



Our organizations represent music creators. The Black Music Action Coalition is an advocacy organization formed to address systemic racism within the music business – it advocates on behalf of Black artists, songwriters, producers, managers, agents, executives, lawyers and other passionate industry professionals. The Music Artist Coalition is a coalition comprised of artists, songwriters, and their representatives dedicated to protecting and advocating for artist rights without compromise. Our organizations have a particular interest in ensuring that songwriters are paid fairly and reliably for the works they create, and played a vital role in securing passage of the Music Modernization Act (“MMA”), codified at 17 U.S.C. § 115. We are committed to continuing their advocacy efforts on behalf of songwriters as the MMA is implemented, including with respect to the policies and practices of the Mechanical Licensing Collective (“MLC”) established under the MMA.

We appreciate the Committee’s interest in holding this hearing regarding the implementation of the MMA on its five-year anniversary. Your ongoing support of songwriter’s intellectual property has been a boon to music creators across America. Songwriters are small business owners who depend on intellectual property protection to live. Our labor provides an excellent cultural and financial export. Our contributions to the arts and economy are the envy of the world.

The MLC has, since its inception, done a good job with its mandate. For nearly two and a half years it has successfully paid royalties to rights owners and reduced the amount of undistributed monies owed to those owners.

While we applaud those efforts, our organizations believe there is still room for improvement regarding several issues around the MLC:

- The Board of Directors of the MLC is composed of seventeen members – only four are songwriters. This is a gross underrepresentation of the very creators whose labors create the need for the MLC in the first place. Creating parity and balance on the Board, by increasing songwriter representation – by both songwriters and their representatives – will improve the MLC by creating more equitable outcomes for those it serves.
- As the Copyright office has already stated on record, the MLC’s decision to change the rules regarding dispute resolution, solely as it pertains to Copyright termination was misguided. Had this issue been brought before the MLC board for resolution, the outcome would likely have been the same misguided resolution, as a direct consequence of the imbalance and underrepresentation in the makeup of the Board of Directors.

In addition, our organizations support wholeheartedly the Copyright Office’s proposed rule which would confirm that terminating songwriters receive Section 115 royalties through the MLC following termination under Section 203 or Section 304. This confirmation would support both the spirit and letter of the law within the MMA.

We thank the Committee for holding this hearing and the opportunity to address these issues.