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# LATHAM & WATKINS LLP

June 23, 2020

**VIA EMAIL**

Regan Smith  
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U.S. Copyright Office  
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Re: Ex Parte Letter re: June 19, 2020 Copyright Office Webex and Call

Dear Ms. Smith,

I write on behalf of Digital Licensee Coordinator, Inc. (“DLC”) to follow up on the Webex and call hosted by the Copyright Office on June 19, 2020 regarding the mechanical licensing collective (“MLC”)’s request for the inclusion of audio links in the reports of usage that are mandated by the Hatch-Goodlatte Music Modernization Act (the “MMA”).<sup>1</sup>

DLC incorporates in full the points made in its letter of June 15, 2020, which is enclosed as Exhibit A for the administrative record. In that letter and throughout the Webex, DLC emphasized that it is ready, willing, and able to continue discussing how best to improve the mechanical licensing system through access to audio. Productive collaboration has already begun on this topic and the DLC is committed to engaging in that process. The notion that regulation is inherently necessary to continue that progress is unsupportable, particularly given the outstanding critical questions at the heart of the MLC’s current proposal.

As explained in that letter and further discussed during the Webex, the MLC’s proposal for audio links has three main problems, which are interrelated: (1) the use case for the audio links is overly vague and requires better definition and development; (2) there are significant licensing issues impacting (and currently, prohibiting) the MLC from streaming music or the DMPs from streaming music outside of their services; and (3) there are significant technological challenges

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<sup>1</sup> As detailed in the list circulated by Jason Sloan of the Copyright Office, the June 19, 2020 discussion had participants from DLC and some of its digital music provider (“DMP”) members, the MLC, the MLC’s Unclaimed Royalties Oversight Committee (“UROC”), the Recording Industry Association of America, Songwriters of North America (“SONA”), Nashville Songwriters Association International, and Music Artists Coalition.

that make the MLC's proposal unripe for regulation, and in some instances would likely render it cost-prohibitive. All three of these topics were discussed during the June 19, 2020 Webex.

With respect to the use case, the MLC stated that it intended to create an audio player that would allow users to listen to tracks on its portal for unclaimed royalties. The MLC also stated that users would listen to those tracks inside the portal—without being navigated away to a particular DMP's website—and that the audio assets would be stored on the DMPs' respective servers, not on the MLC's servers. Although these statements provided incremental clarity to the MLC's plan, a number of statements during the Webex confirmed that more conceptual development is required before the MLC's needs—and DMPs' corresponding ability to provide for those needs on a practicable, economical timeline—can be identified. For instance, while the MLC's focus appears to be on providing access to audio for unmatched works, the UROC and SONA expressed desire to have such access to audio even for *matched* works; notably, the MLC itself suggested that this might be an additional use case, which adds an additional element of uncertainty about the exact proposal on the table.

The current plan is beset by misunderstandings and unanswered questions, many of which featured prominently in the Webex. For example, the MLC appears to believe it is asking the DMPs to create something that has already been made elsewhere, citing the claiming portals established pursuant to certain private agreements involving individual services. That belief is not correct. To DLC's knowledge, these claiming portals do not contain audio assets and users cannot listen to tracks directly within the portals; instead, and only in the case of certain DMP agreements, users are redirected to the DMP's individual service, where they can listen to the track after logging in.<sup>2</sup> In the case of portals established under the NMPA-YouTube agreement, however, even those links are not provided.

Nor is that the only way in which the MLC's use case is unprecedented. As discussed during the Webex, even if the settlement portal analogy were valid (it is not), a *multi*-DMP database has no real-world analogue and presents a vastly more complicated set of obstacles, particularly on the licensing side, than a portal built by and for a single DMP.

Nor is it a solution to have the audio available via the MLC portal limited to 30-second clips. As noted in DLC's June 15, 2020 letter, many DMPs do not have (either as a matter of licensing, or engineering and technology) the current ability to provide short clips rather than full tracks.<sup>3</sup>

It is also apparent from the Webex that the MLC believes that the technological problems boil down literally to providing hyperlinks, and that playing music through the internet requires only that the user know the web address or URL where the audio is stored. That is another

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<sup>2</sup> The settlement portal instructions for *Ferrick v. Spotify USA Inc.*, at point 23, provide a screenshot of the Spotify Track Database which, in the rightmost column, allows the user to click a "Link to Spotify" that navigates away from the settlement website. See <https://spotifypublishingsettlement.com/Home/ClaimFaq>.

<sup>3</sup> The MLC also stated during the Webex that audio embedded on its portal would not be royalty-bearing if it is made up of clips of no longer than 30 seconds, but there is no support for that assertion (which ultimately depends on the terms of the relevant licenses) in the record here.

misunderstanding. As explained by one of DLC’s member representatives (Mr. Jennings, from Amazon), that vision corresponds to an outdated understanding of the internet—“Web 1.0”—and does not apply to the ways music is streamed today. Streaming music requires, in essence, a series of cascading APIs performing multiple connected and integrated functions relating to authorizations, track eligibility, asset locator services, and many other pieces of contextual information that the content delivery system requires. Those interlocking pieces—endemic to the specific streaming service that built them—must work in harmony to play music, and cannot be simply cut and pasted into the MLC’s claiming portal in the manner of a URL. During the Webex, the MLC attempted to elide this issue by stating that it does not necessarily want a “link to an audio file” *per se*, but that is the term used in the MLC’s proposed rule, and what the MLC wants instead remains unclear.<sup>4</sup> The idea of a persistent, clickable “audio link” to be used as the MLC describes simply does not exist today. Building this new technology would be a complex and costly project for all DMPs, and for new, smaller DMPs, could pose an insuperable barrier to entry.

A final MLC misunderstanding from the Webex that requires correction is the supposition that the only way users could match unclaimed works by listening to them is from a player embedded within the MLC’s claiming portal. Under the proposed rule that the Copyright Office has already developed, DMPs will include unique identifiers in their monthly reports.<sup>5</sup> For the major streaming services, those identifiers (and other information) can be used to find audio.<sup>6</sup> Thus, the regulatory and technological architecture already exists to fulfill the MLC’s stated goal to a significant degree.<sup>7</sup> In that light, the MLC’s “all or nothing” approach—declaring that anything short of a freestanding, independent, and fully integrated jukebox on the claiming portal is a failure—makes little sense. A more productive path would be to take what already works and what the Copyright Office’s Proposed Rule already requires and work collaboratively to build on

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<sup>4</sup> The MLC stated during the Webex that it understands a “link to an audio file” (the term it proposes for regulation) to signify something more than URLs, even though that is its commonly understood meaning. The MLC appears to think the term should be read as an expansive catchall, extending beyond URLs to all information that would be fit for purpose, but that approach does not make sense where, as here, the purpose and way in which the information will be used remain poorly defined. Regulation should not require DMPs, in effect, to provide the MLC with whatever it deems necessary to achieve a nebulous goal.

<sup>5</sup> During the WebEx, DLC agreed that these unique identifiers can be reported through to copyright owners by the MLC.

<sup>6</sup> In the case of Pandora, appending the unique track identifier to the end of the URL “http://“[www.pandora.com](http://www.pandora.com)” will, in some instances, redirect the user to a different version of the same sound recording. That is because Pandora sometimes has multiple copies of the same recording (*e.g.*, from the studio release, from a “best of” album, and from a movie soundtrack). These kinds of service-specific technological nuances are emblematic of the need to have a better understanding between the MLC and DMPs at the operational level before any regulatory intervention.

<sup>7</sup> Those services that currently lack this functionality represent smaller upstart services for which the costs of implementing this functionality could be prohibitive. In MediaNet’s case, that functionality is not at all available because MediaNet (as a white label service): (1) does not have its own consumer-facing front end, (2) lacks the necessary sound recording rights, and (3) as a security measure, generates links to audio assets on the fly that expire after a short period of time. The Office should therefore be cautious before imposing regulatory barriers to entry for newer or emerging services, particularly given that a goal of the MMA is to reduce such barriers to entry and improve competition.

it. A focus on existing systems also provides an opportunity to study user engagement and assess the effectiveness of audio in the matching process—an undertaking that would improve and refine the use case for the MLC’s proposal, but which has not yet been done.

Separate from the misconceptions that underlie the MLC’s proposal, there remain many unanswered questions. During the Webex, the MLC generally dismissed these questions as minor details analogous to the questions surrounding the specific content of response files, and argued that all issues surrounding “audio links” should similarly face a regulatory mandate for resolution. But as DLC explained during the Webex, the analogy to response files fails. Response files are a known quantity that are already commonly used in the industry, including by the MLC’s selected vendor for usage processing; the MLC’s “audio links” project is something new, and still in conceptual development. It is not appropriate to impose a regulatory mandate—backed by the possible termination of the blanket license—to build a piece of novel and collective computer engineering that still has many miles to go in concept and design. The MLC actually conceded that point during the Webex, stating that any regulation on this issue should make clear that noncompliance would not put the blanket license at risk. While DLC agrees and appreciates that concession, it raises the question of why the MLC believes this issue is currently ripe for regulation.

The MLC’s concession also demonstrates that the unanswered questions here *matter*, and are not dismissible based on comparisons to response files or any other regulatory requirement. That is particularly true for the issues raised in DLC’s June 15, 2020 letter regarding challenges in licensing and technology.

With respect to licensing, DLC reiterated its serious concerns during the Webex that DMPs do not have the legal right to let the MLC post their tracks on its claiming portal. As DLC members noted on the call, sound recording copyright owner and/or PRO licenses generally prevent DMPs from playing the licensed works outside of their streaming services; making those works available in a new location like the MLC’s portal would require the negotiation of new and additional rights. As the representative from the RIAA noted, that should not be the outcome of regulation until the record labels and sound recording copyright owners (not to mention PROs) have an opportunity to consider the MLC’s plan and all its implications, which they have not yet been able to do. The MLC’s only response to this critical issue was to assert that short clips of less than 30 seconds create no licensing problems—which addresses a distinct issue, and is not true in any event, as noted above.<sup>8</sup>

DMPs should not be compelled by regulation to secure rights from PROs and record labels. Nor should they be compelled to secure mechanical rights *for the MLC’s portal* just so they can maintain their own blanket license for mechanical rights—thus paying for mechanicals twice. Such a regulation would, in effect, force PRO and sound recording copyright owners to license their works to the MLC. Whether those entities would want to license their rights to the MLC

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<sup>8</sup> Whether a clip is royalty-bearing and where it may be played are separate issues, and these questions pertain not only to labels and sound recording copyright owners, but also to PROs and the rights they license.

(which enjoys significant statutory immunities from liability) is unknown.<sup>9</sup> How those licenses would be addressed in terms of the transparency and confidentiality imperatives driving the MLC is also unknown. What is certain, however, is that an outcome where regulation causes the *de facto* licensing of non-mechanical rights would be extremely difficult to reconcile with the text of the MMA.<sup>10</sup>

Lastly, with respect to the technological challenges posed by the MLC's proposal, there remains much to develop and resolve. During the Webex, DLC's members raised a number of these questions, including the "Web 1.0" issues noted above and the question of whether and how the MLC's portal would "de-duplicate" files so that a user does not need to listen through the same song 10 times on 10 different services. On the latter point, the MLC stated that "all service access" may not be necessary, but that this was a technical issue to be worked out. However, as noted in DLC's June 15, 2020 letter, the MLC will not have the ability to fingerprint and/or de-duplicate audio unless it takes custody of the audio assets themselves. Even if the legalities of that process could be resolved, it does not appear technologically feasible at this point given that the MLC stated during the Webex that it does not intend to host any audio assets on its servers or develop procedures for ingesting content. Thus, the de-duplication question remains live, as do the other issues raised in DLC's June 15, 2020 letter and prior comments, such as how user access will be regulated, how audio assets that have already been matched will be handled, and so on.

These issues are illustrative of how much more the plan needs to develop before specific engineering deliverables can be formulated. Indeed, the MLC itself noted, near the beginning of the Webex, that there were too many questions about how the portal will be operationalized to walk through. And as DLC's members explained, a project to provide "audio links" would require significant engineering resources at significant costs. Those costs should not be mandated by regulation unless and until a clearer connection is established between what the MLC intends to build and what it needs DMPs to provide to make that happen. From DLC's perspective, the MLC is trying to start with the last step and grow toward the first. That is backwards.

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Because these points are fundamental to the rationale for the MLC's proposed regulation and remain substantially unresolved, DLC believes the "audio links" issue requires further incubation before it will be ready for regulation. To be clear, as repeatedly emphasized during the Webex, the lack of need for regulation on this issue is not the same thing as a lack of willingness to or interest in continuing to robustly collaborate on this important topic. The proper forum for that incubation is the Operations Advisory Committee ("OAC"), which, as DLC noted during the

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<sup>9</sup> See 17 U.S.C. § 115(d)(11)(D).

<sup>10</sup> See 17 U.S.C. § 115(d)(13)(A) (non-mechanical rights are outside the scope of the MMA), *id.* (d)(13)(B) (PRO rights are outside the scope of the MMA). In addition, as the Copyright Office recognized in its recent NPRM, "[T]he MMA did not impose a data delivery burden on sound recording copyright owners and licensors, so any rule compelling their compliance would seem to be at odds with Congress's intent." 85 Fed. Reg. 22,518 at 22,524 (Apr. 22, 2020). A rule compelling delivery not merely of sound recording copyright owners' *data*, but the core rights of their most valuable intellectual property, would be even more starkly at odds with Congress's vision.

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Webex, has been an effective and productive locus of discussion since the Copyright Office issued its NPRMs in April. This is precisely the type of issue that the OAC—designed to be a forum for clear deliberation and coordination on systems design and implementation—should address.

Nothing in that process to date suggests that the parties need intensive supervision on the part of the Copyright Office along the lines that the MLC requested during the Webex, with its proposal to require status reports within 90 days. Rather, the parties should continue to work through the questions DLC has already raised (and others that naturally arise) without the distraction of an artificial timeline or some additional regulatory “framework”.

DLC thanks the Copyright Office for hosting the June 19, 2020 Webex and call, and for its important work in this rulemaking proceeding. DLC will share proposed regulatory language on the “audio links” issue by July 6, 2020.

Best regards,

A handwritten signature in black ink, appearing to read "S. Damle". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Sarang V. Damle

CC via email: Jason Sloan  
jslo@copyright.gov

# EXHIBIT A

# LATHAM & WATKINS LLP

June 15, 2020

**VIA EMAIL**

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Milan	

Re: DLC's Response to the Copyright Office's June 8, 2020 Letter

Dear Ms. Smith,

I write on behalf of Digital Licensee Coordinator, Inc. ("DLC") in response to the letter of June 8, 2020 from the Copyright Office (the "Office"). In that letter, the Office asks DLC and the mechanical licensing collective ("MLC") a number of specific questions regarding the topic of audio links in connection with the Office's ongoing rulemaking proceeding to implement usage reports and related issues under the Music Modernization Act ("MMA").<sup>1</sup>

The Office's letter noted that the DLC was silent about the status of discussions of audio links in its filings in response to the Office's April 22, 2020 NPRMs. That silence should not be mistaken for inactivity. The MLC and DLC have had productive discussions about process improvements in general, and about audio links in particular. Since the publication of the Office's NPRMs on April 22, 2020, the MLC's Operations Advisory Committee ("OAC"), comprised of representatives chosen by the MLC and DLC, has made progress in advancing the issue of the use of audio content by the MLC, and intend to continue that progress. The OAC conversations have been highly productive, addressing questions asked by the Office in its letter as well as other relevant considerations.

DLC emphasizes that the challenges raised by the audio links issue are not a matter of services' unwillingness to engage in or put resources into efforts that improve the ability of the MLC to find and pay copyright owners. And DLC acknowledges that there is potential for improvement through the availability of audio. In fact, most of DLC's members already have a mechanism in place that will allow for relatively easy access to particular audio tracks, by running

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<sup>1</sup> 85 Fed. Reg. 22,518 (Apr. 22, 2020); Docket No. 2020-5.



a search on the service's free tier using the unique service-generated identifier included in the monthly reports.

But the specific request for “audio links,” and the underlying use case, has been evolving over the course of these rulemakings, and remains inadequately defined.<sup>2</sup> Put another way, we are not yet at the point where there are clear design requirements that the parties have settled on, with the only question remaining being whether the services can implement those requirements. There remains a range of open threshold questions: What links are going to be shared? All works? Or only works that are unmatched and unclaimed? How are those links are supposed to work? Are they supposed to simply redirect users to the services' platforms? Or are they supposed to enable the MLC to create a common player for all streaming services' libraries? Will they link only to clips, or to full tracks (which have different licensing implications)? Without answers to those questions (and others that are similarly unresolved), it is hard to identify the full range of potential solutions and accompanying challenges.

To take one example: if the MLC's goal is to create an embedded player on its website, it faces a critical challenge that is not addressed by the Office's June 8 letter: the services' label and performing rights organization (“PRO”) agreements do not include the necessary rights to stream tracks outside their respective platforms. It would be inappropriate for the Office—through a mechanical licensing rulemaking—to effectively require the services to renegotiate the full panoply of these label and PRO deals to allow for streaming via the MLC's portal; indeed, Congress expressly placed the licensing of public performance rights outside the scope of the MMA.<sup>3</sup> Nor would PRO rights be the only licensing challenge; the MLC would also need to license mechanical rights, possibly leading to the bizarre scenario in which the MLC administers its own statutory license. To the extent the MLC wants this functionality, the MLC should itself obtain the necessary rights.

Again, the threshold issues regarding the use cases and design requirements must be resolved before the questions surrounding burdens, feasibility, and implementation can be addressed with the level of specificity the Office has requested. For that reason, DLC believes the Office should adhere to its initial assessment, set forth in the NPRM, that the OAC is the most appropriate forum to continue development of those requirements, which involve highly interrelated and complex engineering and operational questions that do not lend themselves to

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<sup>2</sup> The NPRM itself noted the indeterminacy in the MLC's proposal. That proposal did not describe how the audio links would be used for matching, and therefore required the Office to reach its own “understand[ing] that the MLC . . . believe[s] that the audio links will be useful not in connection with automated matching efforts, but rather to feature on its online claiming portal.” 85 Fed. Reg. 22,518 at 22,531 (Apr. 22, 2020). But the MLC's comments did not actually discuss use of audio links in the online claiming portal. *See* the MLC's Initial Comments in Docket COLC-2019-0002 at 20; the MLC's Reply Comments in Docket COLC-2019-0002 at 18-19. In any event, other open questions remained. *See* 85 Fed. Reg. at 22,531 (“It is not clear whether links might be featured for all sound recordings . . . or only those with missing or incomplete ownership information.”). And as discussed in the main text, many more questions *still* remain.

<sup>3</sup> *See* 17 U.S.C. § 115(d)(13)(B).

regulatory action. Indeed, a too-narrow focus on the specific provision of audio links through monthly usage reports may forestall the development of more constructive solutions. For now, however, we provide some higher-level information about the challenges that will have to be navigated to enable any of the functionality that has been discussed.

***Question 1: Describe the estimated burden that individual DLC members anticipate they will incur, in terms of time and expense, to provide the MLC with audio links: (a) via monthly reports of usage for all reported sound recordings; (b) in response to requests from the MLC for unmatched works for the public's use through the MLC's claiming portal; and (c) via any other method(s) the DLC wishes to propose. If the DLC can estimate such information for non-member DMPs, please do so.***

The process of providing audio links embeds several distinct technological steps, and that full process is worth reviewing from end to end.

*First*, the concept of an audio link would have no application at all to a purely app-based service, as opposed to one that has a web-based user interface. Such app-based streaming services would not use URLs to link to tracks; they would have to rebuild their platforms completely to do so.

*Second*, for those services whose platforms do use audio links, an engineering project would be required to ensure the links can be operationalized for the MLC's claiming portal. This includes how the MLC will provide a unified user interface that incorporates multiple links for each digital music provider. The MLC's chosen design will have upstream effects on the functionality that is provided when a link is engaged (Is it redirecting the user to a different webpage? Is it simply a direct link to the audio asset? Something else?). Once the MLC's needs are established, the specific requirements of that engineering project will vary substantially between streaming services, the designs of their systems, and their in-house resources. Some companies' links are designed to be permanent or stable, some companies' links are unique and usable for a single play only, and other companies fall somewhere in the middle.

*Third*, once a system for creating and maintaining URLs has been implemented, a separate engineering project would be required to automate their inclusion in the streaming service's monthly reports. The difficulty of that engineering project depends in substantial part on the resolution of three inescapable consequences of mandating the inclusion of audio links in monthly reports: (1) the lack of any DDEX or other accepted standard for the reporting and handling of URLs, and (2) the significant expansion of the size and volume of the monthly report that adding those data types would cause (with attendant impacts on the MLC's storage needs); and (3) the need for additional validation if the URLs do not properly resolve or are corrupted. Proceeding to engineer the automated inclusion of URLs before a consensus is reached on how to manage those consequences would be a recipe for data integrity problems.

*Fourth*, there are also complicated questions about whether and how these new streams via the MLC's claiming portal would be reported for purposes of royalty accounting under the

statutory mechanical license. The current section 115 rates include per-subscriber floor payments,<sup>4</sup> and it is not clear how users of the MLC claiming portal would be counted for such purposes. There will be similar issues related to the services' record label and PRO deals. Those issues would remain even if the MLC were to take on responsibility for securing those rights directly, in which case the streaming services would have *less* control over royalties negotiations despite retaining their obligation to pay the ultimate cost of those royalties by funding the MLC.

The critical path to resolving all of these issues runs through a question that is still open: if audio links are included in monthly reports, what *exactly* will they be used to accomplish? The links themselves cannot be used for digital fingerprinting or any other computerized matching process, to the extent they merely redirect the user to the streaming service's platform. Users can then listen to the track on that platform, but cannot take custody of the digital asset itself—without which, computerized matching processes are impossible. Moreover, clicking through a link to play a track on the streaming service's website is not materially easier than copying and pasting the service's unique identifier into a search bar or URL—a task that, for most DLC members, requires no additional engineering project at all.

The seriousness of these limitations in the use case for audio links is one of the reasons DLC members have asked the MLC to develop clearer plans for how it would actually deploy audio links in practice (if at all). Without knowing the intended operational function of reported audio links, a given streaming service cannot plan the engineering steps, licensing requirements, or related challenges in standard-setting that are necessary for implementation.

Accordingly, the current state of the parties' dialogue on audio links and their use case makes it impossible for DLC and its members to specify the "time and expense" required to provide the MLC with audio links. That is particularly true given that the incremental burden of those efforts depends on the overall engineering commitments that these open rulemaking proceedings will, when finalized, impose. Currently, only the outlines of the process set forth above can be scoped. Even at this stage, however, it is clear that for some smaller companies, such as Qobuz or MediaNet, the engineering resources required to report audio links on a monthly basis would be a cost-prohibitive nonstarter.

***Question #2: Is there any difference in burden between providing links to full tracks versus only linking to shorter clips (e.g., of 30 seconds)?***

For most streaming services, shorter clips are not already available and would have to be engineered. Smaller services, such as Qobuz, believe that the costs of engineering shorter clips would be prohibitive for their economics. Even larger services believe the costs and related licensing issues would be significant. Thus, overall, the use of shorter clips would likely *increase* rather than decrease the regulatory burden, because it would require most companies to engineer new capabilities that are not already in place and secure additional rights they do not currently have.

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<sup>4</sup> See generally 37 C.F.R. § 385.22(a) (establishing per-subscriber per-month royalty floors of 15 to 50 cents).

***Question #3: Although previously confirmed for some of its members, please confirm whether all DLC members employ DMP identifiers for sound recordings on their services. For those that do not, please identify the service and any anticipated operational issues or transition considerations related to implementing the use of these identifiers. To the extent available, the Office is also interested in information related to similar practices with respect to non-member DMPs.***

All DLC members use unique identifiers for tracks. Most DLC members have a publicly accessible search function that uses unique identifiers as inputs, though in a couple of instances it is implemented by adding the identifier to the end of a particular URL rather than by pasting the identifier into the search bar. MediaNet, Qobuz, and SoundCloud do not have a publicly accessible search function that uses unique identifiers as inputs, but DLC is open to discussing cost-effective ways to provide songwriters and copyright owners with equivalent functionality for those services.

***Question #4: If the DLC believes that DMPs will not be able to provide audio links in reports of usage as of the license availability date, how long of a transition period is needed? If the DLC believes there are other methods of providing audio links that may require a transition period, what are they and how long of a transition period is needed for them?***

The answer to this question varies, and depends on the system designs and engineering resources of each licensee. DLC's response to the Office's first question applies to this question as well: the time requirements to automate reporting of audio links (or address any licensing issues) cannot be quantified at this stage of the audio links discussions, either for an individual streaming service or for the DLC membership in the aggregate. However, it is already clear that some services would not be able to comply with such a requirement on any practicable or commercially feasible timeline, regardless of the transition period.

***Question #5: How often does a link for a given recording change?***

The answer to this question also depends on the system designs of each licensee. Some licensees' systems are designed to use permanent URLs that generally do not change. Others, such as MediaNet, utilize unique links that are usable for a single play only. Other companies fall between those two poles, depending entirely on the specific ways their platforms are built.

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DLC looks forward to discussing these issues with the Office and with the other parties—and to continuing its dialogue to progress these issues at the OAC level. As for its availability, DLC respectfully requests that the Office set the meeting for June 19 after 1:30 p.m. Eastern.

LATHAM & WATKINS<sup>LLP</sup>

Best regards,

A handwritten signature in black ink, appearing to read 'S. V. Damle', written in a cursive style.

Sarang V. Damle

CC via email: Jason Sloan  
jslo@copyright.gov