



June 16, 2020

Via email at [regans@copyright.gov](mailto:regans@copyright.gov) and [achau@copyright.gov](mailto:achau@copyright.gov)

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

RE: Summary of June 12, 2020 *Ex Parte* Meeting Regarding Docket No. 2020-5

Dear Ms. Smith and Ms. Chauvet,

On June 12, 2020, the following individuals from the Recording Industry Association of America, Inc. ("RIAA") participated in an *ex parte* meeting with Regan Smith, Anna Chauvet, Jason Sloan and Cassandra Sciortino of the Copyright Office concerning the above referenced matter: Mitch Glazier, Ken Doroshow and Susan Chertkof.

The meeting focused on the need to maintain the confidentiality of commercial agreements negotiated between individual record companies and digital music providers ("DMPs") in a competitive marketplace.

Commercial agreements between record companies and DMPs are so highly competitively sensitive they amount to trade secrets and must be treated as such. Because these agreements typically have short terms, they are renegotiated frequently and any leakage of their terms and conditions could have a significant detrimental impact on the streaming marketplace.

There are several important considerations: 1) Individual MLC board members may be employees of companies owned by a music group competitor; 2) It is possible to derive the percentage of revenue equivalent of a DMP's payment to each record company

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once it is known (a) the amount the DMP paid to each record company that month and (b) the DMP's monthly Service Provider Revenue (which is a required part of its monthly mechanical royalty calculation, see 37 C.F.R. §385.21); and 3) There is no clear remedy for violating proposed confidentiality regulations, especially given the damage that could ensue. As such, it is critical to protect this valuable information against any disclosure.

We appreciate the ability to meet with the Copyright Office on these matters. If we can be of any further assistance, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Susan Chertkof". The signature is written in dark ink and is centered on the page.

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