



June 26, 2020

Dear Anna and Jason,

I appreciate the opportunity to represent the Nashville Songwriters Association International on June 22, 2020, regarding server fixation and termination. I am pleased to present a summary of the main points NSAI hoped to amplify during that call.

1. NSAI notes that prior to creation of the Mechanical Licensing Collective our organization has been meeting with and engaging music publishers on the need for addressing the fact that the 1976 Copyright Act did not envision digital licenses in perpetuity -- nor the resulting loss of opportunities for new applications/commercial exploitation for songwriters of the mechanical license post-termination. Specific examples are greatest hits collections and other albums of repackaged songs. In the digital era instead of new post-termination licenses being issued, digital playlists are just compiled.
2. The MLC is not proposing any actions that would trigger changes in termination laws nor impact litigation about termination laws. Regulations and rulemakings related to termination at the MLC should not be considered any change or interpretation of current law regarding statutory terminations.
3. The MLC DOES need to gather any relevant data from digital services including date of creation of sound recordings, server fixation dates and/or dates of first use to the extent any/all of these dates are available. This data should be included in monthly reporting from the digital service providers to the MLC to aid the MLC in the matching and paying process.
4. It is imperative that as the MLC builds its software to achieve the matching and payment functions mandated by the Music Modernization Act, that the USCO require such information be provided by digital services and promptly establish a framework that results in that information being made available to the MLC very soon since the software framework is already under construction.

Thank you again for the opportunity to participate and provide the perspective of songwriters on this matter. Please reach out if you require any additional information.

Respectfully,

Bart Herbison
Executive Director