

**Before the
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Washington, D.C.**

In the Matter of)	
)	
)	
Mechanical and Digital Phonorecord)	Docket No. 2012-7
Delivery Compulsory License,)	
Statement of Accounts)	

The Songwriters’ Guild of America, Inc. (“SGA”), which has also joined in the comments of the National Music Publishers’ Association and The Harry Fox Agency, Inc. (“Joint Comments”), respectfully submits these supplemental Reply Comments pursuant to the Copyright Office’s Notice of Proposed Rulemaking dated July 27, 2012, 77 Fed. Reg. 44179 (July 27, 2012), to amend regulations for reporting monthly and annual Statements of Account for the making and distribution of phonorecords under the Section 115 compulsory license.

SGA would like to point out specifically that one of the great promises of the digital age for creators, and one which has been repeatedly trumpeted by copyright users seeking to perpetuate and expand the compulsory licensing system, is “transparency.” In both public and private discussions, the American songwriter community and the Songwriters Guild of America (SGA) has been assured again and again by the user community that the ultimate goal of music users in the digital age is to at last put an end to the century-old game of “mechanical royalty hide and seek” for the benefit of both individual creators and American culture. And yet, it seems that each time the music user community is presented with the opportunity to cooperate in

fashioning a system based upon transparency and the open flow of information to creators regarding the royalties such composers and songwriters have earned, many users balk. That situation can and must end.

SGA reiterates its positions as expressed in the Joint Comments as filed, including that full transparency must become the watchword and standard of licensing regulations under Section 115 of the US Copyright Act, as Congress intended. SGA additionally suggests that the strongest possible language be required to be included in all Section 115-related certifications (such as “this certification is made under oath for all purposes and is subject to penalty of perjury if presented as proof of compliance of accurate royalty payments in a judicial proceeding”), as being reflective of the Congressional intent to establish strong protections for creators as part of the 115 licensing process and provisions.

Dated: December 10, 2012

Respectfully submitted,



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