

SDARS III PUBLIC VERSION

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

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

WRITTEN DIRECT STATEMENT AND TESTIMONY OF GEORGE D. JOHNSON (GEO) a Pro Se INDIVIDUAL AUTHOR

Volume 1

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creator d/b/a Geo Music Group (“GMG”)*

Monday, October 24, 2016

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16-CRB-0001-SR/PSSR (2018-2022)

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**INTRODUCTORY MEMORANDUM TO THE
WRITTEN DIRECT STATEMENT OF GEORGE D. JOHNSON (GEO)**

George D. Johnson (“GEO”), an individual §114 sound recording copyright creator, singer, author, and *pro se* non-attorney without pay, respectfully submits this Introductory Memorandum to GEO’s written direct statement (“WDS”) and testimony in accordance with 37 C.F.R. § 351.4. This memorandum describes the contents of GEO’s written direct statement and briefly summarizes the testimony of witnesses. GEO respectfully requests that Your Honors consider this entire Written Direct Statement as GEO’s Testimony. GEO has no RESTRICTED version, only this PUBLIC VERSION.

CONTENTS OF GEO’S WRITTEN DIRECT STATEMENT

Volume 1 contains (A) this Introductory Memorandum; (B) GEO’s proposed rates and terms; (C) an index of GEO’s witnesses; (D) an index of GEO’s exhibits (E) a declaration regarding GEO’s testimony; (F) a certificate of service (G) the written direct testimony of GEO’s expert witnesses and fact witnesses.

Volume 2 contains all of GEO’s exhibits with indexes;

Volume 3 contains all of GEO’s designated testimony from prior proceedings.

SUMMARY OF THE WRITTEN TESTIMONY OF GEO'S WITNESSES

Pursuant to Federal Rules of Evidence 702, GEO would like to offer himself as an Expert and Fact Witness qualifying himself as an expert in songwriting, sound recording, and copyright as a creator of §114 and §115 copyrights but also VA copyrights in animation. GEO's written direct statement includes the written direct testimony of the following expert and fact witnesses:

A. Expert Witnesses

George Johnson ("GEO") is an individual singer, songwriter, self-publisher, investor and sound recording copyright creator d/b/a as George Johnson Music Publishing ("GJMP") (formerly BMI) and Geo Music Group ("GMG"), an independent record label that specializes in the production of analog and digital sound recordings for terrestrial radio broadcast, internet radio, digital streaming services, retail sale, video synchronization for film, television, and advertising, and other music licensees. GEO is a creator, owner and possessor of music and animation copyrights. GEO has operated 7 years in Los Angeles and for the past 20 years on historic Music Row in Nashville Tennessee and creates, invests and owns copyrighted underlying works, music and lyrics, as well as master digital sound recordings with performances by legendary artists such as The Jordanares, The Memphis Horns and Nashville's best session musicians through the American Federation of Musicians ("AFM") and the American Federation of Television and Radio Artists ("AFTRA"). GEO is a 15 year Grammy member and has written songs with legendary songwriters Dewayne Blackwell, Max D. Barnes, and Larry Henley as well as other #1 hit songwriters in Nashville and Los Angeles. GEO looks to expand his business models, relying on the longstanding constitutional protections afforded to each and every

individual American creator by the *exclusive right* found in the “copyright clause”, Article 1, Section 8, Clause 8¹ of the United States Constitution and Section 106 of the Copyright Act.

Mr. Johnson’s anticipated testimony will explain why GEO’s proposed rates and rate structures are the most appropriate and reasonable from a copyright creator and music industry perspective, and therefore the public good. He likely will provide information regarding how GEO’s rate proposal (1) maximizes the availability of creative works to the public, (2) provides copyright owners a fair return on their works and provides copyright users a fair income under existing economic conditions, (3) reflects the relative roles of copyright owners and users, like all other reasonable business models and (4) would minimize any disruptive impact on the industry, especially in the case of a BUY button and permanent download.

GEO will also explain the negative effects that *legal* compulsory licensing at confiscatory statutory rates has on music creators, while only benefitting Licensees and a few others. How forced federal licensing violates the constitutional exclusive right and property protections of all American copyright authors and owners and why it’s vital to have an *actual* hypothetical marketplace that reflects the current marketplace in these proceedings — setting rates and terms.

The digital era has literally decimated the majority of American music copyright creators’ business models and profits the past 20 years, while Licensees’s businesses have boomed the past 20 years. Yet, despite copyright law being the supreme law of the land and a copyright

¹ http://avalon.law.yale.edu/18th_century/fed43.asp "The utility of this power (copyright) *will scarcely be questioned. The copyright of authors has been solemnly adjudged, in Great Britain, to be a right of common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals.* The States cannot separately make effectual provisions for either of the cases, and most of them have anticipated the decision of this point, by laws passed at the instance of Congress." — James Madison, Federalist 43

business model that has lasted over two hundred years, Licensees still protest that their relatively new business model is the *only* business model that matters, or is effected.

B. Fact Witnesses

George Johnson's anticipated testimony will provides background and information about how GEO individually, and colleagues on Music Row and throughout America, have been adversely affected by federal central economic planning and price-fixing of U.S. music royalty rates for sound recordings and the confiscatory nature of setting compulsory rates with no regard for the exclusive right and property right of the copyright creator or owner, who also has no say in the negotiation or use of his music. *United States Copyright Law, responsible public policy and the longstanding business models* of §115 music publishers, songwriters, recording artists, investors and §114 creators have *taken a backseat* to the *financial success of a handful of major licensees* who claim their “business model” is more important than 220 years of American copyright law protections or the music creators that create them.

GEO will discuss why it is vitally important to factor in the true value of music copyrights and CPI inflation for grandfathered SDARS and PSS music licensees in this proceeding who are calling for the current statutory licensing system to remain in place, as is, without any rate changes, except to lower the rate in some cases.

GEO will also likely testify regarding the benefits to the industry of a streamlined and transparent rate structure for compulsory licensing by SDARS and PSS music users in addition to a BUY button for permanent downloads.

Respectfully submitted,

By: _____



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**PROPOSED RATES AND TERMS OF GEORGE D. JOHNSON AND ALL AMERICAN
MUSIC CREATORS UNDER THE COMPULSORY LICENSE AND STATUTORY RATE**

GEO proposes the rates and terms set forth herein for digital audio transmissions made by Preexisting Satellite Digital Audio Radio Services as defined in 17 U.S.C. § 114(j)(10) (“SDARS”) and Preexisting Subscription Services as defined in 17 U.S.C. § 114(j)(11) (“PSS”) under the statutory license provided by 17 U.S.C. § 114, together with the making of ephemeral recordings necessary to facilitate such transmissions under the statutory license provided by 17 U.S.C. § 112(e), during the period January 1, 2018 to December 31, 2022. These rates and terms are based on either percentages of revenue rates, per-subscriber rates, a usage-based royalty computed on per-performance rates, and additional rates and terms including a paid permanent download for both SDARS and PSS. Pursuant to 37 C.F.R. § 351.4(b)(3), GEO reserves his right to change his requested rates and terms at any time during the proceeding up to and including the filing of proposed findings of fact and conclusions of law.

According to SoundExchange’s report of economic expert Thomas Z. Lys, Ph.D., SiriusXM is a “home run” *by every financial measure*, and probably will be the next 5 years.

Subscribers have increased to 30 million with *\$4.57 billion* in revenue in 2015, while the total music industry revenues for *the entire recording industry* were \$4.9 billion for 2015.

SiriusXM's revenues have also increased to a net after-tax income of *\$510 million in 2015*, as costs fall and copyright royalty payments remain stagnant and below-market over time.

Since 2013, SiriusXM shareholders received the benefit of this transfer of copyright value to a tune of *\$7.3 billion dollars through stock repurchases* and even more since then.

PPR or POR or PER SUBSCRIBER?

In the Final Determination (March 4, 2016) for *Web IV*², Your Honors ruled that all rates and terms would be based on a 100% per-play royalty rate model (“PPR”) and not a percentage of revenue (“POR”) model, similar to the grandfathered SDARS POR model in this proceeding. Instead of only one option in determining rates and terms, *Web IV* participants were asked to consider two different models, one based on a PPR model and the other a POR model.

In reading motions from current CRB proceedings and other past rate proceedings, it appears to GEO as a layman, that in the *Web IV* Determination, Your Honors outright rejected a POR royalty rate model in favor of a PPR model, which may indicate a PPR model is now considered *rate court precedent*. However, since SiriusXM was “grandfathered” in at a POR rate, that may determine precedent for a POR rate only in this rate proceeding.

Therefore, GEO offers four proposals based on a (1.) Per-Subscriber Rate (2.) POR, (3.) PPR, and (4.) a Permanent Download rate.

² Determination of the United States Copyright Royalty Judges, March 4, 2016, published on May 2, 2016, 81 Fed. Reg. 26316, App. Docket No. 14-CRB-0001-WR (2016-2020) *Web IV, Determination of Royalty Rates and Terms for Ephemeral Recordings and Webcasting Digital Performance of Sound Recordings* (Web IV), 81 Fed. Reg. 26316 (May 2, 2016).

I. ROYALTY RATES

A. SDARS

For all licensed transmissions and related ephemeral recordings by a SDARS, GEO requests a royalty fee that is the greater of the per-Subscriber rate and the percentage of revenue rate and the per-play rate set forth below.

1. PER-SUBSCRIBER RATE (PSR)

The per-Subscriber rates requested by GEO are the following amounts per-Subscriber, per-month:

- 2018 – \$4.96
- 2019 – \$5.10
- 2020 – \$5.26
- 2021 – \$5.42
- 2022 – \$5.58

For purposes of this proposal, “Subscriber” means every subscriber to the SDARS who receives the SDARS in the United States for all or any part of a month, except –

(1) any such subscribers that receive only channels, programming, products and/or other services that use no sound recordings, or only incidental performances of sound recordings; and

(2) any such subscribers receiving the SDARS during a trial period of not more than 30 consecutive days per subscriber per two year period, if such trial period is offered free of any charge to the subscriber, and the Licensee receives no monetary or nonmonetary consideration from any third party for providing such trial period.

2. PERCENTAGE OF REVENUE RATE (POR)

The percentage of revenue rate requested by GEO is a current marketplace range of 25% to 40% of “Gross Revenues.”

For purposes of this proposal, “Gross Revenues” should be defined in a manner based on the definition currently appearing in 37 C.F.R. § 382.11 with the clarifying adjustments marked below:

Gross Revenues. (1) Gross Revenues shall mean revenue recognized by the Licensee in accordance with GAAP from the operation of an SDARS, and shall be comprised of the following:

(i) Subscription revenue recognized by Licensee directly from U.S. subscribers for Licensee’s SDARS; and

(ii) Licensee’s advertising revenues, or other monies received from sponsors, if any, attributable to advertising on channels other than those that use only incidental performances of sound recordings, less advertising agency and sales commissions.

(2) Gross Revenues shall include such payments as set forth in paragraphs (1)(i) and (ii) of the definition of “Gross Revenues” to which Licensee is entitled but which are paid to a parent, wholly-owned subsidiary or division of Licensee.

(3) To the extent otherwise included by paragraph (1) or (2), Gross Revenues shall exclude:

(i) Monies or other consideration attributable to the sale and/or license of equipment and/ or other technology, including but not limited to bandwidth, sales of devices that receive the Licensee’s SDARS and any taxes, shipping and handling fees therefor;

(ii) Royalties paid to Licensee for intellectual property rights;

(iii) Monies or other consideration received by Licensee from the sale of phonorecords and digital phonorecord deliveries;

(iv) Sales and use taxes;

(v) credit card, invoice, activation, swap and early termination fees charged to subscribers and reasonably related to the Licensee's expenses to which they pertain;

(vi) Bad debt expense, and

(vii) Revenues recognized by Licensee for the provision of

(A) Current and future data services provided on a standalone basis for a separate charge (*e.g.*, weather, traffic, destination information, messaging, sports scores, stock ticker information, extended program associated data, video and photographic images, and such other telematics and/or data services as may exist from time to time);

(B) Channels, programming, products and/or other services provided on a standalone basis for a separate charge where such channels use only incidental performances of sound recordings;

(C) Channels, programming, products and/or other services provided outside of the United States; and

(D) Channels, programming, products and/or other services for which the performance of sound recordings and/or the making of Ephemeral Recordings is exempt from any license requirement or is separately licensed, including by a statutory license and, for the avoidance of doubt, webcasting, audio services bundled with television programming, interactive services, and transmissions to business establishments.

Gross Revenues are currently defined in 37 C.F.R. § 382.11, however, Gross Revenues must also include, but not limited to, any "digital breakage" or direct payments, bonuses, stock option giveaways, current and future Initial Public Offerings ('IPO'), all subscription dollars, all ad sales as defined as above, and taking into account the amount of all stock distributions by key executives or stockholders, trading the value of copyrights from copyright owners to stockholders and investors by way of federal compulsory music licensing.

3. PER-PLAY RATE (PPR)

GEO offers a range of per-play rates for SDARS based upon anonymous, but *actual* SiriusXM royalty rates which vary greatly from \$2.54 to well over \$10 per-play³.

1.) EST. SDARS PER-PLAY RATE FOR 1 PLAY ON SIRIUSXM AT 10.5% of REVENUE

Averages	Current Estimated SiriusXM Per-Play Rate for 1 SDARS Play	Percentage of Revenue Rate
A	\$2.54	10.5%
B	\$3.00	10.5%
C	\$3.31	10.5%
D	\$10.00 +	10.5%

2.) EST. SDARS PER-PLAY RATE FOR 1 PLAY ON SIRIUSXM AT 21% of REVENUE

Averages	Current Estimated SiriusXM Per-Play Rate for 1 SDARS Play	Percentage of Revenue Rate
A	\$4.48	21%
B	\$6.00	21%
C	\$6.62	21%
D	\$20.00 +	21%

3.) EST SDARS PER-PLAY RATE FOR 1 PLAY ON SIRIUSXM AT 42% of REVENUE

Averages	Current Estimated SiriusXM Per-Play Rate for 1 SDARS Play	Percentage of Revenue Rate
A	\$8.96	42%
B	\$12.00	42%
C	\$13.24	42%
D	\$40.00 +	42%

³ From GEO's understanding, this vast difference in per-performance rates on SiriusXM SDARS vs. other SiriusXM Cable radio or webcasting rates at the \$.00 level, is due to the enormous amount of profit that SDARS makes, especially when the range of the SDARS rate varies wildly from \$2.54 to over \$10 per play. The number of listeners per-play and per channel are a key metrics to help GEO determine an accurate per-play rate.

B. PSS

1. PER-PLAY ROYALTY RATE (PPR)

For all licensed transmissions and related ephemeral recordings through a television-based service qualifying as a PSS, GEO requests the following per-Subscriber, per-month royalties:

2018 – \$0.10

2019 – \$0.125

2020 – \$0.15

2021 – \$0.175

2022 – \$0.20

For purposes of this proposal, “Subscriber” means every residential subscriber to the underlying MVPD service who receives the PSS in the United States for all or any part of a month.

2. PERCENTAGE OF REVENUE (POR)

GEO proposes that the royalty rate for all licensed transmissions by a PSS be 45% of Gross Revenues, with Gross Revenues defined as above under SDARS.

NOTE: These are estimates from public data and actual royalty statements. If the SiriusXM and Music Choice would provide number of listeners per station and on a per-play basis, that would help GEO to better establish a more reasonable rate.

4.) PERMANENT DOWNLOAD

Proposed Royalty Rate for § 114 Permanent Digital Downloads, PLS or PCL

	Copyright Cloud Locker One Time Fee Per §114 Copyright	Per-Performance Rate
2018	\$1.00	40%
2019	\$1.50	35%
2020	\$2.00	30%
2021	\$2.50	25%
2022	\$2.50	25%

Sell the songs the customer just heard on SiriusXM and Music Choice.

SiriusXM and Music Choice should have a BUY button for a few bucks a song, the customer can download their favorite song to their phone, digital device, computer or car hard drive.

The Licensees get a “percentage of revenue” for the sale of each song to a customer.

GEO proposes either a flat Permanent Download sale and/or a Ghosttunes type “cloud locker” Permanent Download in either a Paid Locker Service (“PLS”), Purchased Content Locker (“PCL”), or similar category that includes paid permanent downloads as currently defined in 37 C.F.R. § 385 Subparts B and C, or similar category in §382 or §112, most importantly, *profits from sales would be shared* between Copyright Owners and Licensees with a proposed 80/20% split of Gross Sales of Permanent Downloads.

With most cars having hard drives in them the past several years with space to store mp3 music files or WAV files, etc. it’s an untapped market and a logical line extension for Licensees, while also offering one powerful and simple solution to raise revenues for Licensees and

creators. If a subscriber wants the added value of owning the song, Licensees should let subscribers own the song as well as making significant additional revenue for themselves.

It's already built in.

Just like on Comcast cable, buying a movie for \$15.99, but an album or single on SiriusXM or Music Choice. This is part of GEO's proposal, with already cached sound recordings. It would drive sales from impulse buys and for customer convenience, just like an iTunes download, but on SiriusXM as you drive cross country - every station they have and every song. It also makes them more money, gets us creators paid something in addition, and gives the customer portability.

To fully develop an accurate Per-Play rate for this Written Direct Statement, GEO needs 1.) actual per-play rates, averages and range of royalty rates 2.) based on the number of listeners per channel, or per-play.

So, while GEO's per-play rate has yet to be determined, one of my goals is to find additional models that pay Licensors at a 2016 market rate, but ones that are not disruptive to Licensees' business models, in fact, are even *more profitable for Licensees*.

The most important fact about permanent downloads is SiriusXM will have a *new source of revenue* from their *existing product* and *from existing subscription customers*.

GEO's creative proposal keeps the new comforts and conveniences of non-interactive pre-existing digital radio while adding the additional convenience of a permanent download⁴ option to subscribers, and increases revenues.

⁴ Limited Downloads under 37 C.F.R. 385.10 to 26 must be eliminated in exchange for paid permanent downloads coupled with interactive streaming and non-interactive like in this pre-existing subscription rate proceeding.

If a customer hears a song they like on SiriusXM or Music Choice, they can hit the BUY button and immediately download the song or instantly convert the cached ephemeral copy to a permanent download, with no additional data costs to download the song, and instant profit.

Licensees can *profit again* by selling their *one product* that is already in place — *songs*.

This includes buying the Howard Stern show itself with advertisements embedded, or a new song that Howard debuted on his show, just hit the BUY button and download to your car, phone, etc.

Loyal subscribing customers are also happy to have more music options and the ability to save their favorite song wherever they go. This brings *the customer* back into the “cost of goods sold or performed” (“COGS”) equation to pay for the creation of these sound recordings.

While GEO still proposes a Subpart C type Paid Locker Service (“PLS”) or Purchased Content Locker (“PCL”) aka “Cloud Locker” or “Streaming Account” option in this CRB rate hearing, and all others, this Permanent Digital Download (“PDD”) would also eliminate the need for unpaid limited downloads in 37 C.F.R. 385.11, 385.12, and turn them into a profit center.

Paid Permanent Downloads would be split 50/50 split between §114 copyright authors and owners, and §115 authors and owners, respectively.

TERMS

GEO proposes some type of Audit Right similar to the one proposed by the Copyright Owners in *Phonorecords III*, if one doesn't already exist.

Portions of Part 382 should be consolidated for SDARS and PSS as per SoundExchanges WDS.

The Paid Permanent Download should be required for SDARS and PSS participants but GEO is open to continuing voluntary negotiations.

GEO will offer more terms, but the rates proposed above are also at the heart of my terms for SDARS and PSS and difficult to separate.

EPHEMERAL COPIES

As for the making of any number of ephemeral phonorecords to facilitate such performances pursuant to 17 U.S.C. § 112(e), GEO understands that this reproduction is often overlooked and taken for granted as a foregone conclusion, but reproductions must be re-examined its ephemeral copies to determine their true and separate value, if any. The permanent digital download (PDD) fee could also be part of the ephemeral reproduction of the sound recording copyright on it's own, possibly linking §112(e) and 37 C.F.R. 385 Subpart B and/or C.

An ephemeral phonorecord is simply an unpaid reproduction and why it was named an ephemeral copy in the first place.

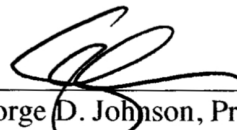
In closing, in the most recent *Phonorecords III* rate proceeding counsel wrote that, "If it should be necessary to litigate over these rates in this proceeding, the record would show that it did in *Phonorecords I* — that even in circumstances in which the compulsory license provided by Section 115 is unavailable to copyright users, mechanical licensing for the product

configurations for which rates are specified in 37 C.F.R. § 385.3 *occurs in the marketplace at royalty rates that are at or somewhat below the statutory rates, and never above the statutory rates*⁵. See 74 Fed. Reg. at 4519-21. Given those circumstances, that statutory rates remain reasonable” (emphasis added)

The same applies in this SDARS hearing that the grandfather rates will never rise above the statutory rate, and that is clearly unreasonable to any copyright creator, author or owner.

Respectfully submitted,

By: _____



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⁵ *Phonorecords III* rate proceeding in *Comments and Objection of Sony Music Entertainment Concerning Proposed Settlement*, submitted on August 24, 2016 by Sony Music Entertainment (“SME”), also affected by the statutory rate in SDARS III, was quoted on Pages 2 and 3, regarding the 9.1 cent mechanical or 37 C.F.R. 385.3 Subpart A rate

Appendix A
George Johnson's Proposed Regulations

GEO is a *pro se* non-attorney and will provide proposed regulations at a later date. GEO submits no re-write or redline changes to 37 C.F.R. § 380 at this time as rates, terms and values may change

Index of Witness Statements

Expert Witnesses

Pursuant to Federal Rules of Evidence 702, GEO intends to offer himself as his own expert witness and fact witness to supply evidence of the business and economic basis of his rate proposal. GEO's contact information is available throughout this WDS, please contact directly.

Tab	Witness or Expert	Title
1	George Johnson	Singer, §114 Copyright Creator, Author, d/b/a Geo Music Group

Fact Witnesses

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Index of Geo's Exhibits

All exhibits are public and sponsored by George Johnson.

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GEO Ex. 002		Constitutional Foundations of Intellectual Property.pdf
GEO Ex. 003	SX Ex. 003	RIAA 2015 Shipment and Revenue.pdf
GEO Ex. 004	GEO2703	-Copyright and the Music Marketplace February 2015 Copyright Office. There is no policy justification..
GEO Ex. 005	GEO2885	RIAA 2015 Inflation-02.jpg - Historical Past 100 Years
GEO Ex. 006	GEO2886	RIAA 2015 Inflation-03.jpg - Singles - Historical Value
GEO Ex. 007	GEO2887	RIAA 2015 Inflation-04.jpg - Albums - Marketplace Value
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GEO Ex. 010		SiriusXM Summary of US Music Royalty Fees by Package 2015-2016.png
GEO Ex. 011		SiriusXM US Music Royalty Fee Effective January 5, 2015.png
GEO Ex. 012		SiriusXM US Music Royalty Fee FAQ 2015.png
GEO Ex. 013	GEO2747	Sirius XM Radio Inc. vs. SoundExchange complaint.pdf
GEO Ex. 014		Why Intellectual Property Matters
GEO Ex. 015		The Real Death of Music article
GEO Ex. 016		B&W Chart from article
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GEO Ex. 020		2012 RIAA Shipment and Revenue
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GEO Ex. 022	GEO2852	Chart 3-1MSongPerformancesSplit.jpg

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GEO Ex. 042		Adele '25' Songwriters & Producers' \$13 Million Earnings So Far Billboard
GEO Ex. 043		Chart - BB-top-adele-bb5-2016-billboard-1250.jpg
GEO Ex. 044	SX Ex. 044	U.S. Sales Database 2015.pdf
GEO Ex. 045		Librarian Appoints Copyright Judges (March 2006) - Library of Congress Information Bulletin
GEO Ex. 046		2014 billboard_twitter_chart_flashboxi.jpg - real time-2 years

Exhibit No.	SX or Web IV	Description
GEO Ex. 047		Book Review — The Constitutional Foundations of Intellectual Property/ A Natural Rights Perspective
GEO Ex. 048	GEO2900	Hanna-Barbara cartoon, Shake and Flick, Cartoon Network 1995-In Record
GEO Ex. 049	GEO2748	Unleashing Capitalism Chapter 7 co-author George Johnson-In Record
GEO Ex. 050		“Taking” Away Music Copyrights
GEO Ex. 051	GEO2705	“Copyright law serves public ends by providing individuals with an incentive to pursue private one.” - Majority opinion in <i>Eldred</i> to Justice Breyer dissent.
GEO Ex. 052	GEO2701	NAB testimony 2014 to Congress “(Copyright) not for creator’s interest”
GEO Ex. 053	GEO2702	The Peasant's Dilemma by Jaron Lanier. Songs subsidize Streamers
GEO Ex. 054	GEO2769	Recording Budget Best George Johnson Album 1-In Record
GEO Ex. 055	GEO2771	Recording Budget Best George Johnson Album 2-In Record
GEO Ex. 056	GEO2740	George Johnson featuring The Jordanares and The Memphis Horns album-In Record
GEO Ex. 057	GEO2741	George Johnson - Still Pissed At Yoko album-In Record
GEO Ex. 058	Batch 3	Album Expenses for Judge Strickler in Web IV - “Cost of Copyright Creation” (some Social Security Numbers and home addresses are REDACTED - TO BIG TO PRINT-In Record
GEO Ex. 059	Batch 3 GEO2898A	AFM Receipt for Session February 16, 2010 QUAD Session 1 Album 1
GEO Ex. 060	Batch 3 GEO2898B	AFM American Federation of Music Union Contract for Studio Players and Limited Master Session February 16, 2010 Album 1 QUAD Studios
GEO Ex. 061	Batch 3 GEO2898C	AFM American Federation of Music Union Contract for Studio Players and Limited Master Session Blackbird Studios April 6, 2012 Album 2 Yoko
GEO Ex. 062	Batch 3 GEO2902	AFTRA Raymar 1 THE JORDANAIREs - AFTRA CONTRACT BACKGROUND VOCALS REDACTED

Exhibit No.	SX or Web IV	Description
GEO Ex. 063	Batch 3 GEO2903	Raymar 2 THE JORDANAIREs AFTRA CONTRACT BACKGROUND VOCALS SESSION 2 REDACTED
GEO Ex. 064	Batch 3 GEO2915	AFTRA MUSIC EXPENSE \$722.73 YOKO ALBUM SINGERS JUNE 19, 2012
GEO Ex. 65		usa_v_bmi_opinion_2016_09_16.pdf
GEO Ex. 66		Do the Grammys really represent the American music creator anymore? TheHill - April 15, 2016
GEO Ex. 67		Aistars-Hartline-Schultz-Copyright-Principles-and-Priorities
GEO Ex. 68		Creatocracy/ How the Constitution Invented Hollywood.pdf
GEO Ex. 69		Captured_systemic_bias_at_the_us_copyright_office Cover 2.
GEO Ex. 70	GEO2956	Still Pissed At Yoko - Video - Yoko-DMDS LO-RES.mov
GEO Ex. 71		He Don't Know Jack About Jill.wav

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

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and "Preexisting"
Subscription Services (SDARS III)

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


**DECLARATION OF GEORGE D. JOHNSON (GEO)
REGARDING WRITTEN DIRECT STATEMENT AND TESTIMONY**

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 550.4(e)(1), I declare under penalty of
perjury that, to the best of my knowledge, information and belief, the foregoing is true and
correct.

Dated: Monday, October 24, 2016

Respectfully submitted,

By: _____


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CERTIFICATION OF SERVICE

I, George D. Johnson, (“GEO”) an individual singer and sound recording copyright creator, hereby certify that a copy of the foregoing GEORGE JOHNSON’S (GEO) WRITTEN DIRECT STATEMENT AND TESTIMONY FOR SDARS III has been served this 24th day of October, 2016 by electronic mail upon the following parties:

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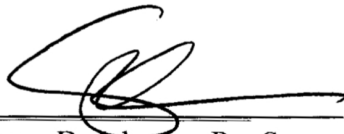
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