



United States Copyright Office

Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

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May 8, 2019

VIA E-MAIL

Dear Mr. Barker,

As you know, the Copyright Office is considering the comments received in response to its Notice of Inquiry regarding designation of the Mechanical Licensing Collective.

In its December 21, 2018 Notice of Inquiry, the Copyright Office indicated it may permit informal communication to supplement the written record with respect to specific issues.¹ Following review of the comments received, the Office has determined that it may be beneficial to hear from those who have submitted proposals to be designated as the Mechanical Licensing Collective or as the Digital Licensee Coordinator. At this time, the Office is limiting meetings to those parties who are seeking to be designated under the statute, although the Office is carefully considering the over 600 written comments that were received regarding these proposals.

Meetings are intended to provide an opportunity for participants to clarify or provide follow-up on specific issues raised by the written submissions, and to respond to questions from the Office on those matters. As indicated in the Notice, any informal communications will supplement, not substitute, the written comments that have been received. The Office will not consider or accept new documentary materials outside of these guidelines.

With this in mind, the Office would welcome meeting with the proposed AMLC Board Members to address the following topics:

- Updates to RFP or vendor selection processes;
- Ability to provide access to database inputs to the public, including in machine readable format;
- Intended approaches to transparency to the industry and the general public, including notification of distribution of unclaimed royalties;
- Diversity of Board Members and how education and outreach efforts will be addressed to diverse communities, including overseas copyright owners;
- How the Board intends to achieve and measure the success of activities regarding matching of works, including the tuning of confidence levels in matching systems, and utilization of manual review;

¹ Request for Information on Designation of Mechanical Licensing Collective and Digital Licensee Coordinator, 83 Fed. Reg. 65,747, 65,753–54 (Dec. 21, 2018).

- What criteria will be used to determine where to engage in continued efforts to match unclaimed royalties, and the metrics for electing to proceed to distribution of unclaimed royalties;
- More information on outreach efforts, especially ones geared to laymen;
- The role of Copyright Office oversight as set forth 17 U.S.C. § 115(d)(12) and elsewhere in the Act,² including views regarding the proposed AMLC's adoption of bylaws and succession of Board Members;
- Proposed AMLC Board Members John Barker, Joerg Evers, and Wally Badarou's status as "publisher representatives" and Henry Gradstein as an "independent publisher;" and
- Other issues raised by the written comments that the proposed AMLC would like to address.

All meetings will be held at the Copyright Office, with telephone conference capabilities available.

To ensure transparency and public notice, the Office requires meeting attendees to submit a written follow-up letter within four business days after the meeting, emailed to the Office (at sruwe@copyright.gov). The letter must identify the meeting attendees and summarize the substance of the views expressed and arguments made in such a way that a non-participating party will understand the scope of issues discussed; merely listing the subjects discussed or providing a 1–2 sentence description will not be sufficient. These letters will be made publicly available on the Office's website along with this letter.

Please let us know if members of the proposed AMLC Board are able to meet in a 2-hour window during the following dates: May 22, 28-31, or June 3, and if so, what Board Members or other representatives will attend.

Please contact me at 202-707-3353 with any procedural questions and to arrange logistics.

Sincerely,



Steve Ruwe
Assistant General Counsel

CC: Regan A Smith, General Counsel and Associate Register of Copyrights, regans@copyright.gov

² See S. Rep. No. 115–339, at 5 (2018) (The legislative history addressing 17 U.S.C. § 115(d)(12) suggests that the Register promulgate the necessary regulations in a way that “balances the need to protect the public’s interest with the need to let the new collective operate without over-regulation.”).