

**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.**

In the Matter of:

Determination of Rates and Terms
for Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16-CRB-0001 SR/PSSR
(2018-2022)

JOINT PETITION TO PARTICIPATE

Pursuant to 37 C.F.R. § 351.1(b)(ii), undersigned counsel respectfully submits this Joint Petition to Participate on behalf of the petitioners listed below in response to the Copyright Royalty Judges’ Notice announcing the commencement of the above-captioned proceeding “to determine the reasonable rates and terms for the digital performance of sound recordings and the making of ephemeral recordings by satellite radio and “preexisting” subscription services for the period beginning January 1, 2018, and ending December 31, 2022.” 81 Fed. Reg. 255 (Jan. 5, 2016).

The Joint Petitioners are:

1. SoundExchange, Inc. (“SoundExchange”). SoundExchange is a not-for-profit organization incorporated in the State of Delaware and jointly controlled by representatives of sound recording copyright owners and artists through an 18-member Board of Directors. Its Board of Directors includes recording artist representatives, as well as representatives from the major record companies, independent record companies, the American Association of Independent Music, the American Federation of Musicians,

SAG-AFTRA, and others. The Copyright Royalty Judges have previously designated SoundExchange as the Collective to receive and distribute Section 112 and 114 royalty fees, and SoundExchange has advocated on behalf of artists and copyright owners in several other proceedings. SoundExchange has collected and distributed hundreds of millions of dollars in statutory royalties for tens of thousands of copyright owners and artists, and continues to do so. SoundExchange thus represents the interest of sound recording copyright owners and featured artists who are entitled to a portion of the royalties paid by services claiming the benefits of the statutory licenses. Accordingly, SoundExchange, on its own behalf and on behalf of sound recording copyright owners and artists, has a significant interest in the royalty rates and terms that are the subject of the instant proceeding.

2. The American Federation of Musicians of the United States and Canada (“AFM”). AFM is represented on SoundExchange’s Board of Directors. It is the largest organization in the world representing the interests of professional musicians, including the interests of royalty artists and session musicians. Many of AFM’s members own copyrighted sound recordings for which the royalty rates and terms will be determined in this proceeding, and many more receive and depend on royalty distributions under Section 114, the rates and terms of which will be determined in this proceeding. AFM thus has a significant interest in this proceeding.

3. SAG-AFTRA. SAG-AFTRA is represented on SoundExchange’s Board of Directors. It brings together two venerable American labor unions: the Screen Actors Guild

and the American Federation of Television and Radio Artists. It is the largest performers' union in the world, representing more than 160,000 members including many singers and recording artists, and other performers on sound recordings. Many of SAG-AFTRA's members own copyrighted sound recordings for which the royalty rates and terms will be determined in this proceeding, and many more receive and depend on royalty distributions under Section 114, the rates and terms of which will be determined in this proceeding. SAG-AFTRA thus has a significant interest in this proceeding.

4. The American Association of Independent Music ("A2IM"). A2IM is represented on SoundExchange's Board of Directors. It is a not-for-profit trade organization representing a diverse group of over 350 independently owned American record labels. A2IM's independent community includes music labels of all sizes and staffing levels across the United States, representing all musical genres. Most of A2IM's members own copyrighted sound recordings that are subject to the statutory license for which the instant proceeding will be determining the royalty rates and terms for the period beginning January 1, 2018, and ending December 31, 2022. A2IM thus has a significant interest in this proceeding.

5. Universal Music Group ("UMG"). UMG is represented on SoundExchange's Board of Directors. It is one of the largest record companies in the United States, and owns one of the largest catalogs of copyrighted sound recordings. Many of those copyrighted sound recordings are subject to the statutory license for which the instant proceeding will be determining the royalty rates and terms for the period beginning January 1, 2018, and ending

December 31, 2022. UMG thus has a significant interest in this proceeding.

6. Sony Music Entertainment (“SME”). SME is represented on SoundExchange’s Board of Directors. It is one of the largest record companies in the United States, and owns one of the largest catalogs of copyrighted sound recordings. Many of those copyrighted sound recordings are subject to the statutory license for which the instant proceeding will be determining the royalty rates and terms for the period beginning January 1, 2018, and ending December 31, 2022. SME thus has a significant interest in this proceeding.

7. Warner Music Group (“WMG”). WMG is represented on SoundExchange’s Board of Directors. It is one of the largest record companies in the United States, and owns one of the largest catalogs of copyrighted sound recordings. Many of those copyrighted sound recordings are subject to the statutory license for which the instant proceeding will be determining the royalty rates and terms for the period beginning January 1, 2018, and ending December 31, 2022. WMG thus has a significant interest in this proceeding.

8. The Recording Industry Association of America (“RIAA”). The RIAA is represented on SoundExchange’s Board of Directors. It is a not-for-profit trade organization that, among other things, works to protect the intellectual property rights of artists and music labels. Its members include the major record companies as well as many smaller labels, all of which own copyrighted sound recordings that are subject to the statutory license for which the instant proceeding will be determining the royalty rates and terms for the period beginning January 1, 2018, and ending December 31, 2022. RIAA thus has a significant interest in this proceeding.

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Pursuant to 37 C.F.R. § 351.1(b)(4), the above Joint Petitioners are submitting a filing fee of \$1,200, representing \$150 for each petitioner, in connection with this Joint Petition to Participate.

Pursuant to 37 C.F.R. § 351.1(b)(ii)(D), undersigned counsel hereby certifies that, as of the date of the filing this Joint Petition to Participate, undersigned counsel has the authority and consent of the above listed petitioners to represent them in this royalty rate proceeding.

Respectfully submitted,

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