

Before the  
COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS  
Washington, D.C.

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In the Matter of: :  
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DETERMINATION OF RATES : Docket No. 16-CRB-0003-PR (2018-2022)  
AND TERMS FOR MAKING AND :  
DISTRIBUTING PHONORECORDS :  
(PHONORECORDS III) :  
:  
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**JOINT PETITION TO PARTICIPATE OF  
NATIONAL MUSIC PUBLISHERS' ASSOCIATION,  
HARRY FOX AGENCY LLC,  
NASHVILLE SONGWRITERS ASSOCIATION INTERNATIONAL,  
CHURCH MUSIC PUBLISHERS ASSOCIATION,  
SONGWRITERS OF NORTH AMERICA**

The National Music Publishers' Association ("NMPA") submits this joint petition on its own behalf and on behalf of the Harry Fox Agency LLC ("HFA"), Nashville Songwriters Association International ("NSAI"), Church Music Publishers Association ("CMPA") and Songwriters of North America ("SONA") (collectively, "Copyright Owners") in accordance with 17 U.S.C. §§ 803 and 804, 37 C.F.R. § 351.1 and the Copyright Royalty Board notice of January 5, 2016, 81 Fed. Reg. 255-56, to participate in a proceeding to establish royalty rates and terms for the making and distribution of phonorecords (the "Proceeding"). As described herein, the Copyright Owners, have a significant interest within the meaning of 17 U.S.C. § 803(b)(2) and C.F.R. § 351.1, in the royalty rates and terms for making and distributing physical phonorecords and digital phonorecord deliveries ("DPDs") of musical compositions pursuant to 17 U.S.C. § 115.

Founded in 1917, NMPA is the principal trade association representing the U.S. music publishing and songwriting industry. NMPA protects and advances the interests of music publishers and songwriters in matters relating to both the domestic and global protection of music copyrights. NMPA represents publishers and songwriters of all catalog and revenue sizes, from large international corporations to small businesses and individuals. Taken together, compositions owned or controlled by NMPA members account for the vast majority of the market for musical composition licensing in the U.S. NMPA has long represented the interests of music copyright owners in proceedings to set royalty rates and terms for the compulsory license under Section 115 of the Copyright Act.

Established in 1927 by the NMPA, HFA is an industry service organization that represents over 48,000 publisher-principals. HFA serves as a licensing and collection agent on behalf of its publisher-principals with respect to the reproduction and distribution of copyrighted musical compositions in the form of physical phonorecords (CDs, cassette tapes and vinyl records) and as DPDs (including permanent downloads, ringtones, interactive streams and limited downloads). To date, HFA has issued over 100 million licenses on behalf of its publisher-principals.

Established in 1967, the NSAI is a trade organization of over 5,000 members dedicated to serving songwriters of all genres of music. NSAI advocates for the legal and economic interests of songwriters, who derive income from licensing their copyrighted works. NSAI includes songwriter members who directly publish and license their own music.

CMPA is an organization of religious music publishers founded in 1926 that works to support and promote worldwide copyright protection and education. Among CMPA's 56 diverse member companies are the publishing houses of almost every major church denomination, the

publishing companies or affiliates of every major contemporary Christian record label, as well as nondenominational independent publishers and publishers involved primarily in educational markets. The wide range of sacred, gospel and contemporary Christian music products created and licensed by CMPA companies include hymnal and praise songs, and choral, instrumental, handbell, keyboard and children's music.

SONA is a grassroots songwriter advocacy organization founded in Los Angeles in 2015. Its goal is to bring together representatives from all corners of the songwriting community to identify, raise awareness of and strategically mobilize its members to address common concerns. SONA's advocacy is particularly focused on the rights of music creators in response to the rapidly changing climate of the digital music industry, including the royalty rates online services pay to publishers and songwriters.

NMPA was one of the principal participants representing the interests of copyright owners in the 1980, 1987 and 1997 Section 115 rate proceedings, as well as in the 1997 DPD rate proceedings. In the 2006 Section 115 rate proceeding, NMPA and NSAI were among the principal participants representing the interests of copyright owners, and were joined by CMPA in the 2011 Section 115 rate proceeding. HFA operated as a wholly owned subsidiary of the NMPA until September 11, 2015. NMPA, HFA, NSAI and CMPA, joined by SONA, will continue to represent the interests of copyright owners in musical compositions throughout the Proceeding.

NMPA hereby certifies that, as of the time of submission of this joint petition, the NMPA has the authority and consent of the Copyright Owners to represent them in connection with the Proceeding. The required filing fee of \$150.00 is submitted with this petition.

Dated: February 3, 2016

Respectfully submitted,

NATIONAL MUSIC PUBLISHERS'  
ASSOCIATION

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