

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

In the Matter of:

Determination of Rates and Terms for  
Making and Distributing Phonorecords  
(Phonorecords III)

Docket No. 16–CRB–0003–PR  
(2018–2022)

**JOINT PETITION TO PARTICIPATE**

Pursuant to 37 C.F.R. § 351.1(b)(1)(ii), undersigned counsel respectfully submits this Joint Petition to Participate in response to the Copyright Royalty Judges’ Notice announcing the commencement of the above-captioned proceeding to determine reasonable rates and terms for making and distributing phonorecords.<sup>1</sup> 81 Fed. Reg. 255 (Jan. 5, 2016).

The joint petitioners are:

Recording Industry Association of America, Inc. (“RIAA”). RIAA is the not-for-profit 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 sound recordings accounting for approximately 85% of the legitimate sound recording market in the United States and regularly obtain vast numbers of mechanical licenses tied to Section 115 of the Copyright Act. On behalf of its members, RIAA has participated in all previous proceedings to determine royalty rates under Section 115 since enactment of the Copyright Act of 1976. Accordingly,

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<sup>11</sup> The Federal Register notice states that this proceeding will set rates for the period beginning on January 1, 2018 and ending on December 31, 2022. However, unlike the rates established pursuant to 17 U.S.C. § 114, the rates established pursuant to 17 U.S.C. § 115 are not set for fixed periods. Instead, the rates to be established in this proceeding will be effective the second month after they are published (but not earlier than January 1, 2018), and will remain in effect until successor rates and terms become effective. 17 U.S.C. §§ 115(c)(3)(C), 803(d)(2)(B). Accordingly, the starting and ending dates for the rates to be set by this proceeding are yet to be determined.

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).

Universal Music Group (“UMG”). UMG is represented on RIAA’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. Each year it creates, manufactures and/or distributes a large volume of sound recordings pursuant to mechanical licenses and makes substantial royalty payments tied to Section 115 of the Copyright Act. It invests significant sums of money each year to bring to market recorded versions of the musical works that are the subject of this proceeding. These activities will continue during the period covered by this proceeding. UMG thus has a significant interest in this proceeding. *See* 17 U.S.C. §803(b)(1)(B).

Sony Music Entertainment (“SME”). SME is represented on RIAA’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. Each year it creates, manufactures and/or distributes a large volume of sound recordings pursuant to mechanical licenses and makes substantial royalty payments tied to Section 115 of the Copyright Act. It invests significant sums of money each year to bring to market recorded versions of the musical works that are the subject of this proceeding. These activities will continue during the period covered by this proceeding. SME thus has a significant interest in this proceeding. *See* 17 U.S.C. §803(b)(1)(B).

Warner Music Group (“WMG”). WMG is represented on RIAA’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. Each year it creates, manufactures and/or distributes a large volume of sound recordings pursuant to mechanical licenses and makes substantial royalty payments tied to Section 115 of the Copyright Act. It invests significant sums of money each

year to bring to market recorded versions of the musical works that are the subject of this proceeding. These activities will continue during the period covered by this proceeding. WMG thus has a significant interest in this proceeding. *See* 17 U.S.C. §803(b)(1)(B).

Pursuant to 37 C.F.R. §351.1(b)(1)(ii)(A), the full name, address, telephone number, facsimile number and e-mail address of the persons filing this Joint Petition to Participate are set forth below.

Pursuant to 37 C.F.R. § 351.1(b)(1)(ii)(D), undersigned counsel hereby certifies that, as of the date of the filing this Joint Petition to Participate, the undersigned counsel has the authority and consent of the above listed participants to represent them in this royalty rate proceeding.

Pursuant to 37 C.F.R. § 351.1(b)(4), the above Joint Petitioners are submitting a filing fee of \$600, representing \$150 for each participant, in connection with this Joint Petition to Participate.

(SIGNATURES APPEAR ON NEXT PAGE)

Respectfully submitted,



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February 4, 2016