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WASHINGTON D.C.

In re:

Distribution of Digital Audio Recording.	**CONSOLIDATED**
Recording Funds.	**Docket NO. 2008-3 DD CRB**
	(2007-2011 SRF)

REPLY TO AARC OPPOSITION TO EUGENE CURRY MOTION

TO RE-CONSIDER

In response to another AARC opposition to its ongoing strategy to eliminate me as an individual by default through procedure which it continually been using all these years (proof court filings). While being a creative being, not an attorney I have to comply regardless of my lack of a legal degree in my opinion is unfair and does put me at a disadvantage, and is unjust. However to satisfy one of the qualifications that AARC insists is needed. I have found new evidence on a lawsuit AARC filed against General Motors in 2014.

AARC Co.'s Inc. vs. General Motors Co.et al1=14-cv_01271 in the U.S. DISTRICT COURT OF DISTRICT OF COLUMBIA. Within that complaint GM mentions as part of its argument that royalties that are distributed to AARC and its clients little if any were distributed to its 440, 000, thousands of the ones they claim to represent. Also that whether AARC has the right to collect theses particular royalty payments in the first place which I have previously questioned.

So if this response is sufficient enough to satisfy the requirement (Introduction) (2), then I believe a lot more will be uncovered during

discovery because up to this point AARC hasn't answered any questions, presented any cancelled checks to those hundreds of thousands of disbursements. All they have done is reject, dismiss, oppose, and complain about procedure, not the facts which can't be presented if their defense is dismiss by procedure. That is 'UNJUSTIFIED '!

Thank you!

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Music Group's Copyright Suit Against Ford, GM On The Rocks

By Jimmy Hoover

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Law360, Washington (October 24, 2017, 6:44 PM EDT) -- A copyright lawsuit from a music industry group against General Motors LLC, Ford Motor Corp. and others over in-car entertainment systems appeared to be in trouble Tuesday after a D.C. federal judge hammered away at the group's contention that the systems qualify as digital recording devices under the law.

During a lengthy hearing Tuesday, U.S. District Judge Ketanji B. Jackson said she was deeply skeptical of the Alliance of Artists and Recording Cos. Inc.'s primary argument that the car's infotainment systems can be considered "digital audio recording devices" under the 1992 Audio Home Recording Act. The group's lawsuit alleges the defendants, which include suppliers Denso International America Inc. and Clarion Corp. of America, sold vehicle music and navigation systems that record songs while refusing to pay royalties to artists.

Whether the systems qualify as digital audio recording devices turns on the even more pointed inquiry of whether they create "digital music recordings," as required by the AHRA. The law defines a digital music recording as a "material object," such as a compact disk or audio tape, that contains "only sounds, and material, statements, or instructions incidental to those fixed sounds."

The defendants have argued that the cars' internal hard drives do not meet that definition because they contain GPS systems and other computer programs unrelated to music, so the AARC has argued that a specific physical region of the hard drive known as the partition satisfies the criteria for a digital music recording and therefore opens the companies up to copyright royalty liability under the AHRA.

But Judge Jackson, hearing oral arguments on the parties' cross-motions for summary judgment, appeared unconvinced by the AARC's position on Tuesday.

"The only way your argument works, I think, and I hope you tell me why I'm wrong, is if [the partition] is distinguishable from the hard drive on which it sits," she said.

Richard Brian Dagen of Axinn Veltrop & Harkrider LLP, an attorney representing the AARC, said the partition of the hard drive is physically separate from other parts of the hard drive where other computer programs, such as navigation tools, are stored. Dagen likened the partition to a slice of pizza that could be lifted from the pie. "Parts are not excluded from the thing," he said.

Later in the argument, Judge Jackson said she still didn't see the need to define the hard drive

partition in this way.

“I could go there and say there is a little nesting doll in [the hard drive] that satisfies the statute. What I don’t understand is why I would do this,” she said. “I don’t understand the compulsion or necessity to drill down in the way you want me to.”

Annette L. Hurst of Orrick Herrington & Sutcliffe LLP said on behalf of the defendants that the AARC’s argument that the hard drive partition is a digital music recording for purposes of the AHRA doesn't hold water because the entire hard drive is “just a single unitary object” that can’t be subdivided.

“If you come with a theoretical laser and remove this [partition] it’s not a DMR because it doesn’t work anymore,” Hurst said.

She added later, “We interpret statutes from the perspective of human beings, not from the perspective of operating systems."

AARC is represented by Axinn Veltrop & Harkrider LLP.

The defendants are represented by Hogan Lovells US LLP, Baker Botts LLP and Fenwick & West LLP.

The case is Alliance of Artists and Recording Cos. Inc. v. General Motors Co. et al., case number 1:14-cv-01271, in the U.S. District Court for the District of Columbia.

--Editing by Bruce Goldman.

Copyright

from the *keep-scroungingn-for-loose-change* dept
Tue, Jul 29th 2014 9:11am — **Mike Masnick**

It's no secret that the legacy recording industry players are constantly searching for new ways to make money. Of course, they don't seem all that keen on actually searching for *new business models* to make money, but rather they tend to default to new ways to *squeeze* money out of others through legal changes or lawsuits. That's what happens when you have an industry dominated by lawyers, rather than innovators. It's why so many new music services end up getting sued. It's why ASCAP tried to declare that ringtones **were a public performance** (ditto for the **30 second previews** of songs at iTunes). Basically, these industries just go searching under the couch cushions for spare change to sue for because that's how they operate.

The latest such example is the AARC -- the Alliance of Artists and Recording Companies -- deciding to **file a lawsuit demanding $2,500** for every car in which Ford and GM have installed CD devices that will automatically rip CDs into MP3s to store on a local hard drive. The AARC is a smaller and little known collection society. It was created solely to collect fees from the **Audio Home Recording Act (AHRA)**, one of the many (many) laws that the RIAA foisted upon the world in fear over the rise of digital music. It was designed as something of a "compromise" between the RIAA and the computing and consumer electronics industry. The focus was supposedly to better enable personal, non-commercial home copies of music, while putting royalties on devices used to *make serial (repeated) copies*.

The problem is that the AHRA is basically a deadletter act, with little real standing in the world today, partly because the act itself killed the market for such devices. The RIAA had tried to use it in the late 1990s to ban the mp3 player (or, well, to tax them to death). But, thankfully, a court in RIAA v. Diamond **rejected that interpretation** of the law, making mp3 players perfectly legal (without the corresponding royalty tax). That ruling, which destroyed the RIAA's (wrong) interpretation of the law, also opened up the wonderful digital music world we have today, where you can store thousands of songs in your pocket. Without the RIAA v. Diamond ruling, it's unlikely that we'd ever have the iPod.

There are still a very small number of things that are supposedly covered by the AHRA, but AARC collects a tiny, tiny amount of money. The Copyright Office's **data** shows a total of $748,277.72 in 2013. That's down from previous years, but at it's very highest AARC collected $5.3 million, and most years it was closer to $2 million. Oh, and in case you're wondering, almost *none* of that money actually gets paid out. The last year that the Copyright Office has published details concerning these fees, 2010, it notes that AARC collected $1.75 million... and **paid out just $7,894.84**. Yes, you read that right. AARC collected nearly $2 million, but gave less than $8,000 to copyright holders (likely the major labels, who probably didn't give any of that money to actual artists). The previous year, it paid out a **whopping $16,564.63**.

However, suddenly AARC seems to think that these CD-to-mp3 devices violate the law, and the auto companies and the electronics firms that make the devices, Denso and Clarion, must pay. The AARC is pulling out all the stops to **explain why the lawsuit makes sense**, focusing on claims by GM (in its marketing material) that "the hard drive will not accept photos or other sorts of data" but just music. This is in part because of the Diamond ruling noted (correctly) that a general purpose hard drive doesn't apply. But the AARC appears to be totally ignoring other key parts of the ruling.

Proof of Delivery

I hereby certify that on Friday, November 22, 2019, I provided a true and correct copy of the REPLY TO ARRC OPPOSITION TO EUGENE CURRY MOTION TO RE-CONSIDER to the following:

circle god network inc d/b/a david powell, represented by david powell, served via Electronic Service at davidpowell008@yahoo.com

AARC, represented by Linda Bocchi, Esq, served via Electronic Service at lbocchi@aarcroyalties.com

Signed: /s/ Eugene Curry Mr.