

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

In re

Determination of Royalty Rates and Terms
for Making and Distributing
Phonorecords
(Phonorecords IV)

Docket No. 21-CRB-0001-PR
(2023–2027)

**GEO’S SUBPART B MOTION FOR RELIEF TO AMEND 12 CENT
JUDGEMENT TO 13.73 CENTS ON JANUARY 1, 2023 TO CORRECT NO
PROPOSED COLA BY THE PARTIES FOR 2021 AND 2022**

Participant George Johnson (“GEO”), a *pro se* Appellant songwriter respectfully submits this motion for relief to amend judgement¹ (and attached proposed order) to correct the unreasonable omission of the Cost Of Living Adjustment (“COLA”) indexing to the now published 12 cent proposed rate by the Parties² for Subpart B that *did not include the years 2021 and 2022* in their proposed calculations. In other words, the arbitrarily calculated 12 cents they proposed only went from 2006 thru 2020, but rates were static thru 2022. Rates would be approximately 13.13 cents thru the end of 2021 and 13.73 cents thru 2022

¹ With no attorney, I’m guessing *motion for relief* or “*amend judgment*” as the best category.

² The “Parties” consist of lobbyists National Music Publishers’ Association (“NMPA”) and Nashville Songwriters Association International (“NSAI”), who represent the 3 major record labels Universal Music Group (“UMG”), Warner Music Group (“WMG”), and Sony Music Entertainment (“SME”) also referred to as 3 Record Company Participants (“3RCP”) which includes their respective 3 self-dealing publishing divisions, hereafter, the “Parties”.

over these past 2 years, according to the U.S. Bureau of Labor Statistics (“BLS”).³ Overall, the government based CPI-U inflation indexing for 2021 and 2022 would be an approximate 1.73 cent increase per-song from 12 cents to 13.73 cents beginning January 1, 2023. Of course, this is not a precise calculation by GEO and subject to an expert economic calculation by Judge Strickler and at Your Honors’ discretion.

The inclusion of years 2021 and 2022 is what GEO and other Subpart B attorney Commenters^{4 5} respectfully argue is a complete and reasonably indexed

³ https://www.bls.gov/data/inflation_calculator.htm U.S. Bureau of Labor Statistics (“BLS”) website Inflation Calculator. (See BLS calculations Exhibits A and B below.)

⁴ <https://www.federalregister.gov/documents/2022/12/16/2022-27237/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-phonorecords-iv> December 16, 2022, Subpart B 12 Cent increase with Inflation indexing.

⁵ “Gwendolyn Seale asserts that the Proposed Settlement 2 rate of 12 cents for 2023 is too low, based on the totality of the record and the Judges’ analyses in their determination not to accept Proposed Settlement 1. Seale at 1. Ms. Seale concludes that Proposed Settlement 2 only partially addresses the inflation issue by limiting the inflation calculation to 2021. She maintains that it would be illogical to base the inaugural rate for this cycle on 2021 inflation calculations. She adds that, if the Judges were only to take into account the inflation issue in determining a reasonable rate for the inaugural 2023 year, such rate should reflect the 9.1 cent rate indexed to as close as possible to 2023, which is currently 13.4 cents. *Id.* at 2-3. Ms. Seale adds that compositions that are subject to controlled composition clauses in private contracts may continue be licensed at a rate of approximately 9 cents in 2023. *Id.* at 3-5.”

“Songwriters Guild of America, Inc. (SGA), Society of Composers & Lyricists (SCL), and Music Creators North America (MCNA), and the individuals Rick Carnes and Ashley Irwin (Independent Music Creators) comment in opposition, asking the Judges to modify or decline to approve Proposed Settlement 2. Independent Music Creators at 1. Independent Music Creators posit that the 9.1 cent rate, the basis for the adjusted 12 cent rate in Proposed Settlement 2, had already lost much of its initial 2006 value by 2021. They maintain that the 2021 value was already 12 cents by early 2021, and by the time of introduction of Proposed Settlement 2 had further risen almost another 10% to 13.11 cents. They offer that their own calculations do not take into account further discounting of royalty rates by privately entered-into controlled composition clauses. *Id.* at 3. They add that the 12 cent proposal would inadequately account for inflationary increases as measured by the CPI that occurred in 2021 and 2022. *Id.* at 3-4.”

Federal Register :: Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords IV), December 16, 2022, for 12 cents with inflation, final rule.

2006 to 2023 royalty rate for Subpart B downloads⁶ — the purpose and good reason for this motion for relief to correct this mistake before any initial determination.

GEO respectfully submits ignoring 2 years of the highest inflation in 40 years in songwriter royalty calculations is unreasonable, unfair, and arbitrary.

Moreover, while the now published voluntary settlement may not contain any unlawful provisions as CRB regulations state, no inflation indexing for 2021 and 2022 seems to directly contradict these following CRB rulings in this proceeding.

a.) that it is unreasonable for a rate to be *static*,

“In the dynamic music industry, there is insufficient reason to conclude that a static musical works rate is reasonable. The determination rendered in 2008, with an effective date of 2006, cannot continue to bind the parties sixteen years later...”^{7 8}

b.) and COLA *indexing* as the best remedy to static (effectively “decreasing”) rates, to balance inflation’s never-ending erosion of the value of the dollar.

“Even if the sales figures were otherwise, however, sixteen years at a static rate is unreasonable under the current record, if for no other reason than the

⁶ In light of both Commenters raising the issue of the controlled composition clause (“CCC”), as have Your Honors, the refusal by the 3 labels to end the CCC is another good reason to allow the 2021 and 2021 indexing to 13.73 cents since the CCC is the original “end run” around the statutory license. GEO understands it’s by private contract as Your Honors recognize, **but it’s still the original end run**, created by record labels in response to *inflation indexing by the Copyright Office in the 1976 Act* — so the CCC is *still* an end run.

“The disparity between the static rate and the dynamic market is even more stark when considering the “controlled composition clause” that contractually lowers the statutory rate by 25%...In other words, the statutory rate is not the effective rate record labels use in compensating songwriters and publishers.” March 30, 2022 Subpart B ruling, Page 18347

⁷ Page 18347 under “Rate “Freeze””.

⁸ On a side note, even here the CRB makes the distinction of 2 years of inflation between 2006 and 2008 in the final rule and all GEO is asking for is exact same determination, and importance, of these 2 years of inflation between Jan. 2021 to Jan. 2023, no different.

continuous erosion of the value of the dollar by persistent inflation that recently has increased significantly.”⁹

“In this regard, application of a consumer price index cost of living increase, beginning in 2006, would yield a statutory subpart B royalty rate for 2021 of approximately \$0.12 per unit as compared with the \$0.091 that prevails, which adjustment, as noted *supra*, represents a 31.9% increase.”

So, 2 years of static rates with no COLA now seems contrary to precedent.

The Parties also made the COLA indexing for a maximum of only 5 years, another good reason why this correction should be *made while we can, and are here*.

It’s unfortunate that CRB Judges have little choice but to accept and publish most voluntary settlements, including this settlement at 12 cents *which excludes inflation indexing for the years 2021 and 2022* due to;

- a.) the rules and laws mandated by Congress to “encourage settlements”,
- b.) and the manipulative way the Parties propose their rates and terms in their “voluntary settlement” at 12 cents, **instead of a proposal that includes inflation for the year 2021 at 13.11 cents, and then estimated for 2022.**

In the Parties’ defense, in the March 30, 2022 declination of the proposed rule and first voluntary settlement, the CRB indicated that 12 cents with a COLA indexing might be the best possible remedy to the 9.1 cent static rate issue — so the Parties were acting on the CRB “signaling” that a retroactive 12 cents from 2006 was reasonable, and why the Parties’ 12 cent proposal was understandable in that context.

⁹ <https://www.govinfo.gov/content/pkg/FR-2022-03-30/pdf/2022-06691.pdf> March 30, 2022, CRB declination of the first proposed rule at a static 9.1 cent rate with no COLA indexing.

With that said, GEO respectfully submits that 2 years of missing inflation data is still 2 years of missing inflation data in practical reality and *not reasonable*.

And adjusting for the 2 years of static rates by adding back in the COLA indexing for 2021 and 2022 is perfectly in keeping with this new CRB rate present.

GEO respectfully submits leaving out the 2 years goes against the basic principle of both the COLA remedy and “no static” ruling.

Therefore, GEO respectfully requests that since the past 2 years of inflation indexing is finally knowable and real here in 2023, a reasonable 1.73 cents correction be made to the now published, but miscalculated below-market 12 cent rate. GEO prays the past 2 years of no inflation can finally be corrected by Your Honors *sua sponte*, or in alignment with Your Honors’ ruling on no static rates and inflation being the best remedy, or upon further review of the law and settlement before publishing the initial determination, and other good reasons and good cause.

ADDITIONAL ARGUMENTS

This below-market 12 cent proposal was offered in the same unusual way the Parties tried to slide through their first voluntary settlement with *no 9.1 cent increase* and *no inflation indexing*, as Your Honors noted in your first declination.

“The proposed settlement did not include any adjustment to subpart B rates, not even an indexed increase.”

Then in *Web V*, the 3 major record labels did not leave out any years of *their* COLA inflation calculation *for them*, but then arbitrarily and repeatedly *refuse to*

propose it for their own songwriters, their own publishing divisions, and competitors here in Phonorecords IV.

Of course, NMPA even had a COLA in their 2021 WDS, but then took it out?

So, this pattern by the 3RCPs of making these arbitrary and capricious proposals with no COLA indexing for every *other* rate category, even now for Subpart C rate-setting for Restricted downloads *and* interactive streams, is clear.

The Parties can chose to not propose a COLA for Subpart C streaming for songwriters, *but since they did propose this COLA* for Subpart B downloads and physical configurations, this is different, *and* their calculations are incorrect.

Especially when using the logic of the CRB's rate court precedent of no static rates and COLA indexing as the best remedy. Especially for Subpart B downloads.

Moreover, since the COLA was retroactively calculated from 2006 *as the remedy*, correcting the calculation to include 2021 and 2022 is fair and reasonable.

So, the purpose of this motion is to correct this flawed calculation that selectively excludes the past 2 years of historic monetary inflation on songwriters.

And on the issue of Congress "encouraging settlements" they *did not intend*;

- a.) for the 3 major Record Label Participants to do *direct deals* while,
- b.) price-fixing *all their competitors under the compulsory license*?

To me this is fascinating this is allowed? This is one more good reason to allow a true 2006 to 2023 COLA for all American songwriters and music publishers, since schemes like *direct deals for them, while they set the compulsory license for all their competitors, and with no COLA* in government rate court is one more

advantage these Parties have engineered for themselves that I hope Your Honors are permitted to weigh.

GEO respectfully requests that if the 13.73 issue can be fixed and properly indexed for CPI-U inflation for the years 2021 and 2022 for all the mentioned good reasons and good cause, GEO prays Your Honors can please remedy this via a motion *sua sponte*, or as part of the fixing any proposed regulations, or reviewing of the settlements as consistent with the law before an initial determination, or still as part of a contested settlement since I did object as a Participant to this proposal.

Footnote 17. “It seems clear that the language of section 801(b)(7)(A) inherently presumes that *uncontested* settlements are *factually* reasonable, but, even then, the Judges must be satisfied that the settlement is consistent with the law.”

To GEO, the Parties willfully ignoring 2 years of CPI-U inflation indexing in their proposal is not staying true to the new “no static rates” law and logic which is now CRB precedent — so these are the legal, factual, and evidentiary bases for granting the requested relief for GEO and *all* American songwriters and music publishers *subject to* and *bound* by the compulsory license.

The Parties have taken full advantage of the “voluntary settlement” loophole.

And in addition to the rate being static for 2 years, it is also unreasonable and fundamentally unfair for all American songwriters and publishers *to have to bear the burden of 6% percent to 9% inflation the past 2 years at it's highest in 40 years*, so this is another good reason why Your Honors should include these 2 years and the “good” reason why the Parties left these 2 years out of their “calculations”.

American songwriters should not have to bear the burden or pay for the negative and harmful financial effects of 2 years of rampant U.S. national monetary inflation.

This truly is the most unconscionable part to GEO, in addition to the 3 major record labels once again *shorting their own songwriters, at their own 3 major publishing companies*, much less *all their competitors* in this entire proceeding by;

- a.) willfully ignoring 2 years of inflation in their second proposal here,
- b.) by ignoring inflation altogether in their first Subpart B proposal,
- c.) ignoring an increase in the 9.1 cent to 12 cents in their first proposal,
- d.) ignoring inflation in their Subpart C proposal for interactive streaming.

GEO is respectfully requesting relief to correct this miscalculation *before* any initial determination or motion for rehearing filing 15 days later, so this is my goal.

GEO prays Your Honors can correct the 1.73 cents mistake in the Parties' proposed calculations, if permitted by law.

OTHER GOOD REASONS FROM MCNA COMMENTS ON JULY 1, 2022

While GEO has mentioned the many good reasons above to correct the 12 cent proposed rate calculation for 2021 and 2022, MCNA's attorney also brings up additional good reasons (Like the inflationary devaluation to songwriters in those 2 years of no COLA, and at record inflation rates) in their July 1, 2022 Comments¹⁰ to

¹⁰ <https://app.crb.gov/document/download/26942> July 1, 2022 Comments to CRB. Comments Submitted by the Songwriters Guild of America, Inc., the Society of Composers & Lyricists, Music Creators North America, and the individual music creators Mr. Rick Carnes and Mr. Ashley Irwin, and endorsed by the Music Creator Groups.

the CRB. As these comments are already in the *Phonorecords IV* record, I wanted to re-quote a few here by these longtime, and well-respected music creators and advocates Mr. Rick Carnes, Mr. Ashley Irwin, the Music Creators of North American (“MCNA”), the Songwriter’s Guild of America (“SGA”), the Society of Lyricists and Composers (“SLC”), endorsed Music Creator Groups, the International Council of Music Creators (“CIAM”), and written by attorney Mr. Charles Sanders:

“Among the crucial points not addressed in that announcement and CRB motion, however, were the facts (according to the U.S. Government’s own, easily accessible CPI statistics and rate calculator) that: (i) by the end of 2021 the 9.1 cent royalty rate had already lost well over 40% of its initial 2006 value; that (ii) the 2006 value of 9.1 cents was already 12 cents by early 2021, and by the time of introduction by the Majors of the revised May, 2022 settlement had further risen almost another 10% to 13.11 cents; that (iii) none of the above calculations take into account further discounting of royalty rates by the continuing imposition of controlled composition clauses by the Major labels and others; and that (iv) especially importantly, the Majors’ new “flat base rate” 12 cent proposal would eliminate application of inflationary increases as measured by the CPI that occurred not only in the last three quarters of calendar year 2021, but also those changes in value through November of 2022 as well¹⁵ --a stretch of nearly two years currently expected to represent the worst inflationary period in the United States over the past four decades.¹⁶

Footnote 15. ¹⁵ Under the Major Conglomerates’ new proposal, subsequent CPI adjustments would only commence with 2023 measurements (11/22 through 11/23), meaning that inflationary devaluation during nearly the entire years 2021 and 2022 would simply been ignored.

Footnote 16 — ¹⁶ <https://www.usnews.com/news/us/articles/2022-02-10/us-inflation-might-have-hit-a-new-40-year-high-in-january>

The question arises as to how such a proposed deal could truly have been struck “at arm’s length” between “willing buyers and willing sellers.” The motivations underlying the proposal can only be known by those who devised and agreed upon it. However, we note that to our knowledge, once again not a single independent music creator group was meaningfully consulted in the process of negotiation of the Majors’ new proposal (an outreach that we believe would clearly have been permissible within the competition rules to which proceeding

participants are subject). It was presented by the Major publishers and their representatives as a revised fait accompli to be approved by such groups (or not) prior to its submission to the CRB.

SCL, for example, was invited by NMPA to provide a quote for inclusion in its press announcement, publicly endorsing the new proposed settlement immediately prior to its publication. When NMPA was requested to provide a copy of the proposed agreement for consideration, SCL was informed that the new rate would be 12 cents subject to future adjustment pursuant to periodic changes in the CPI, and that other less relevant points were unavailable until publication. SCL declined as a matter of organizational policy to support a proposal it could not actually read in full or properly analyze. Other MCNA groups were not contacted at all.

In part as a result of this continuing lack of opportunity for independent music creators to meaningfully participate in the shaping of the revised proposal, the stark reality is that the un-modified implementation in 2023 of the Majors' new subpart B mechanical royalty rate proposal would actually provide approximately 16-20% less in actual value to songwriters and composers than the royalty rate implemented in 2006 and subsequently frozen for sixteen years.¹⁷ It is also, nevertheless, a proposal currently being championed by the Major publishers, NMPA and NSAI with exactly the same narrative as the one that accompanied their initial and subsequently rejected freeze proposal: "this is the best we can do."

Footnote 17 This determination is based upon the reasonable extrapolation (pursuant to current CPI trending) that the present value of 9.1 cents in 2006 dollars will by the end of 2022 be equal to 14 cents or more.

Unfortunately, without knowing or fully understanding the facts and circumstances behind the Majors' new proposal as described above, some creators and smaller music publisher groups have subsequently issued endorsements despite clearly having received incomplete information regarding the particulars of the current proposal and its obvious shortcomings. We hope that the CRB will again take the necessary steps to avoid allowing vertical integration and lack of transparency to overwhelm the fair and equitable exercise of governmental oversight intended by Congress -- regardless of the skill in salesmanship being demonstrated by the multi-billion-dollar corporations orchestrating it.¹⁸

¹⁸ Many of these points, and others included herein, have also been raised by Phonorecord IV participant George Johnson in his most recent comments. While we do not join Mr. Johnson in his suggestions that we return all the way back to 1909 for application of CPI adjustments (except for purposes of providing

historical background), we most certainly subscribe to his insistence that inflationary statistics covering the entire period of 2006 through the end of 2022 be included in determining a new, going-forward subpart B royalty base rate.

19 As the CRB stated in its decision of March 24, 2022 (citing to Consumer Price Index figures): “[S]ixteen years at a static rate is unreasonable under the current record, if for no other reason than the continuous erosion of the value of the dollar by persistent inflation that recently has increased significantly.” (emphasis added) <https://www.federalregister.gov/documents/2022/03/30/2022-06691/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-phonorecords-iv>.

20 That is especially so when one considers that by delaying the application of proposed inflationary adjustments overall from 2006 through 2020, the labels have been enabled to pay future royalties in dollars so diminished in value that the relative past savings may actually wipe out any increases in royalty rates.

III. Discussion of Fairness in Royalty Rates and Fair Dealing in Practice

A. Fairness in Subpart B Mechanical Royalty Rates-- By agreeing to the sleight of hand maneuvers contained within the new royalty rate proposal as described above, the Major publishers, NMPA and NSAI have essentially proposed a revised settlement that acquiesces to foregoing payment over the next five years of what will likely amount to tens of millions of dollars in composer and songwriter royalties that would otherwise have been due from record labels had truly arm’s length negotiations taken place between willing buyers and willing sellers.

As the Major publishers, NMPA and NSAI are well aware, in reality there was and remains little chance that their insistence on a settlement plan that would simply have applied CPI calculations through 2022 to the 2006 base rate, would have resulted in more extensive and expensive proceedings at the demand of the labels. That is especially so in light of the CRB’s own comments in its March 24, 2022 decision indicating that just such an approach could easily be viable, after being adapted in ways to recognize that inflation rates had recently “increased significantly.”¹⁹ To claim otherwise as the reason for extending to record labels yet another apparent “sweetheart” royalty deal excluding application of sharply rising inflationary adjustments for nearly all of 2021 and 2022 appears to border on the absurd.²⁰

Under such obvious circumstances, the potentially insidious role of vertical integration must again be considered. If there was smoke before, as the CRB noted in its decision of March 24, 2022, here is further evidence clearly suggestive of the underlying conflagration.”

So, the 3RCPs could have easily offered a flat 13 cents or 13.1 cents in their second proposed settlement but *knowingly skimmed profits from their own songwriters* and all their competitor songwriters *to keep their songwriter costs down in general* — to keep money in their pockets, not their competitors, all using their control of creating and re-writing the §385 regulations for all their competitors.

Commenter MCNA expands on the sweetheart self-dealing of the 3RCPs in this 12 cents proposal, and what they say is true, inflation was skyrocketing and the 3 record labels did not want *their lobbyists* at NMPA and NSAI to increase their record costs with increased songwriter royalties *for their own songwriters*, co-writers, co-publishers, despite their handsome *profits of 2.9 cents*, plus COLA gains.

The obvious question is *why don't the 3RCP want an increase of 2.9 cents for themselves, for their own publishers, for their own songwriters? Why are they angry?*

To me what is amazing is according to Billboard last year I just got the 3 Major Record Labels a combined additional estimated \$50 million dollars per-year in revenue and these 3 Major Record Labels hate me for it, *not even a "thank you"?*

I just got the MLC tens of millions of dollars with the 12 cent increase, plus the inflation increase, and helped force a non-static 15.35% percent streaming increase, but the MLC also hate me for all these increases I got them as well?

Plus, I thought of the whole idea for a “songwriter bill” that became the MMA, so *my original idea* gave these people their cushy jobs and the ability to

collect hundreds of millions of dollars¹¹ of songwriter money, and not even a thank you from the MLC or the 3RCP's, nor the RIAA, NMPA or NSAI, much less counsel.

NMPA said that an inflation adjustment to Subpart B was impossible and *not worth the money to spend on lawyers*, so how was I able to accomplish it with no money, no lawyers, and no law degree against Pryor Cashman, NMPA counsel, RIAA counsel, NSAI, and 3RCP's counsel, including counsel Mr. Stephen Englund?

As Your Honors noted in your March 30, 2022 declination:

“GEO has long advocated inclusion of an inflation index in royalty rates set by the Judges, including the subpart B rates at issue here.”¹²

I've spent 4 rate proceedings and 2 appeals with inflation indexing as my #1 issue, **for both §114 and §115 copyrights**, and to me and many other Commenters, it's unreasonable for the 3RCPs to ignore 2 years of COLA indexing for their songwriting side to help their record side lower costs — and which I pray this motion will relieve.

CURRENT BLS INFLATION CALCULATOR EVIDENCE

The following Exhibits A and B are evidence of recent BLS inflation calculations I made for January 1, 2006 to January 1, 2023, which amounted to 14 cents, however the BLS system rounds up, so using dollar it was 13.73 cents.

¹¹ <https://www.digitalmusicnews.com/2023/02/27/mechanical-licensing-collective-mlc-black-box-will-not-disclose/> Now in the billions of dollars. 1 billion in black-box money, and 1 billion paid out.

¹² <https://www.federalregister.gov/documents/2022/12/16/2022-27237/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-phonorecords-iv> Page 18346.

Exhibit A from Bureau of Labor Statistics on February 15, 2023 at 14 cents CPI.

CPI Inflation Calculator

\$

in

has the same buying power as

in

Exhibit B from Bureau of Labor Statistics on February 15, 2023 at 13.73 cents CPI.

CPI Inflation Calculator

\$

in

has the same buying power as

in

Exhibit C from Percentage Calculator on 15.1 to 15.35% is \$.00000192 cents more.

Percentage Calculator

Percentage Calculator is a free online tool to calculate percentages.

The image shows a screenshot of a web-based percentage calculator with three distinct input sections. Each section has a light gray background and rounded corners. The first section asks 'What is 1.6 % of .00012 ?' and shows a 'CALCULATE' button and a result of 0.00000192. The second section asks 'is what percent of ?' and shows a 'CALCULATE' button and a result field. The third section asks 'What is the percentage increase/decrease from 15.1 to 15.35 ?' and shows a 'CALCULATE' button and a result of 1.65562913 %.

While Exhibit C is for the Subpart C 15.1% to 15.35% percent “increase”, I included it because it’s only an \$.00000192 cent increase per-stream, so it’s minuscule, essentially static, and with no COLA. The practical reality is it’s an essentially “zero” increase on the streaming side, *contrast* that with the dire need to correct this 1.73 cent COLA error on the sale side, *just to keep up with inflation*.

Spotify has released a brand new “Discovery Mode” to allow record companies *to agree to lower streaming rates in exchange for “discovery”* by Spotify?

Will this lower their TCC or royalty pools? Will our rates then *go down*?

With that said, Your Honors stated that the Subpart B download is not to be treated as a “throw away” nor a *di minimis*.

GEO respectfully submits that 2 years of no inflation “costs” for the Parties is just another end-run around the license *and* literally diminishes the statutory rate.

We songwriters are “subject to” the license by the government and “bound” by it as the CRB stated in 2022, yet *we songwriters are not afforded the same exact COLA indexing as these very same 3 record labels gave themselves in Web V?*

What if the Social Security Administration left out 2 years of inflation for all U.S. beneficiaries? Or no COLA increase for all seniors as of January 1, 2023?

CONCLUSION

For the above good reasons and good cause GEO respectfully requests that Your Honors grant this motion for relief to adjust judgment from a 12 cents per-song rate to approximately 13.73 cents starting January 1, 2023 for all Subpart B physical and digital downloads to correct an error in calculation of 2 years of no COLA indexing for the years 2021 and 2022.

Respectfully,

By: /s/ George D. Johnson
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*George D. Johnson (GEO), an individual
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George Johnson Music Publishing (GJMP)
(formerly BMI)*

Thursday, March 9, 2023

Proof of Delivery

I hereby certify that on Thursday, March 09, 2023, I provided a true and correct copy of the GEO's Motion for Relief to Amend 12 Cent Judgement to 13.73 Cents on January 1, 2023 To Correct No Proposed COLA by the Parties for 2021 and 2022 to the following:

Apple Inc., represented by Mary C Mazzello, served via E-Service at mary.mazzello@kirkland.com

Warner Music Group Corp., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Amazon.com Services LLC, represented by Joshua D Branson, served via E-Service at jbranson@kellogghansen.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via E-Service at benjamin.marks@weil.com

UMG Recordings, Inc., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Copyright Owners, represented by Benjamin K Semel, served via E-Service at Bsemel@pryorcashman.com

Powell, David, represented by David Powell, served via E-Service at davidpowell008@yahoo.com

Spotify USA Inc., represented by Joseph Wetzel, served via E-Service at joe.wetzel@lw.com

Sony Music Entertainment, represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Joint Record Company Participants, represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Zisk, Brian, represented by Brian Zisk, served via E-Service at brianzisk@gmail.com

Google LLC, represented by Gary R Greenstein, served via E-Service at
ggreenstein@wsgr.com

Signed: /s/ George D Johnson