



July 8, 2020

Via email at regans@copyright.gov and jslo@copyright.gov

Regan A. Smith
General Counsel and Associate Register of Copyrights
Jason Sloan
Assistant General Counsel
U.S. Copyright Office
Library of Congress
101 Independence Ave. SE
Washington, DC 20559-6000

RE: Follow Up to June 19, 2020 Ex Parte Meeting Regarding Audio Links,
Docket No. 2020-5

Dear Ms. Smith and Mr. Sloan,

We write in response to your email dated June 19, 2020 in which you asked each of the groups that participated in the *ex parte* call that day concerning the audio link issue to send you proposed written solutions by no later than July 8 (per an extension of the original July 6 deadline).

We strongly support the drive for transparency and the desire to achieve more accurate payments for those who create music, including songwriters, that underlies the proposal to include some sort of audio links in the MLC's claiming portal. To achieve our mutual goals, the proposal should be implemented expeditiously and efficaciously. Tactically, the proposal could be implemented in any of a variety of ways, although various of these tactical options would have important collateral effects that would jeopardize the achievement of the shared goals.

Specifically, when evaluating options to enable writers to listen to the recordings listed in the MLC's claiming portal, it is crucial to consider rights, cost, and content protection issues. Failure to do so would jeopardize the value of the music, and thus the

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compensation for every music creator and rightsholder. For example, requiring every DMP to build an embedded audio player that can be incorporated into the MLC portal will mean DMP/label contract amendments and expensive service functionality changes that could introduce security holes leading to piracy and loss of revenue – and thus, fail to achieve the mutual goal of full payment to music creators.

The simplest approach is to have DMPs provide web links that take portal users directly to the referenced track or parent album on the DMP's service. This will require paid accounts (or a free trial) when checking services without a free tier, but it does not require amendments to the contracts between our members and the DMPs, should not require any changes to DMP service functionality, and introduces no security holes. We continue to believe that such links should be made available only in connection with unclaimed works and/or shares of a musical work.

An additional factor to consider is how scalable the solution is. For example, will portal users be required to listen to every unidentified track on every service (which is not realistic) or does the solution leverage recording industry standard identifiers such as ISRC codes so that identifying a track once is sufficient (because the track has the same ISRC across all services).

We thank you for the care with which you are approaching this and the other complex issues surrounding MMA implementation.

Sincerely,

A handwritten signature in cursive script, reading "Susan Chertkof". The signature is written in black ink and is positioned above the typed name and title.

Susan Chertkof
Senior Vice President, Legal and Regulatory Affairs
Recording Industry Association of America