



Order for Supplemental Briefing Concerning Novel Material Question of Substantive Law

The Music Managers Forum is the largest representative body of music managers in the world. We have 450 manager members in the UK, are in regular contact with colleagues around the world and communicate weekly with 1700 US based managers.

We thank the Copyright Office of the United States for the opportunity to comment on the above question.

We believe that it is inequitable to attempt two-tier licence values as between different categories of rights owners (i.e. the majors who might negotiate individually vs the independents who often negotiate collectively). A recording has the same value to a service whether it is owned by a major label or an independent. To think otherwise would mean that a track could have different value if sold from one entity to another. A recording could be made by an artist, licensed to an independent label, sold to a major label and then revert to that artist. That is not an unusual occurrence and yet it could mean that the same track could have different values and income during the life of copyright. Surely that is absurd?

By comparison there is a fixed fee on mechanical royalties for songs in the USA which vary only by reference to duration. Major publishers and small independent publishers both charge the same. The source of the song being licensed is irrelevant and the US statute fixes the fee irrespective of the song's ownership position. Why should recordings be different?

Music, whether musical works or those works embodied in sound recordings, has value. That value should not vary by ownership.

Thank you for the opportunity to contribute.

Jon Webster
CEO, MMF