

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

In the Matter of:

Adjustment or Determination of
Compulsory License Rates for Making and
Distributing Phonorecords

Docket No. 2011-3
Phonorecords II

PETITION TO PARTICIPATE

The Recording Industry Association of America, Inc. (“RIAA”) submits this Petition to Participate on its own behalf and on behalf of its members in response to the Copyright Royalty Judges’ Notice announcing the date for submission of Petitions to Participate in “the proceeding to determine the reasonable rates and terms for making and distributing phonorecords.” 76 Fed. Reg. 590 (Jan. 5, 2011).

RIAA is the trade association that represents the U.S. recording industry. Its mission is to foster a business and legal climate that supports and promotes the creative and financial vitality of its member record companies. Its members create, manufacture and/or distribute approximately 85% of all legitimate sound recordings produced and sold in the United States and have historically obtained the vast majority of mechanical licenses under Section 115 of the Copyright Act. On behalf of its members, RIAA participated in all previous proceedings to adjust royalty rates under Section 115. Accordingly, RIAA has a significant interest in the royalty rates and terms that are the subject of this proceeding. *See* 17 U.S.C. § 803(b)(1)(B).

RIAA is seeking to negotiate mechanical royalty rates with representatives of music publishers. RIAA is hopeful that an agreement will be reached and litigated proceedings before the Copyright Royalty Judges will be avoided. However, if litigated proceedings are required to

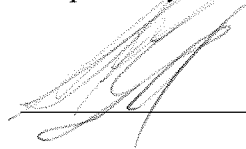
set terms and rates for the Section 115 compulsory license, RIAA intends to participate fully in any such proceedings.

Pursuant to 37 C.F.R. § 351.1(b)(1), RIAA provides the following contact information:

Steven M. Marks
Executive Vice President and General Counsel
Susan Chertkof
Vice President, Business and Legal Affairs
Recording Industry Association of America, Inc.
1025 F Street, N.W., 10th Floor
Washington, D.C. 20004
(v) 202-775-0101
(f) 202-775-7253
smarks@riaa.com
schertkof@riaa.com

Pursuant to 37 C.F.R. § 351.1(b)(4), RIAA is submitting the required filing fee of \$150 in connection with this Petition to Participate.

Respectfully submitted,



Steven M. Marks
Executive Vice President and General Counsel
Susan Chertkof
Vice President, Business and Legal Affairs
Recording Industry Association of America, Inc.
1025 F Street, N.W., 10th Floor
Washington, D.C. 20004
(v) 202-775-0101
(f) 202-775-7253
smarks@riaa.com
schertkof@riaa.com

Steven R. Englund (DC Bar 425613)
Jared O. Freedman (DC Bar 469679)
JENNER & BLOCK LLP
1099 New York Ave., N.W.
Washington, D.C. 20001
(v) 202-639-6000
(f) 202-639-6066
senglund@jenner.com
jfreedman@jenner.com

Counsel for Recording Industry Association of America, Inc.

Of counsel

February 1, 2011