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VIA EMAIL at regans@copyright.gov, achau@copyright.gov, and jslo@copyright.gov

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

RE: SoundExchange Summary of August 31, 2020 *Ex Parte* Meeting Regarding Docket No. 2020-8

Dear Ms. Smith, Ms. Chauvet, and Mr. Sloan:

This letter summarizes the August 31, 2020 conference call between SoundExchange, Inc. and the Copyright Office. Colin Rushing, Luis Bonilla, and Brad Prendergast attended on behalf of SoundExchange. Attending on behalf of the Copyright Office were Regan Smith, Anna Chauvet, Jason Sloan, John Riley, Terry Hart, and Cassandra Sciortino. SoundExchange thanks the Copyright Office for its time and attention in meeting to discuss the above-referenced rulemaking proceeding.

During the call, SoundExchange discussed the importance of public access to the musical works database that the Mechanical Licensing Collective is tasked by statute to develop. In accordance with the Music Modernization Act, the musical works database should be a resource for the entire music industry. Furthermore, by limiting the scope of licenses that the MLC could administer, Congress intended to protect competition in the market for publisher services. To that end, the regulations should ensure that potential competitors have the same access to MLC data and the MLC database enjoyed by the MLC's vendors.

In order for the musical works database to be as useful as possible, and to ensure level access to the database, it must be made available via real-time, bulk access. Even though the MLC has committed to providing "bulk machine-readable copies of the data in the database" to the public, only a robust Application Programming Interface can deliver real-time results and achieve the industry-wide benefits of the musical works database contemplated by the MMA. The use of APIs in modern software architectures is a commonly widespread best practice, and the level of effort behind their implementation is generally low and can be measured in weeks or even days depending on the chosen database technology.

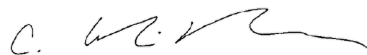
SoundExchange also described the effectiveness of International Standard Recording Codes as identifiers for commercially released music. ISRC is the International Standards

Organization (ISO) identifier for sound recordings that, while used imperfectly when first introduced, has become the standard for uniquely identifying music assets. ISRCs are used by everyone in the recorded music ecosystem – digital music providers, collective management organizations, rights owners and contributors all use ISRCs as part of their data exchanges. ISRCs are the best way to ensure that a database of commercially released music is of maximum value to the industry. SoundExchange’s repertoire database currently contains 35 million sound recordings, with the information in our repertoire database coming from a great diversity of sources, including major record labels, indie labels large and small, distributors, aggregators, and others.

Finally, we explained that ISRCs in SoundExchange’s repertoire database cover 90 percent of the value of commercially released tracks based on SoundExchange distributions. Importantly, a significant portion of the remaining 10 percent would likely match to repertoire data as well; because our licensees often don’t report ISRCs, some amount of usage that *should* match to repertoire data does not. We will nonetheless make payments based on that usage information in order to distribute royalties to artists and labels rapidly. That is a byproduct of the Section 114 system, which allows digital radio services to operate without a direct relationship with record labels or other rights owners. Interactive services, by contrast, generally need to have a direct relationship with those rights owners and therefore receive metadata directly from those rights owners – including in particular ISRCs.

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

Sincerely,



Colin Rushing
Chief Legal Officer
SoundExchange, Inc.