PUBLIC VERSION

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

In re Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III)	Docket No. 16-CRB-0003-PR (2018–2022)

GEORGE JOHNSON'S (GEO) WRITTEN CLOSING ARGUMENT

George Johnson, (hereinafter "GEO") an individual author, songwriter, and music publisher, *pro se*, respectfully submits this written closing argument in lieu of oral closing arguments on June 07, 2017. GEO submitted a motion on June 06, 2017 to submit a written closing argument which was agreed to by The National Music Publishers' Association ("NMPA") and the Nashville Songwriters Association International ("NSAI," and together with NMPA, the "Copyright Owners" or "CO").

In GEO's Written Direct Statement and Testimony, Amended Written Direct Statements, submitted evidence and hearing testimony, several primary issues and proposals were raised which included 1.) the constitutional supremacy of *exclusive rights* in the *first instance* over licensees' wants and needs *or* Congressional fragmentation and segmentation of licensing, 2.) the *confiscatory nature* of price-fixing compulsory rates for all American songwriters at literally $.00 per-mechanical, 3.) how streaming now practically *"substitutes for"* or "cannibalizes" sales and has destroyed overall historical music sales from 1973 to present, 4.) and how all streaming rates are always set in the *"shadow"* of the compulsory license, even in a so-called "unregulated"

direct licensing or "private deals" for paid subscription or interactive streaming. The destructive force of the Department of Justice's 1941 *consent decrees* on songwriters, which also represents the Copyright Royalty Board in appeals, also adds another layer of practical regulation that voids any claims of interactive streaming being in an "unregulated market". Plus, all "private" direct-deal rates mirror compulsory rates and are closely in "the shadow" of the government rate.

GEO also presented evidence to support his several proposed rates and terms, most importantly the *Subpart D* "digital song sale" in the form of a mandatory BUY button, as well as eliminating all free *limited downloads* — the one loophole contributing to the "substituting for" and lost sales disguised as "offline listening". GEO also proposed setting Subpart B rates at $.0022, $.0025, $.01 and even the *minimum statutory rate* of 9.1 per mechanical stream. The evidence shows the minimum statutory rate for digital was abolished out of thin air in the 2008 *Phonorecords I* proceeding to accommodate digital based streaming companies — after 100 years of a minimum statutory rate for all mechanical devices - which includes all digital devices.

GEO's proposal of Subpart B rates *stand on their own without a BUY button*, supported by GEO's and the CO's evidence, but these rates also apply with a BUY button, presumedly at the lower rate of $.0022 or at Your Honors' discretion.

GEO also argues Your Honors have "full independence" to set rates and terms under the Copyright Act, and when parties don't agree or their proposals are too far apart, as in the *SDARS II* "yawning gap", Your Honors were permitted to find compromises that were not specifically proposed. This latitude includes "rate court precedent" in the "creating out of thin air" category which consisted of NMPA, Digital Music Association ("DiMA") and The Recording Industry Association of America ('RIAA') *creating two new Subparts* and new streaming categories for

underlying works for the first time in *Phonorecords I and II.* The invention of §115 and §114 music copyright licensing categories were also conflated in *Phonorecords I and II,* considering *Phonorecords* is a §115 rate setting proceeding and the RIAA had no significant interest as a §114 lobbying company.

Your Honors are also mandated to set rates and terms *de novo*, for the future, and of course the Five Services are begging for rates to "remain the same" at around $.0006 or less - the very opposite definition of setting rates and terms *de novo*. Even Apple's $.00091 is painfully low, while GEO likes their proposal to simplify rates, it's the nano-penny rate that is the elephant in the room.

While GEO hates to even offer such a painfully low rate and asks Your Honor to adopt GEO's new Subpart D digital song sale while eliminating the limited download above all, $.0022 would at least finally bring parity, consistency, transparency, and equality to streaming rates for underlying works and sound recordings.

GEO's rates, terms and proposals are reasonable and fit the 801(b) standards which should treat the investments, time, money and creativity by songwriters and music publishers *equally* on a 50/50 percent basis with licensees, which is only *fair,* as per the standard. GEO respectfully submits that Your Honors reject the Five Services' rates and terms in favor of GEO and the CO's proposals, supported by the evidence submitted by both GEO and the CO's.

NO MORE PRACTICAL INCENTIVE TO CREATE AT CONFISCATORY $.00

After participating in three years of rate proceedings, and as an expert in songwriting, I have to say I have learned one important lesson that I hope Your Honors will take with great weight in this proceeding and in general - *there is no more practical real-world incentive to write*

or create songs anymore since the rate is price-fixed at $00 cents — so it is impossible to profit and therefore create new music for ourselves, the licensees, or the public.

It's that simple, *there is no more incentive to create music* in America at zero cents.

Music creation is now primarily for the benefit and profit of the licensees, and *their* customers, plus the 3 major labels, not the American songwriter subject to the compulsory license. This is unacceptable.

If the entire *incentive* to create copyrights has been removed and undermined, which is to *profit*, the exact same incentive as the licensees, then music copyright is dead as a practical matter and I beg Your Honors to give us creators our incentive back - and protect our art, profit and property.

THE TRUE VALUE OF MUSIC

After a year and half of all the participants presenting their arguments, evidence and economic theory, the central question of this rate proceeding is, *what is the true value of music*?

Is it $1 or is it $5?

Or is it $.0006, $.00091, $.0015, $.0022, $.0025, $.01 or $9.1 cents?

Or is it $1 billion-dollars?[1]

Counsel may say that a billion-dollar valuation based upon one song is ridiculous and has nothing to do with reasonable rates and terms under 801(b) standards in this rate proceeding, but GEO argues that it has everything to do with 801(b) standards and with this proceeding.

---

[1] https://www.forbes.com/sites/danafeldman/2017/05/25/jimmy-buffett-announces-second-location-for-margaritaville-retirement-communities-as-hilton-head-sc/#4ed278ef3906 While not in GEO's Written Direct Statement from 2016, nobody could have foreseen the song "Margaritaville" being the idea behind a billion-dollar housing development. While this fact was not presented into GEO's evidence since it didn't exist in public at the time, being tied to a document written almost a year ago in a fast changing market should not be penalized, especially since rates and terms are being set for the future, 2018 to 2022.

The success of Jimmy Buffet's song "Margaritaville", that he wrote and sang by himself, is not to be overlooked.

> "This year marks the 40th anniversary of the Margaritaville state of mind since the 1977 debut of Buffett's hit song "Margaritaville". The lyrics serve as the inspiration and theme for his Orlando-based global lifestyle brand, Margaritaville Enterprises, which started in 1987 with the opening of the first restaurant location in Key West. The song depicts an idyllic picture-perfect life in paradise and serves as the basis for much of his vision. The classic tune reached No. 8 on the Billboard 100 and has been hailed as one of the most lucrative songs of all time."

The success and intrinsic value of that one song, those two music copyrights married forever, has been literally unbelievable, but it's real, and therefore *reasonable*, and it shows *the true value of just one song*, and *the true value of copyright if protected — one* song written some 40 years ago by *one* guy.

The Services make billions of dollars off *one* product - songs, so the *value of music is clear to them, it builds billion-dollar companies.*

Unfortunately for us, the evidence is now clear, their profit is generated by legal force, off the backs of independent American songwriters, publishers and artists, held down to literally nothing, $.00 cents for their own hard work, talent, sacrifice, time and investments - *with zero profits.* GEO and the CO's both presented evidence to this fact where songwriters get hundreds of millions of performances and *only a few thousands dollars in royalties*[2] - and therefore no *profit* for creators.

In a normal free-market the price is determined by actual willing buyers and sellers and by supply and demand. With an unlimited supply of music for free and sellers forced to take zero cents, there are no more willing buyers or sellers. Historically in these rate proceedings, the value of music copyrights on digital streaming services has been determined solely by licensees

[2] Hearing testimony by GEO as to songwriter Josh Kear's Grammy winning Song of the Year "Need You Now" sung by Lady A. was streamed around $75 million times and Mr. Kear received a few thousand dollars in royalties.

based upon their own surveys of what their "customers" are willing to pay, not what the sellers want for their product?

As an eater, I am only willing to pay $9.99 per month for unlimited filet-mignon steak, therefore all steak producers and steak houses must produce steak for free or at most $9.99 per month - so it's the same economic reality - it sounds like a ridiculous idea and would be economically impossible to sustain for very long.

When we songwriters hear "unlimited music for $9.99" we think the same thing - *what a ridiculous idea.*

Instead, it only seems *fair* and logical that rates for songs should also determined by the actual, individual American songwriters *"subject to"* the compulsory license. Unfortunately, that is not the way rate setting works in America in 2017. In fact, most songwriters don't even realize the Copyright Royalty Board even exists. Songwriters are not attorneys and not able to present the evidence necessary to compete with 50 anti-copyright attorneys, nor afford the expense, especially now with zero income. The licensees know this and take full advantage of it.

Of course, copyright creators subject to $.00 cents per-mechanical are forced to accept it, whether they like it or not. Licensees are not "subject to" the license since they *choose* to take advantage of this below-market way to license music at songwriters' expense. This is why the Lawyer Rate Board is such a great idea at $.00 per-billable hour. What American wouldn't want a free attorney? Just like every American now feels entitled to free and unlimited music. This may hit too close to home for counsel, just to simply imagine the horror of a government enforced $.00 per-billable hour, but then, just imagine actually having to live that exact same $.00 nightmare as a songwriter, ironically imposed by counsel.

$.00 anything is the primary "pain point" for songwriters, to quote Pandora executives.

So, if the true value of an underlying work is only worth $.00091, $.0015, $.0022, $.0025 cents, then *there is no incentive anymore* for copyright. Even at a mere 1 cent, or 9.1 cents as the law used to demand as the bare minimum, the "minimum statutory rate" for underlying works - yes, even Subpart A at 9.1 cents is no longer an *incentive* when basic inflation says it's a minimum of 50 cents, especially as the Services phase out downloads and stream songs to "customers" for free. The customers that used to pay for records where that 9.1 cents would go to songwriters and music publishers, but now the customer is paying $9.99 to one of the Five Services while we creators have no more sales, because of the Services.

Painters don't have a compulsory license and can sell *one* painting for *tens of millions of dollars*! That is the true value of *one copyright* by one individual independent painter.

Makes me wish I never wrote songs but learned to paint.

Ask yourselves, would Apple's $.00091 cents per-hour, per-day or per-year[3] be a proper *incentive* to Your Honors to preside over a two year rate proceeding? Of course not, so why does Congress inflict such a punishment on every American songwriter and independent music publisher?

Isn't it completely reasonable and practical that an underlying work is worth at least a $1 or more as per GEO's *digital song sale* in a newly proposed Subpart D category?

You have to pay $4 to $5 for a McDonald's hamburger and it is only consumed *one time*.

---

[3] On the most recent 60 Minutes episode on CBS, artist Bruno Mars revealed that the hit song "Uptown Funk" *took almost a year to write and record* and they "threw it out ten times". These are the "sacrificial days" that copyright law is supposed to be built around. [3] http://www.cbsnews.com/news/bruno-mars-on-songwriting-60-minutes-overtime/ Bruno Mars on 60 Minutes. "Uptown Funk was in the trash".

How many times has "Uptown Funk" been consumed on Spotify or Pandora? Hundreds of millions of performances.

Is an underlying work worth at least $1 or $2.50 in today's inflation adjusted prices or is the value of an underlying musical work still literally worth $.00 cents with unlimited consumption?

At this point, the argument is sometimes made that I don't understand the difference between mechanical sales and performances and am "confused" - but all I am doing is trying to offer a solution to a problem created by Licensees and Congress over the past 25 years.

The point is the Services want it both ways, *to conflate the licensing categories when it benefits them*, then they won't admit sales have been completely cannibalized by streaming and this willful ignorance is precisely why I am making these proposals - to fix the problem they created.

The conflating of licensing segments like Pandora Premium with interactive capabilities, *free limited downloads* for "offline listening" and even SiriusXM threatening to buy Pandora for the past year and now investing $480 million in Pandora, are already *conflating all fragmented licensing formats*: non-interactive with on-demand subscription, conflating *SDARS, Phonorecords and Webcasting* proceedings, conflating §115 and §114 copyrights under §385 and §382, etc.

Phonorecords I and II are the poster child for licensing conflation, but if GEO conflates licensing segments to make money for copyright owners, and licensees, he is "confused" and not "reasonable".

Of course, all streams have both a mechanical and a performance side, so the legal segmenting of sales and the licensing of performances has already been *conflating* the past 5 to 10 years. As Your Honors and GEO both agree, the evidence is clear that outdated fragmentation and segmentation of music licensing must be fixed, but we both know Congress will never accomplish copyright reform in time, as per past reform efforts that took over 50 years to complete. Congress is too inept, uncaring and dysfunctional to pass any type of real music copyright reform and that is why this horrible, horrible problem of nano-penny rates for streaming can only be fixed by Your Honors with your *de novo* mandate, full independence, and other code sections that give you the full power to enforce the exclusive rights of *all* American songwriters and music publishers - the real backbone of these billion-dollar music streaming companies.

It was clear from hearing testimony by Pandora, Inc. and DiMA executives that three individuals spearheaded the creation of both the Subpart B and C in *Phonorecords I and II*, NMPA's Mr. David Israelite, a former DOJ employee now advocating for songwriters, Mr. Lee Knife from DiMA representing Google and licensees at $.00, and Mr. Steve Marks from the RIAA representing the 3 major record companies, who still had to pay songwriters 9.1 cents.

The bifurcation of Subpart A and the agreement to keep the 9.1 cent status-quo of the past 11-12 years for another 5 years, also demonstrates the declining value of music. It is also evidence of the real-world negative economic consequences of government price-fixing and central planning of the music business - the minimum statutory rate for a mechanical went from 9.1 cents to $.00000012[4] overnight in 2008, in *Phonorecords I.*

[4] Once BMI and ASCAP take their share after taking a lump sum from streamers for the entire BMI or ASCAP catalogs.

Judge Strickler has repeatedly asked the question: what is the *inherent value* or the *intrinsic value* of music?

That question is solely up to the music creator since it is their creation, their idea, their property, and the fruits of their hard work. We can say the value is up to the marketplace, but their is no free-market or competitive marketplace when the government sets the rate for all music sales or performances for 100 years.

Therefore, value can't be determined naturally, in the marketplace, since the government already sets the rate and value at zero cents.

The Services can argue it's up to the customer to determine the value, based on a survey by one of their economists, but that is flawed like my new subscription steak franchise at $9.99 per month — and that is why GEO is proposing to pay for the cows, the ranchers and the steaks, not just pay Silicon Valley executives who willfully ignore the cost of cows, ranchers or steaks.

But to first set a value on any copyright, the 1976 copyright law is clear that copyright *is from the moment of creation* and until it is published or registered, the musical work is not subject to protection or any compulsory licensee. Therefore, like a painting not under a compulsory license or statutory rate of zero cents, or like the song "Uptown Funk" that took a year to write and record in it's final expression, but not yet published and where no copyright registration form has been filed, and therefore not subject to any compulsory license — so what *is the intrinsic value of that copyright, that painting, that song before it's a hit or not*?

Nobody knows if it's going to be a hit record, they can predict, and then claim it's value after the fact, but it's the potential of "Uptown Funk" under the compulsory license, before it is released that is the central question here. What is that value for the average American songwriter

"subject to" the license and do the creators get to profit from that value, or only Pandora and Spotify and "the public"?

Moreover, if the government demands I value my art, published or unpublished, at literally $.00 cents every 5 years with roll-over rates that are not *de novo*, then the inherent or intrinsic value of the music is bypassed and ignored for an arbitrary "value" of zero that only benefits the licensees' financially, and benefits the end user with free or virtually free music - so it's basically legalized piracy.

GEO and the CO's both presented clear and overwhelming evidence, undisputed economic evidence provided by The Recording Industry Association of American of the value of music over the past 45 years, included in GEO Exhibits 4005, 4006, 4007 plus 4011, 4012, 4013 and various other economic data exhibits I hope were accepted into evidence.

As GEO has proposed, presented credible economic evidence, and testified to, that the true value of music in the current and future "marketplace" *is around $4 to $5 per song*. That would be the total value of a song, including both underlying work and sound recording.

This value is based upon the RIAA's historical statistics dating back to 1973 and then 1893, up to the present values, including Adele windowing album sales shown in GEO Ex. 4037.

Of course, GEO proposes *starting with $1 to $2 per song* moving towards the $5 value over the next 5 years.

We hope Your Honors consider the non-performing songwriter, the independent average American music publisher and the American singer/songwriter who nobody knew at one time, like every new singer/songwriter starting out today and over the next 5 years — which is what

we are setting rates and terms for, the future, not carrying forward the old rates — as the CO's do an excellent job of proving and explaining in their Conclusions of Law and Finding of Fact.

In fact, we hope you listen to these words by Apple in their Written Direct Statement where they claim in their Summary of Position:

> "Music has inherent value. It has value to the public, which benefits from listening to the creativity of artists. It has value to artists, not only as an outlet for their creativity, but as a source of financial support for their continued creation. And it has value to the services like Apple Music, whose important role in innovatively bringing together the public and artists also must be recognized by any rate structure. The music compositions embodied in interactive streams are protected under the U.S. Copyright Act, and the publishers and songwriters who create these works have a constitutional right to be compensated for their use. The business model designed and used by a distributor of these musical works does not diminish the value of the music."

But this is the point, the business models designed by the distributors has diminished the value of the music, then Apple claims $.00091 is "fair and reasonable" … "Because Apple's proposal recognizes the copyright owners' and copyright users' contributions to the music industry, and provides both with a fair return on their investments and the incentives necessary to continue making music available to the public."

There is nothing fair about $.00091 cents per-performance with no sales, $.00091 is certainly not an incentive, $.00091 is not fair, and the evidence shows $.00 anything will *never* provide a fair return on our investment.

The real question is would Apple, Google, Amazon, Spotify and Pandora employees, executives, stockholders, and attorneys object if they were subject to a compulsory rate of $.00091 cent for their labor and time?

Of course they would, since $.00091 cents for any type of labor is fundamentally unfair.

CONCLUSIONS

GEO's requests that the following rates and terms included in GEO's written direct statement and subsequent amended written direct statements, be adopted:

1. Abolishing of the free *limited download* in Subparts B and C of §385.10 to .26

2. Adopting a *mandatory BUY button*, creating a *"digital song sale"* ("DSS") under a newly created section of Subpart C or a newly created Subpart D.

3. Recognizing and stipulating that all digital streaming *"substitutes for"* or *"cannibalizes"* physical and digital sales currently, practically, and historically by replacing all sales — essentially the mechanical 9.1 cent or "minimum statutory rate" was done away with in exchange for a $.00 streaming mechanical with no minimum rate, incentive, or profit.

4. Recognizing and stipulating that all digital streaming royalty rates are based on *"the shadow" of the government compulsory license at $.00* per-performance or per-mechanical sale which creates below-market rates and distortions in an actual true free-market, competitive marketplace, or hypothetical marketplace, etc.

5. Adopting GEO's Subpart B streaming mechanical rates at $.0022, $.0025 over the Copyright Owner's proposal of $.0015.

6. Adopt GEO's Subpart B streaming rates of $.0022 or $.0025 in addition to GEO's BUY button "digital song sale".

7. ...or Adopting GEO's $.01 or $.091 per-stream rates as per the "minimum statutory rate" abolished by NMPA, DiMA, and the RIAA in *Phonorecords I and II* and without the consent of all American songwriters and music publishers "subject to" the compulsory license for underlying works.

8. If NMPA, DiMA and RIAA can create §114 and §115 royalty rates and terms in a §115 proceeding *out of thin air*, creating Subparts B and C, and Apple and others can propose eliminating and abolishing sections of Subparts B and C, then so can GEO. Your Honors are not bound by outdated "rate court precedent" as I would put it as a layman, since rate court precedent was not followed whatsoever in *Phonorecords I and II* in 2008 and 2012, but created out of thin air by 3 lobbying groups, who were also not copyright owners and with no significant interest. Ironically, *Phonorecords I and II* are now rate court precedent in a negative way for copyright owners since the rate is always kept so low, but the ability to create new Subparts was also another precedent that is in GEO's and copyright creators' favor.

9. *Exclusive Rights* are enshrined in the U.S. Constitution and must be considered in the first instance, not the wants of Licensees with no property rights or investment in those copyrights, that they then use to raise money, make money and is their only product.

10. Recognizing the *confiscatory nature* of forcing copyright creators to take literally $.00 cents for their own creations, property and fruits of their time and labor.

11. Recognizing and stipulating that royalty rates set for songwriters subject to a compulsory license from 1909 or subsequent digital §115 "legal" regulations for streaming, are all in "the shadow" of the various compulsory licenses and are *not in an unregulated market.* Songwriters and independent music publishers are *not in an unregulated market* when they are simultaneously subject to a "consent decree" by the Department of Justice ("DOJ"). Recognizing and stipulating that all America songwriters and independent music publishers *are not in an unregulated market* even when making "*private deals*" with *interactive subscription streaming services* since all interactive or so-called private deals are based upon the government statutory rates for non-interactive streaming and still in "the shadow".

Your Honors can simplify or eliminate sections of Subparts B and C, like the harmful limited download, while creating a new Subpart D digital song sale that is reasonable and supports the creation of new music copyrights for the public — all while offering an actual reasonable incentive to the copyright creators and investors to cover the cost of copyright creation starring in 2018. Just like for every other product we buy in the marketplace - this includes the cost of goods sold. GEO respectfully submits Your Honors combine the best of GEO and the CO's rate and terms and reject the Five Services proposals in whole and in part.

Respectfully submitted,

By: */s/ George D. Johnson*

George D. Johnson, Pro Se
an individual songwriter and publisher
d.b.a. George Johnson Music Publishing
23 Music Square East, Suite 204
Nashville, TN 37203
E-mail: **george@georgejohnson.com**
Telephone: (615) 242-9999

George D. Johnson (GEO), an individual songwriter and music publisher d.b.a. George Johnson Music Publishing (GJMP) (formerly BMI)

Dated: Monday, June 19, 2017

CERTIFICATION OF SERVICE

I, George D. Johnson, ("GEO") an individual *pro se* songwriter, music publisher and music copyright creator, hereby certifies that a copy of the foregoing GEO's Written Closing Arguments has been served this 19th day of June, 2017 by electronic mail upon the following parties:

Donald Zakjrin
Frank P. Scibilia
Lisa M. Buckley
Benjamin Semel
PRYOR CASHMAN LLP
7 Times Square
New York, NY 10036-6569
BSemel@PRYORCASHMAN.com
DZakarin@PRYORCASHMAN.com
LBuckley@PRYORCASHMAN.com
FScibilia@PRYORCASHMAN.com
Telephone: (212) 421-4100
Facsimile: (212) 326-0806

National Music Publishers Association (NMPA) and Nashville Songwriters Association International (NSAI)

Michael S. Elkin
Thomas Patrick Lane
Daniel N. Guisbond
Stacey Foltz Stark
WINSTON & STRAWN, LLP
200 Park Avenue
NewYork, NY10166
melkin@winston.com
tlane@winston.com
dguisbond@winston.com
sfstark@winston.com

Counsel for Amazon Digital Services, LLC

Dale M. Cendali
Claudia Ray
Johanna Schmitt
Mary Mazzello
KIRKLAND& ELLIS LLP
601LexingtonAvenue
NewYork,NY10022
dale.cendali@kirkland.com
claudia.ray@kirkland.com
johanna.schmitt@kirkland.com
mary.mazzello@kirkland.com

Counsel forApple Inc.

Elizabeth Miles, Esq.
Apple, Inc.

1 Infinite Loop
MS 169-41SM
Cupertino, CA 95014
elizabeth.miles@apple.com
Telephone: (408)-996-1010
Facsimile: (408)-783-2798

Apple, Inc.

Danielle Aguirre
National Music Publishers Association (NMPA)
975 F Street, N.W., Suite 375
Washington, DC 20004
disraelite@nmpa.org
ecarey@nmpa.org
daguirre@nmpa.org
Telephone: (202) 393-6671
Facsimile: (202) 393-6673

National Music Publishers Association (NMPA).

Kenneth L. Steinthal
Joseph R. Wetzel
Katherine E. Merk
KING & SPALDING LLP
101 Second Street, Suite 2300
San Francisco, CA 94105
ksteinthal@kslaw.com
jwetzel@kslaw.com
kmerk@kslaw.com
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

Barton Herbison
Nashville Songwriters Association International (NSAI)
1710 Roy cuff Place
Nashville, TN 37203
bart@nashvillesongwriters.com
Telephone: (615) 256-3352
Facsimile: (615) 256-0034

Nashville Songwriters Association International (NSAI)

J. Blake Cunningham
KING & SPALDING LLP
401 CongressAvenue, Suite3200
Austin,TX 78701
bcunningham@kslaw.com

David P. Mattern
KING & SPALDING LLP
1700PennsylvaniaAvenue, Suite200
Washington,DC 20006
dmattern@kslaw.com

Counsel for Google, Inc.

David Israelite
Erich Carey

R. Bruce Rich, Todd Larson
Benjamin E. Marks, David R. Singh

Jennifer Ramos, Peter D. Isakoff
Hong-An Tran
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
r.bruce.rich@weil.com
todd.larson@weil.com
benjamin.marks@weil.com
david.singh@weil.com
jennifer.ramos@weil.com
peter.isakoff@weil.com
an.tran@weil.com

Telephone: (212) 310-8170
Facsimile: (212) 310-8007

Counsel for Pandora Media, Inc.

Gary R. Greenstein
WILSON SONSINI GOODRICH & ROSATI
1700 K St., NW, 5th Floor
Washington, DC 20006
ggreenstein@wsgr.com
Telephone: (202) 973-8849
Facsimile: (202) 973-8899

Counsel for Pandora Media, Inc.

MAYER BROWN LLP
1221 Avenue ofAmericas
New York,NY 10020-1001
jmancini@mayerbrown.com
xtang@mayerbrown.com

Richard M. Assmus
MAYER BROWN LLP
71 South Wacker Drive
Chicago,IL60606
rassmus@mayerbrown.com

Counsel for Spotify USA, Inc.

Paul Fakler
Eric Roman
Xiyin Tang
Jennifer White
Aren't Fox LLP
1675 Broadway
New York, NY 10019
paul.fakler@arentfox.com
eric.roman@arentfox.com
xiyin.tang@arentfox.com
jennifer.white@arentfox.com
Telephone: (212) 484-3900
Facsimile: (212) 484-3990

Counsel for Spotify USA, Inc.

A. John P. Mancini
XiyinTang

Annika Goldman
Spotify USA, Inc.

45 W. 18th St.: 7th Floor
New York, NY 10011
annika@spotify.com
Telephone: (646) 820-7763

Counsel for Spotify USA, Inc.
Spotify headquartered in Sweden and Luxembourg

WARNER MUSIC GROUP
1633 Broadway
New York, NY 10019
brad.cohen@wmg.com

Warner Music Group (WMG)
Warner Music Group is headquartered in Moscow, Russia by Access Industries, Inc.

Steven R. Englund
Michael B. DeSanctis
Jenner & Block LLP
1099 New York Ave., N.W., 9th Floor
Washington, D.C. 20001
senglund@jenner.com
mdesanctis@jenner.com
Telephone: (202) 639-6000

Sony Music Entertainment (SME)
Sony Corp headquartered in Tokyo, Japan

Brad E. Cohen

Monday, June 19, 2017

By: */s/ George D. Johnson*

George D. Johnson, Pro Se
an individual songwriter and publisher
d.b.a. George Johnson Music Publishing
23 Music Square East, Suite 204
Nashville, TN 37203
E-mail: **george@georgejohnson.com**
Telephone: (615) 242-9999

George D. Johnson (GEO), an individual songwriter and music publisher d.b.a. George Johnson Music Publishing (GJMP) (formerly BMI)