

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

ORIGINAL

Received

JUN 02 2015

Copyright Royalty Board

In the Matter of)

Determination of Royalty Rates)
for Digital Performance in Sound)
Recordings and Ephemeral Recordings)
(Web IV))

Docket No. 14-CRB-0001-WR
(2016-2020)

GEORGE D. JOHNSON'S TABLE OF AUTHORITIES

George D. Johnson, ("GEO") an individual and digital sound recording copyright creator, respectfully submits his attached Table of Authorities. As we come to the close of the unified Hearing, GEO realizes this Table should have been filed in my Written Direct Statement, but as a non-attorney, I'm learning as we go along and am only submitting this to clarify GEO's case.

Respectfully submitted,

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*George D. Johnson (GEO), an individual
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Dated: Tuesday, June 2, 2015

CERTIFICATION OF SERVICE

I, George D. Johnson, ("GEO") an individual and digital sound recording copyright creator, hereby certify that a copy of the foregoing GEORGE D. JOHNSON'S OFFERED AND USED HEARING EXHIBITS AND LIST PLUS THIRD SUPPLEMENTAL EXHIBITS AND EXHIBIT LIST has been served this 2nd day of June, 2015 by electronic mail upon the following parties:

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TABLE OF AUTHORITIES
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CASES

Herbert v. Shanley, Decision 242 U.S. 591 (1917).....

SiriusXM Radio, Inc. v. SoundExchange, Inc. and American Association of Independent Music,
12-cv-2259 (S.D.N.Y. 2012).....

Broadcast Music, Inc. v. Pandora Media, Inc.,
13-cv-4037 (S.D.N.Y. 2015).....

Eldred v. Ashcroft, Decision 537 U.S. 186 (2003).....

Mazer v. Stein, 347 U. S. 201, 219 (1954).....

American Geophysical Union v. Texaco Inc.,
802 F. Supp. 1, 27 (S.D.N.Y. 1992), aff'd, 60 F. 3d 913 (CA2 1994)...

Intercollegiate Broad. Syst., Inc. v. Copyright Royalty Bd.,
684 F. 3d 1332 (D.C. Cir. 2012).....

Flo & Eddie, Inc. v. SiriusXM Radio, Inc.,
13-05693 PSG (RZx) (May 27, 2015).....

Flo & Eddie, Inc. v. Pandora Media, Inc.,
14-cv-07648 (2014 - 2015).....

United States v. ASCAP,
41 Civ. 1395 (S.D.N.Y. 1941).....

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CONSTITUTIONAL PROVISIONS

U.S. CONST., art. I, § 8, cl. 8.....

U.S. CONST., amend I.....

U.S. CONST., amend V.....

STATUTES

17 U.S.C. § 106.....

17 U.S.C. § 114.....

17 U.S.C. § 115.....

REGULATIONS

- 37 C.F.R. § 385.1 through 385.26.....
- 37 C.F.R. § 385.3.....
- 37 C.F.R. § 385.11.....
- 37 C.F.R. § 385.13.....
- 37 C.F.R. § 385.14.....

LEGISLATIVE MATERIALS

- Copyright Act of 1909 - Pub. L. 60-349 (July 1, 1909).....
- Copyright Act of 1976 - Pub. L. 94-553 (Oct. 19, 1976).....
- “Music Licensing Under Title 17: Part Two”
U.S. House Judiciary Committee, June 25, 2014 NAB Testimony (Serial No. 113-105)
<http://judiciary.house.gov/index.cfm/2014/6/hearing-music-licensing-under-title-17-part-two>
<http://judiciary.house.gov/cache/files/d1f414c8-3e5b-4a4c-8d8f-3e5c3597851c/062514-music-license-pt-2-testimony-nab.pdf>
- Digital Millennium Copyright Act (DMCA) (1998)
- Copyright Royalty and Reform Act of 2004

OTHER AUTHORITIES

- “*Copyright and the Music Marketplace*” study published by
The Copyright Office on February 5, 2015.....
<http://copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf>
- The Federalist No. 43, p. 272 (C. Rossiter ed. 1961).....
- The Copyright Act of 1790* (repealed).....
- President George Washington’s Inaugural Address*.....
- British *Statute of Anne*, Article IV (c.19) (1710).....