



September 1, 2020

**VIA EMAIL**

Regan Smith  
General Counsel and Associate Register of Copyrights  
U.S. Copyright Office  
101 Independence Ave. SE  
Washington, D.C. 20559-6000  
regans@copyright.gov

Re: Updated: Ex Parte Letter re: August 26, 2020 Copyright Office Telephone Meeting

Dear Ms. Smith,

This letter is to follow up on the *ex parte* meeting held with Spotify USA Inc. (“Spotify”) to discuss issues raised by the Office’s rulemaking on the MMA implementing regulations, including the proposed rulemaking on the transfer and reporting of royalties to the Mechanical Licensing Collective, including with respect to the transition period cumulative reporting. Attending the meeting on behalf of Spotify was Emery Simon, Vice President, Global Government Relations. Attending for the Copyright Office was Regan Smith.

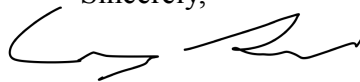
During the meeting we discussed the following topics: (1) The timing of the Office’s issuance of the implementing regulations ; and (2) issues raised by the NMPA in its August 21 meeting with the Office regarding pending and unmatched usage agreements, as summarized in its August 24 *ex parte* letter.

With respect to the first topic, Spotify emphasized the urgency of the Office’s issuance of implementing regulations that impact the digital music providers’ ability to plan for and comply with their obligations under the MMA. The Office acknowledged the importance of this, and described its efforts to issue such regulations as soon as practicable.

With respect to the second topic, Spotify expressed its support for the positions taken in the DLC’s comment submission regarding the NMPA Pending and Unmatched Usage Agreements, and underscored the point that Congress certainly did not intend for double payment of royalties paid to publishers who released claims under those agreements to such royalties. We discussed briefly the agreement between Spotify and the NMPA (and the associated publisher opt-in agreement) which had been recently provided to the Office in response to its request, and Spotify offered to answer any questions the Office may have as it proceeds with its work on this important issue.

We thank the Office for its time and attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Emery Simon". The signature is fluid and cursive, with a large initial "E" and a long, sweeping tail.

Emery Simon