demands are not met", ALLTRACK does not have any knowledge of its licensing representatives "threatening litigation" in connection with routine licensing communications. In our experience, there have been instances where ALLTRACK's attempts to educate licensees on copyright rules have been misinterpreted as threats if not read closely. If, however, we are aware of and have evidence that a business has infringed on ALLTRACK-represented music without a proper performance license, we reserve our rights to pursue legal action, just as each of the other PROs do.

g) The number of musical works available to licensees in the overall market has grown exponentially in the digital era according to ALLTRACK's internal research. This means that music-using businesses now have a significantly larger universe of music to choose from, which they can in turn use to attract and retain both customers and human capital. We believe it is unrealistic and contrary to free market principles to

believe that an increase in music options year over year would not permit copyright owners to ask to earn more in license fees.

h) Inflationary forces are at work in almost every industry worldwide. Introducing additional price constraining regulations to an already highly regulated industry would only further serve to artificially transfer value away from songwriters, contrary to the U.S. Constitution's goal of promoting creative progress.

2. Factors that may be contributing to the formation of new PROs.

As a new PRO, we can address this question from the perspective of ALLTRACK. In the year 2000, ASCAP and BMI had 362,000[5] combined members. Today, the US PRO system has approximately 2.5 million[6] members, representing almost 7x growth during that period. In comparison, the U.S. population is estimated to have grown by only 18% during the same period. This exponential proliferation in creators is directly attributable to the digital revolution that enabled them to manage almost every aspect of their careers independently. The founder and early investors of ALLTRACK witnessed this proliferation of new creators, and possessed a deep understanding that independent creators have different needs than established creators. Without publishers, managers, or attorneys to guide them through their music careers, independent creators have also been forced to learn the business side of the industry, rather than just being able to focus on making music. While ASCAP and BMI accepted most of these creators, they also needed to balance this with serving the top 1% of songwriters in the world. In ALLTRACK's opinion, ASCAP and BMI, each needing to serve a base of over 1 million creators effectively, including the largest songwriters in the world, was and remains simply untenable. This resulted in great demand and need in the marketplace for a new PRO, one that could welcome both unaffiliated creators and members of existing PROs who were, in certain cases, feeling underserved or disenfranchised from their existing PROs. In 2019, ALLTRACK launched with the clear purpose of super-serving the independent sector by offering free registrations, intuitive tools, and new services previously unavailable at any other U.S. PRO. Our technology has been built on modern rails, allowing us to develop quickly, adapt in real-time, and offer creators the one-stop ability to manage their combined performance and

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[6] Per a recent ASCAP press release, ASCAP has "greater than 1 million members" (https://www.ascap.com/press/2025/05/05-21-cardi-b-voice-of-culture), and per a recent BMI press release, BMI has "1.4 million members". (https://www.bmi.com/press/entry/593388)

mechanical rights through a single portal. The convenience of this feature is touted by almost every creator that we onboard onto our platform for these services. So, while the digital revolution ushered in a new business problem in the form of how to serve an ocean of new creators, free markets enabled ALLTRACK to form and develop an innovative and scalable technology platform, in certain cases with better features than what existed previously in the marketplace, and to solve problems that we felt the incumbents were not going to solve timely, if ever. **Music creators deserve the right to have PROs compete in the market and to choose which PRO to join based on their unique needs.** Throughout history, competition has produced countless better outcomes than regulated environments, and the new solutions ALLTRACK has built for music creators and publishers is a testament to free markets working as intended.

3. **Recommendations on how to improve clarity and certainty for entities seeking to obtain licenses from PROs to publicly perform musical works.**

    a. **Repertoire search.** The PROs should continue to maintain and enhance publicly accessible online databases of their repertoires. In the case of ALLTRACK (for example), we enhanced our search results earlier this year by adding the ALLTRACK Control Share % field, so that users can understand how much (in percentage terms) of any given song is represented by ALLTRACK.

    b. **Clear licensing pathways.** At ALLTRACK, when a business seeking a license contacts us by phone, email, or web contact form, we route that contact to one of our licensing specialists. Our licensing specialists assist them with understanding whether a license is required and, if so, what the cost would be based on a fee schedule for similarly situated businesses and the associated terms of the license. The licensee always has the opportunity to see the license fee and terms before entering into the license. Our base of licensees continually compliments us about how easy it is to obtain an ALLTRACK license, specifically the simplicity of our rate schedules. We are also constantly striving to improve our educational and licensing processes so that prospective licensees understand precisely why they are obtaining a license and the terms of what they're purchasing.

    c. **Proactive Outreach and Education.** PROs should engage in ongoing outreach to industry sectors requiring public performance licenses. This includes producing

educational materials, hosting webinars, and partnering with trade associations to ensure businesses of all sizes understand their options and obligations.

d. **Blanket Licensing.** Regarding the Office's question about "certainty", music-using businesses seeking certainty around music licensing have the affordable option of obtaining licenses from all PROs. This, in essence, translates into a public performance license for virtually all of the world's music, both as of the day the license is obtained and for all uses of newly released music in the future while the licenses remain in place. Blanket licensing remains by far the most efficient means for a business to license performing rights. The alternative, whereby businesses would need to seek licenses on a song-by-song or songwriter-by-songwriter basis, can quickly become incredibly cumbersome. Songs can have multiple songwriters and publishers, sometimes up to 30 or more. On top of this, recordings can use samples from other songs, which require additional clearances from all songwriters and creators of the song that is sampled. In this example, a business might need to obtain licenses from 60 parties or more just to clear one song. PROs ensure proper coverage for all of these scenarios.

B. GENERAL LICENSING DISTRIBUTION METHODS

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).

ALLTRACK receives song usage data files from many different US licensees. When usage data for US performances can be obtained from ALLTRACK's licensees, we use this data to calculate royalties. When usage data from licensees is unavailable, we look to procure reputable third party usage data on a census or survey basis. The usage data is processed and matched to the works in our database. If a match occurs, we calculate the royalty amounts for these usages and allocate them to a royalty statement for each ALLTRACK member. For live performances reported to ALLTRACK by our members directly, we verify that the performances were submitted on time and occurred at a licensable venue. If both are true, we add the corresponding live performance royalties to each statement. In instances where usage data is missing or cannot be obtained from the licensee or procured from a reputable third party, such as in the cases of

performances at many bars, restaurants, stores, hotels, and similar venues, we allocate distributable funds via statistically validated proxy pools that reward all registered ALLTRACK members proportionally – an approach that avoids the "radio bonus" practices that may exist at other PROs.

5. **Whether the manner in which the PROs gather information regarding public performances adversely impacts lesser-known artists and smaller publishers.**

It has been well discussed within the music publishing industry that the large PROs often use collections from "general licensing" venues (bars, restaurants, hotels, etc.), where song-level usage tracking is unavailable, to pay radio bonuses to the largest songwriters and publishers. This is not an illegal act, it is well within the rights of each PRO to design its own royalty distribution methodologies. However, the practice of paying royalty bonuses ultimately results in higher royalties for larger creators and publishers at the expense of smaller ones. Conversely, ALLTRACK allocates unmatched general licensing collections to its digital payout bucket so that all members can receive a portion of these royalties, under the premise that this is a more fair and democratized means of distributing royalties to its membership base of independent creators and publishers. If "lesser-known artists and smaller publishers" are unhappy with the royalty distribution structures at larger PROs, they can choose to join ALLTRACK, which caters specifically to their demographic and may lead to higher royalty payouts, or another non-ALLTRACK PRO, depending on whether their distribution rules are more favorable to any particular creator or publisher. This is another case where free markets have enabled problems to be solved by industry, without any governmental intervention.

6. **Information PROs currently provide to the public:**

   a. **What information PROs currently provide to the public, including with respect to repertoire information and metadata (e.g., song titles, songwriter and publisher information, ownership shares, and unique identifiers).**

ALLTRACK displays the following 10 data points page for each work that it represents on its public repertoire search, to the extent we possess the data:

1. Song title

2. Performer name
3. All known writers (regardless of PRO affiliation)
4. The PRO of each known writer
5. The IPI number (unique identifier) of each known writer
6. All known publishers (regardless of PRO affiliation)
7. The PRO of each known publisher
8. The IPI number (unique identifier) of each known publisher
9. ISWCs (unique work identifiers)
10. The percentage of each song that ALLTRACK represents for performing rights

Title 1	Good Guy
Alt Titles	Good Guy (feat. Mike Herrera and Travis Barker)
Performers 2	Goldfinger, Mike Herrera, Travis Barker
ISWC 9	T3033436378
10 AllTrack Control Share	33.34%

Songwriter/Composer *(First Middle Last)* 3	Current PRO 4	IPI # 5
MICHAEL ARTHUR HERRERA	ALLTRACK	00338611366
JOHN WILLIAM FELDMANN	AMRA	00334133695
TRAVIS L BARKER	ASCAP	00340247397

Publisher 6	Current PRO 7	IPI # 8
BEAT POET MUSIC	ASCAP	00429354741
BMG RIGHTS MANAGEMENT US LLC	BMI	00579769956
NOISE NEST PUBLISHING	ASCAP	00896618964
SONGS OF KOBALT MUSIC PUBLISHING	BMI	00401084411
STRAIGHT FROM THE CROWD	ALLTRACK	01067191457

b. What information PROs currently provide to the public, including with respect to royalty distribution practices and policies.

ALLTRACK maintains a help center that describes many aspects of working with ALLTRACK, including distribution practices. Contrary to other PROs, which may pay different all-in royalty rates per play to certain members based on bonuses awarded on songs determined as "premium", or in the form of non-recoupable advances (signing bonuses) or minimum guarantees, ALLTRACK pays all of its members the same royalty rates per equivalent type of performance. Unlike other PROs, ALLTRACK also does not provide non-recoupable advances (signing bonuses) or minimum guarantees, which reward some members at the expense of others. And, while certain PROs only pay royalties on live performances that meet certain size criteria, ALLTRACK pays royalties on all live performances submitted to ALLTRACK by its members as long as they were performed at licensable locations.

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.**

   See responses to Questions 4 and 6b.

8. **What technological and business practices exist or could be developed to improve the current systems for usage tracking and royalty distribution?**

   Innovation is in ALLTRACK's DNA. ALLTRACK is the first US PRO to offer mechanical rights administration services to our members through our integrated music rights platform, and in a matter of weeks will be announcing ALLTRACK as the first US PRO to offer the administration of a third significant rights type that our members will be able to manage. On top of this, we are currently developing a new open-source music usage monitoring system designed to assist businesses, music copyright holders, and PROs with reporting which songs are played at public venues to improve the accuracy of royalty distributions. We believe the current U.S. PRO system taken as a whole is doing an excellent job of tracking and distributing royalties to the songwriting and publishing community at large. However, we also believe there is room for continued technological improvement. And, while future technological improvements are not expected to increase license fees for businesses, it is reasonable to expect them to increase the accuracy of the royalty distributions being made to music creators and publishers. We strongly believe that additional organic solutions will continue coming within our industry, and that no additional regulatory intervention is required.

9. **The extent to which current PRO royalty distribution practices are the result of existing legal and regulatory constraints.**

   There are no legal or regulatory constraints impacting ALLTRACK's distribution practices.

SETTING THE RECORD STRAIGHT ON COMMENTS MADE ABOUT ALLTRACK BY OTHER PROs

Several assertions in the initial BMI and GMR comment submissions due April 11, 2025, misrepresent ALLTRACK's transparency and repertoire scope. We have chosen to correct some of these misrepresentations below:

BMI Misrepresentations

1. *BMI comment*: "In stark contrast, it appears that at least two new market entrants—ALLTRACK and Pro Music—make little information readily available regarding the contents of their respective repertoires."

   ALLTRACK response: This is incorrect as related to ALLTRACK. Our repertoire is and has always been readily available to search at any time and produce comprehensive search results. Our repertoire search contains **every musical work** we represent **in real-time** and presents **every meaningful field** that BMI presents. A list of the fields we present is included above in response 6A to the Copyright Office's questions under the NOI.

2. *BMI comment*: "ALLTRACK purports to maintain a repertoire search feature on its website. That feature does not, however, provide sufficient functionality to allow a user to straightforwardly access copyright ownership data. To search ALLTRACK's repertoire, a user must provide *two* of the following data inputs: (1) song title, (2) publisher, (3) songwriter, and (4) performer. In other words, identifying the copyright owners affiliated with ALLTRACK and the musical works in its repertoire requires, at a minimum, running many time-intensive, granular, individualized searches based on inputs a user would need to obtain independently of the information ALLTRACK makes available. For example, for a user to determine the existence and scope of ALLTRACK's rights in songs by a given songwriter, the user would need to: (1) independently identify (outside of any information made available by ALLTRACK) the name of each song written by that songwriter, the performer of each such song, or the publisher of each such song; and then (2) manually input, in separate searches, each potential combination of the songwriter's name and one of these other data points to determine which, if any, songs by a given songwriter are contained in the repertoire."

   ALLTRACK response: Publicly available evidence suggests otherwise. A user has always been able to search ALLTRACK's repertoire with **one** data input for song title, songwriter, and publisher rather than two, as stated by BMI above. Accordingly, a user does **not** need to "run many time-intensive, granular, individualized searches based on inputs they would need to obtain

independently of the information ALLTRACK makes available," as BMI stated. Quite the contrary, searching ALLTRACK's repertoire is very simple. Below is an image proving that search results populate after inputting a one-word term into a single field.

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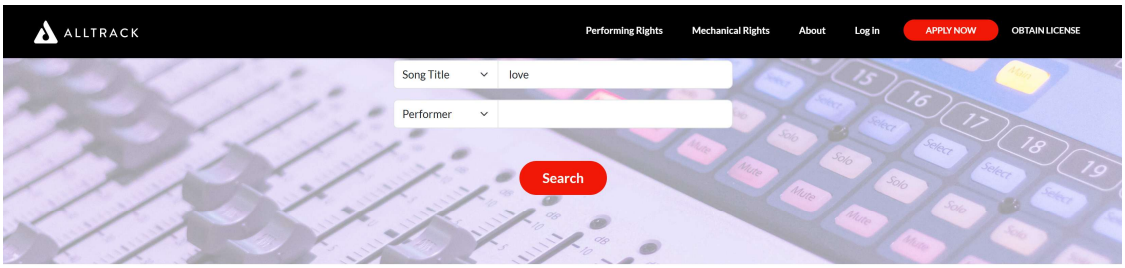

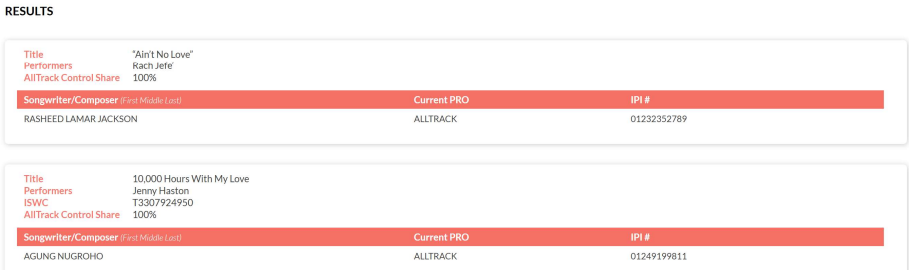

3. *BMI comment*: "ALLTRACK's homepage advertises its ownership of musical works…".

   ALLTRACK response: This is incorrect. To clarify, while ALLTRACK represents works, ALLTRACK does <u>not</u> "own" musical works, advertise "ownership" of any musical works, nor purport to "own" any musical works within any ALLTRACK properties or materials whatsoever. Further, ALLTRACK does not advertise musical works or performers of ALLTRACK-represented musical works for performing rights under any circumstances unless we represent the underlying performing rights in the associated works.

<u>GMR Misrepresentations</u>

1. *GMR Comment*: "Yet, new entrants like ALLTRACK and PRO Music Rights have not entered the performing rights marketplace with the same degree of candor, legitimacy, and transparency that is required of and upheld by the four major PROs. By way of example and as previously stated in response 1 above, when GMR entered the marketplace, it did not even begin outward-facing

licensing discussions with potential licensees for more than two years. Instead, it focused on winning over clients from other PROs in order to offer a meaningful repertoire that it believed licensees would find value in performing."

ALLTRACK Response: While GMR justifies its legitimacy in its early days by saying it waited two years to begin licensing discussions, ALLTRACK spent three years accumulating writers and publishers prior to issuing a public performance license. Further, ALLTRACK is a candid, legitimate, and transparent organization, as exemplified by our affiliation with CISAC as a rights management entity. Our employees are highly experienced, having been on PRO boards, CEOs of music data companies, and senior executive positions at US PROs (including ASCAP, BMI, and SESAC), music publishers, and CMOs. And, our organization constantly strives to exemplify the highest levels of professionalism.

2. *GMR Comment*: "ALLTRACK does not publish any meaningful level of repertoire information on its website, making it practically impossible for any user of music to ascertain the works that ALLTRACK represents."

   ALLTRACK Response: Publicly available evidence suggests otherwise. Our repertoire is and has always been readily available to search anytime. It contains **every musical work** we represent **in real-time** and presents **every meaningful data field** that GMR provides. A list of the fields that we present is included above in response 6A to the Copyright Office's questions under the NOI.

3. *GMR Comment*: "And to compound that issue, as of the date of submission of these comments, ALLTRACK "makes no warranties or representations about the information, including but not limited to its accuracy and currency "that is provided in its repertoire."

   ALLTRACK Response: All PROs have a disclaimer of this nature because the data within each of our repertoires is entirely sourced from third party songwriters and publishers whose claims on works cannot always be verified with complete certainty. When a songwriter joins a PRO, they register songs with that PRO by entering song-level metadata into their PRO account (but not a recording of the actual song itself). PROs then license and collect fees based on the data they have received. While we employ processes to verify this data if possible, it is also possible that a user provides inaccurate data or that conflicts are created when other songwriters claim they own portions of a song that collectively lead to percentages greater than 100% (until resolved by these parties). It is not uncommon for these conflicts to arise. This leads the PROs to disclaim liability,

since they were not the original data source. While GMR's statement about ALLTRACK was not a misrepresentation, we thought it was important to highlight how perplexing GMR's attempt to discredit ALLTRACK was by citing ALLTRACK's disclaimer language, when GMR has even stronger disclaimer language than ALLTRACK regarding searching its repertoire, as posted on GMR's Terms of Use page:

> *GMR's Terms of Use*[7]: "Although Company uses reasonable efforts to update the Company Database and improve the accuracy of the information contained therein, Company makes no guarantees, warranties or representations of any kind with regard to and cannot ensure the accuracy, completeness, timeliness, quality or reliability of any information made available on and through the Company Database. Company specifically disclaims any and all liability for any loss or damage of any kind that you may incur, directly or indirectly, in connection with or arising from, your access to, use of or reliance upon the Company Database, including any errors or omissions in the information contained therein. Your use of and reliance upon any information contained in the Company Database is solely at your own risk."

4. *GMR Comment*: "ALLTRACK and PRO Music Rights' operation in the PRO marketplace is antithetical to that of the four major PROs: they have (1) failed to amass any meaningful repertoire that a licensee would find valuable to its business and (2) represented to licensees that they have acquired the rights to a much more substantial body of work than they actually have."

   ALLTRACK Response: Both sections of GMR's statement are incorrect regarding ALLTRACK. ALLTRACK has specific, detailed, and documented evidence of thousands of businesses that have found its music valuable enough to have publicly performed it. ALLTRACK maintains a detailed listing of every business that has used its music, both licensed and unlicensed, and could produce this list in a moment's notice. Further, ALLTRACK never represents that we have acquired the rights to music that we do not have.

<u>Conclusion on Commentary Made About ALLTRACK by Other PROs</u>

It is disappointing that BMI and GMR would make such significant public misrepresentations about ALLTRACK at all, let alone in formal comments addressed to the United States Copyright Office. In addition to their misstatements about ALLTRACK, they seem to be attempting to undermine ALLTRACK's

[7] https://globalmusicrights.com/termsofuse

legitimacy and credibility due to our status as a younger, smaller organization that represents independent songwriters and publishers. While BMI and GMR may be PROs of the "one percenters", every large songwriter began their career as a small songwriter. A vibrant independent music community is critical to the health of the overall music industry and to music-using businesses that play independent music at their locations daily. While some of our independent creators are small and some are large touring artists with substantial catalogs, we will continue to respect and celebrate each and every one of our independent creators and publishers and work hand in hand with the business community with maximum professionalism to make the musical works of our independent creators accessible to them.

Lastly, while ASCAP, BMI, and GMR have raised serious concerns about potential improprieties of Pro Music Rights (sometimes referred to as Music Licensing Inc.), including its widely questioned public claim of representing 7.4% market share[8] across all U.S. PROs during its first year of operating, allegedly surpassing century-old SESAC by a factor of five, ALLTRACK stands in stark contrast. ALLTRACK operates with full accountability and adherence to industry best practices and principles that have earned the trust of creators and licensees alike. ALLTRACK is a completely independent organization, has no affiliation whatsoever with Pro Music Rights, and explicitly rejects any comparison.

RECOMMENDATIONS TO THE U.S. COPYRIGHT OFFICE AND CONGRESS

We believe further governmental intervention is unnecessary. ALLTRACK strongly supports free market principles, which have enabled meaningful innovation and progress in the performing rights industry.

While a significant amount of regulation has been implemented in the performing rights industry that has already resulted in the U.S. compensating its songwriters far less than most of the world in relative terms, we believe the aspects of the industry that are still operating in free markets are working effectively. **The digital revolution over the past 25 years has enabled a massive proliferation in music creators with distinct needs relative to managing their music rights. ALLTRACK is simply a byproduct of this proliferation.** Free markets are what allowed ALLTRACK to be formed, to serve this new demographic of independent creators that hadn't existed in the past, and to build unprecedented technology among U.S. PROs that enables independent creators to manage both performing and mechanical rights on an integrated basis, with more uniquely integrated services to come.

[8] https://www.digitalmusicnews.com/2018/08/03/pro-music-rights-7-4-market-share/

Businesses that wish to play music have options – they can license music directly with creators and publishers or license music through one or many PROs. If they choose not to obtain licenses from all PROs, they have access to detailed repertoire search tools that enable them to research which songs they can license or which PROs they can obtain licenses from. Accordingly, we believe repertoires across the PRO industry already provide the transparency that businesses require to utilize music.

ALLTRACK respectfully submits that the current competitive framework, supported by existing federal and state legal structures, is already fully capable of addressing the issues raised in the Copyrights Office's Notice of Inquiry. We recommend that the Office refrain from proposing any new legislative or regulatory measures that could unintentionally undermine incentives for innovation, transparency, or fair compensation. Additionally, we urge the Office to avoid any recommendations that would interfere with the private contractual relationships between PROs and their songwriter and publisher members, whether related to the distribution methods surrounding general licensing collections or otherwise.

CONCLUSION

ALLTRACK is grateful for the opportunity to provide the Copyright Office with these qualitative and data-driven insights. We reiterate that preserving today's competitive marketplace without adding new legislative mandates is the most effective way to keep music easily and affordably available to businesses while safeguarding the livelihoods of the songwriters who create it.

ALLTRACK welcomes the feedback of the NOI as well as the opportunity to discuss any performing rights related matters in greater detail directly with the Copyright Office.

Respectfully submitted,

ALLTRACK PERFORMING RIGHTS LLC
Hayden Bower
Chief Executive Officer

Dated: May 27, 2025