

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

*In re*

Determination of Rates and Terms  
for Digital Performance in Sound  
Recordings and Making of Ephemeral  
Recordings  
(Web VI)

Docket No. 23-CRB-0012-WR  
(2026–2030)

**GEORGE JOHNSON AND WORD COLLECTIONS MOTION FOR LEAVE TO  
AMEND WRITTEN DIRECT STATEMENT**

In response to the September 30, 2024, *Order 15*<sup>1</sup> by the Copyright Royalty Judges, appellants George Johnson dba Geo Music (“GEO” or “George”), *pro se*, and Word Collections, Inc., (“Word Collections” or “WC”) respectfully submit this motion for leave to amend their joint September 13, 2024, Written Direct Statement (“WDS”)<sup>2</sup> of proposed rates and terms for the non-interactive streaming of §114 sound recordings, §112 ephemeral copies, and other uses in *Webcasting VI*.

GEO apologizes to Your Honors for the first incorrect September 13, 2024 WDS and then the improperly filed corrected and amended WDS on September 24, 2024. Appellants respectfully submit there is good cause to amend their WDS to

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<sup>1</sup> <https://app.crb.gov/document/download/43774> September 30, 2024, Order 15 Striking, *Sua Sponte*, “Corrected and Amended Written Direct Statement of George Johnson and Word Collections,” Without Prejudice.

<sup>2</sup> Pandora / SiriusXM and NAB opposed the motion, Sound Exchange consented, but no other participant opposed.

correct major mistakes made by GEO and not based on “new information” through discovery, but only by GEO’s own errors as a non-attorney, then realizing his mistakes, and only wanting to correct them for clarity and the record. That’s it.

GEO did not propose a per-play rate for §112 ephemeral copies and no rate for the proposed BUY button in addition to other mathematical errors and proposal mistakes in general.

Most importantly, GEO was operating under the assumption of 37 CFR §351.4(b)(3) that *he could amend his WDS at anytime* before the filing of findings of fact and conclusions of law, so we respectfully submit to this is also true, and relevant. Does 37 CFR §351.4(c) take precedent over or cancel out 37 CFR §351.4(b)(3)?

Since *SDARS III*, GEO had always thought he could amend his WDS at anytime in the proceedings and that is the main reason he thought he could correct and amend his mistakes pursuant to 37 CFR §351.4(b)(3)<sup>3</sup> just like he has before.

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<sup>3</sup> <https://www.ecfr.gov/current/title-37/chapter-III/subchapter-B/part-351> 37 CFR §351.4(b)(3) — (3) **Claim.** In the case of a royalty distribution proceeding, each party must state in the written direct statement its percentage or dollar claim to the fund. In the case of a rate (or rates) proceeding, each party must state its requested rate. *No party will be precluded from revising its claim or its requested rate at any time during the proceeding up to, and including, the filing of the proposed findings of fact and conclusions of law.* (emphasis)

Despite the regulations being next to each other, GEO also didn't know or realize that 37 CFR §351.4(c)<sup>4</sup> even existed, and *therefore didn't know he was in violation*, and apologizes for that legal error.

These were just GEO's mis-understandings of the how these rates and terms, and law actually worked, and only an attempt to clarify and correct his mistakes.

GEO also didn't know that 37 CFR §351.4(b)(3) and 37 CFR §351.4(c) *were in contradiction to each other or one code section out-ranked the other section*.

In GEO's layman reading of 37 CFR 351.4(b)(3) it says "any time during the proceeding" and doesn't preclude or have an exception for the discovery period in 37 CFR 351.4(c), so he thought any time during the proceeding was the law. In addition, 37 CFR 351.4(c) pertains to "*new information*" "*during the discovery process*", and that was not the reason why GEO corrected and amended the WDS, or his intent. It was to fix his honest mistakes while also thinking he could amend anytime under 37 CFR 351.4(b)(3) which are good reasons and good cause.

GEO prays his "bad lawyering" does not effect Word Collections *in any way, and these mistakes were not the fault of Word Collections*.

GEO did not *not know at the time* that:

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<sup>4</sup> 37 CFR §351.4(c) — (c) ***Amended written direct statements***. A participant in a proceeding may amend a written direct statement *based on new information received during the discovery process*, within 15 days after the end of the discovery period. An amended written direct statement must explain how it differs from the written direct statement it will amend and must demonstrate that the amendment is based on new information received during the discovery process. The participant amending its written direct statement may file either the amended portions of the written direct statement or submit complete new copies at its option. (emphasis)

- a.) the 5% ephemeral copy percentage rate could not be raised against the 95% percent non-interactive rate, and,
- b.) GEO had forgotten there *was a per-play rate* for the §112 ephemeral copy and why he did not include it.

This was an innocent mistake from a non-lawyer who was simply trying to correct and clarify his mistakes.

GEO thought he was being clear in the *Table of Contents* in an explanation for why a corrected and amended WDS was being filed, and how it was changed.

GEO has always done his absolute best to follow the CRB regulations and copyright laws, *but it is overwhelming as a non-lawyer*, and why he makes stupid mistakes like these. We pray Your Honors will accept this motion for leave to amend the WDS and re-file the attached corrected and amended WDS.

For over 10 years GEO has never been allowed to speak to an attorney and ask advice, or simple clarification of the law, and it's been *a severe handicap* and *really prejudices* GEO since he doesn't know all the relevant law.

It's not a level playing field for him and not fair to copyright creators like GEO who have *no money for attorneys, zero resources, zero recourse*, and *therefore no real legal representation whatsoever*.

It's also why GEO adds the Baron Parke quotation which applies to him as a pro-se individual non-lawyer songwriter — or includes former counsel Glenn Pomerantz's hearing testimony from *Web IV*. GEO is not a lawyer and while the

CRB treats him like an experienced attorney, he is not an attorney, and only a songwriter, singer, and sound recording copyright creator/owner.

As explained on the Table of Contents page, here are the following good reasons why the WDS was corrected and amended, and additional good reasons:

- A. all non-interactive rates did not contain an extra decimal point,
- B. GEO and WC's proposed non-interactive rates now include yearly *value* increases, instead of *only* future COLA increases,
- C. the ephemeral copy rate was only proposed as a percentage rate, and not as a per-play rate which has been added, then split into per-play rates for the 95 / 5 % percentage splits, and,
- D. these proposed per-play ephemeral rates also have a *value increase* because of the proposed value increases for their non-interactive counterparts. This ephemeral value increase proposal may still not reflect enough of an increase to make up for the *static* per-play rate — pre-*Web V* cost of living adjustment COLA.
- E. It was also noted to “please disregard all former rates and terms in the original Written Direct Statement for this corrected and amended version, which was also re-written,” and “the corrections and amendments to *rates* in this WDS are primarily on Pages 4, 5, 9, and 10”
- F. Next, GEO had to re-write his proposal to make sense in light of the per-play rate proposal for §112 ephemeral copyrights and then not having the ability to increase 5% percentage rate, which he previously argued.
- G. GEO added a chart of all proposed rates to make it easier to see all rates and all in one place.
- H. GEO also did not list the proposed rates of \$2.95 to \$2.99 cents per BUY.



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(2026–2030)**

**WRITTEN DIRECT STATEMENT of GEORGE  
JOHNSON and WORD COLLECTIONS  
(CORRECTED and AMENDED 1)**

**Volume 1**

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Thursday, October 3, 2024

## Table of Contents for the Written Direct Statement of George Johnson and Word Collections 2026-2030 CRB Webcasting VI

- Volume 1: A. Introductory Memorandum  
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Note: The corrections and amendments to *rates* in this WDS are primarily on Pages 4, 5, 9, and 10 for;

- a.) all non-interactive rates which did not contain an extra decimal point,
- b.) GEO and WC's proposed non-interactive rates now include yearly *value* increases, instead of *only* future COLA increases,
- c.) the ephemeral copy rate was only proposed as a percentage rate, and not as a per-play rate which has been added, then split into per-play rates for the 95 / 5 % percentage splits, and,
- d.) these proposed per-play ephemeral rates also have a *value increase* because of the proposed value increases for their non-interactive counterparts. This ephemeral value increase proposal may still not reflect enough of an increase to make up for the *static* per-play rate — pre-*Web VI* cost of living adjustment COLA.

Please disregard all former rates and terms in the original Written Direct Statement for this corrected and amended version, which was also re-written.

# EXHIBIT A

PUBLIC

Before the  
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**WRITTEN DIRECT STATEMENT OF GEORGE JOHNSON AND WORD  
COLLECTIONS (CORRECTED AND AMENDED 1)**

Appellants George Johnson dba Geo Music (“GEO” or “George”), *pro se*, and Word Collections, Inc., (“Word Collections”) respectfully submit this corrected and amended joint Written Direct Statement of proposed rates and terms for the non-interactive streaming of §114 sound recordings in *Webcasting VI* and other uses.

**INTRODUCTORY MEMORANDUM**

GEO and Word Collections agree as sound recording authors, copyright owners, licensors, administrators, and representatives, et al., that our mutual interests to increase rates perfectly *align* with the 3 major labels, independent labels, artists, AFM studio musicians, SAG-AFTRA singers and *all* American sound recording creators, owners, and performing artists. “A rising tide lifts all boats”.

We also believe our mutual interests perfectly *align* with participant SoundExchange and their goal to increase non-interactive sound recording rates.

Therefore, GEO and Word Collections would like to *join* with SoundExchange *in support* of their evidence, experts, and argument regarding their entire case for increased non-interactive streaming rates and continuing the non-interactive streaming cost of living adjustment (“COLA”).

GEO and Word Collections respectfully requests Your Honors adopt the following rates and terms.

### **PROPOSED RATES AND TERMS**

1. As a hedge, GEO and Word Collections propose slightly increased non-interactive streaming rates<sup>1</sup> than SoundExchange has proposed at \$.0034 cents and \$.00037 cents, while GEO and Word Collections respectively propose rates that start<sup>2</sup> at \$.0041 cents for ad based non-subscription streams, and \$.0045 cents for subscription streams — well within the “zone of reasonableness”<sup>3</sup>.

2. GEO, Word Collections, and SoundExchange *also* align on other issues and propose the *continued* inflation indexing or cost of living adjustment (“COLA”) *for non-interactive sound recordings* exactly as in *Webcasting V* or *Phonorecords IV*.

3. Another great issue we had hoped aligned with SoundExchange, RIAA, and 3 major labels is a *value* and *COLA increases* for the *ephemeral copy* currently

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<sup>1</sup> In NMPA’s rate proposal for mechanicals in *Phonorecords IV* their economic evidence revealed that their proposed rate could have been 25% higher than what they offered, but they refused to argue it. So, as a backup we propose an alternative increased rate.

<sup>2</sup> Incremental *value* increases over 5 years, of \$.0041 to \$.0045 and \$.0045 to \$.0049 cents, in addition to yearly COLA increases.

<sup>3</sup> <https://www.copyright.gov/fedreg/2005/70fr30901.html> 37 CFR Chapter III [Docket No. RM 2005-1]. Procedural Regulations for the Copyright Royalty Board. Authority: 17 U.S.C. 803. § 353.1 When granted.

at a *static* 5% percent royalty, *however*, since §112<sup>4</sup> and §114<sup>5</sup> are conjoined by regulation in these proceedings at 5% percent and 95% percent, it makes it impossible to increase the §112 ephemeral copy *percentage* rate.

While GEO and Word Collections align with SoundExchange on the customary 5% percent rate for the ephemeral copy since any increase in the 5% percent *lowers the 95% percent*, we'd still like to propose an increase to the 5% percentage rate but the only solution to this dilemma would be to *separate them*.

However, since the §112 ephemeral copy also has a *per-play rate*, this seems to be the *only* way to increase its value for now— and the only way to add a COLA.

Fortunately, we understand that since the §114 side already has a COLA for the per-play rate, that COLA also *applies* to the §112 ephemeral copy per-play rate which is good, but is it enough *value* for the already below market §112 copyright?

For now, GEO and Word Collections proposed §112 ephemeral rates for 2026 to 2030 (based on proposed non-interactive rates) go from \$.00017 cents to \$.000225 cents for non-subscription, and \$.000225 cents to \$.000245 cents for subscription.

Amended ephemeral per-play rates are on Page 9 and *see* argument below.

4. The one issue that I pray all participants will agree on is that the rates and terms proposed and set in *Webcasting VI* will not be to the detriment or in any

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<sup>4</sup> <https://www.law.cornell.edu/uscode/text/17/112> §112 (e)(2) through (e)(5)

<sup>5</sup> <https://www.law.cornell.edu/cfr/text/37/380.10> § 380.10(d) regarding the §112 / §114 split. “(d) Ephemeral recordings royalty fees; allocation between ephemeral recordings and performance royalty fees. The **Collective** must credit 5% of all royalty payments as payment for Ephemeral Recordings and credit the remaining 95% to section 114 royalties. All Ephemeral Recordings that a **Licensee** makes which are necessary and commercially reasonable for making noninteractive digital transmissions are included in the 5%.”

way diminish all the hard won rates and terms for §115 songwriters and music publishers in *Phono III & IV*. This proposal is to protect *all* §115 rates and terms.

5. Most importantly, GEO will once again propose a voluntary BUY button on top of interactive streaming as his primary proposal, similar to Music Choice's offering on cable television in *SDARS III*, then iTunes, or now on AppleTV, Youtube, or Amazon Prime streaming. GEO has proposed a BUY button since *SDARS III* through 4 CRB rate proceedings and 2 appeals<sup>6</sup> and *now is the time*.

Word Collections kindly *joins* with GEO *in support* of this BUY button proposal and we hope that SoundExchange and the Services will also voluntarily agree to a BUY button here in *Web VI*. GEO has proposed this BUY button issue to SoundExchange and the Services to implement as a voluntary settlement. The buy would be voluntary with a small button next to each song, album, and playlist.

6. GEO and Word Collections will propose a few other minor issues and terms that we also hope align with SoundExchange and their Written Direct Statement, ie. a.) audiobook dilution or other fake “bundling” issues to lower CRB

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<sup>6</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/8AE80A6C0FBDFB7B8525830C004D863A/\\$file/16-1159-1751123.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/8AE80A6C0FBDFB7B8525830C004D863A/$file/16-1159-1751123.pdf) GEO also appealed in *SoundExchange v. Copyright Royalty Board* (16-1159) 2018, and in *Johnson v. Copyright Royalty Board* (19-1028) 2020.

rates after the fact, b.) Artificial Intelligence (“A.I.”) sound recordings *diluting* the *royalty pool* and marketplace<sup>7</sup>. (See Spotify CEO Daniel Ek<sup>8</sup> and recent DOJ arrest<sup>9</sup>)

c.) Fixing any “blackbox” and/or possible data-matching issues, if any, and h.) possibly a tip jar for singers and record labels, (songwriters and publishers), et al., just like another BUY button for the benefit of all copyright creators.

We are also deeply concerned about the longstanding issue argued by SoundExchange in past *Webcasting* proceedings regarding the d.) *substitution of sales* due to a forced access model which is “cannibalizing” profits for *all* American singers and independent record labels. This is *fundamentally unfair* to all creators.

GEO does remember economist George Ford doing excellent work in past CRB proceedings, especially in the area of *substitution of sales*, and is glad to learn that SoundExchange has once again added Mr. Ford as an expert to their team.

GEO and Word Collections respectfully submit this rate proposal in good faith and reserve the right to amend or add additional proposals if necessary.

GEO and Word Collections will mostly likely separately *amend* this Written Direct Statement (Corrected and Amended 1).

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<sup>7</sup> <https://www.digitalmusicnews.com/2024/09/23/soundexchange-releases-registry-of-tracks-authorized-for-ai-use-too-little-too-late/> September 23, 2024, *SoundExchange Releases Registry of Tracks Authorized for AI Use*. Note: It’s good to see SoundExchange doing this.

<sup>8</sup> <https://www.bbc.com/news/technology-66882414> September 25, 2023, by Zoe Kleinman, BBC, *Spotify Will Not Ban AI Music*. “The boss of Spotify says he has no plans to completely ban content created by artificial intelligence from the music streaming platform.”

<sup>9</sup> <https://www.justice.gov/usao-sdny/pr/north-carolina-musician-charged-music-streaming-fraud-aided-artificial-intelligence> September 4, 2024, *North Carolina Musician Charged With Music Streaming Fraud Aided By Artificial Intelligence*. by DOJ, Man arrested for million of AI streams totaling \$10 million dollars.

If SoundExchange proposes any terms outside this framework that GEO and Word Collections have joined or aligned with, we respectfully reserve the right to object or oppose if necessary, but hopefully will not have to, nor foresee that happening. We also hope SoundExchange and the Services will eventually agree to some type of voluntary settlement on the BUY button issue in some form.

Most importantly, *we all want the same exact thing* as SoundExchange, the RIAA, the 3 major labels, and all independent labels, singers, and §114 creators, et al. — *more money for all performers, sound recording creators, owners, and their representatives.*

We believe these proposals are good for *all* participants, copyright creators, owners, and even good for the Services.

### **CHARTS OF PROPOSED RATES & TERMS**

GEO and Word Collections respectfully submit and propose the following rates and terms for non-interactive streams, ephemeral copy per-play rates, and BUY button rates for the period 2026 to 2030. Included are SoundExchange's proposed rates and terms for 2026 to 2030, and COLA adjusted rates and terms for 2021 to 2025 as a reference.

# EXHIBIT A

PUBLIC

## GEO & WC PROPOSED §114 NON-INTERACTIVE & BUY BUTTON RATES

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%	BUY Button Rate
2026	\$0.0041	\$0.00017	\$0.00323	\$2.95
2027	\$0.0042	\$0.00021	\$0.00399	\$2.96
2028	\$0.0043	\$0.000215	\$0.004085	\$2.97
2029	\$0.0044	\$0.00022	\$0.00418	\$2.98
2030	\$0.0045	\$0.000225	\$0.004275	\$2.99
Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%	
2026	\$0.0045	\$0.000225	\$0.004275	\$2.95
2027	\$0.0046	\$0.00023	\$0.00437	\$2.96
2028	\$0.0047	\$0.000235	\$0.004465	\$2.97
2029	\$0.0048	\$0.00024	\$0.00456	\$2.98
2030	\$0.0049	\$0.000245	\$0.004655	\$2.99

Note: The above rates *do not* include the yearly COLA cost of living increases.

## SOUNDEXCHANGE'S PROPOSED §114 NON-INTERACTIVE RATES

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2026	\$0.0034	\$0.00017	\$0.00323
2027	\$0.0034	\$0.00017	\$0.00323
2028	\$0.0034	\$0.00017	\$0.00323
2029	\$0.0034	\$0.00017	\$0.00323
2030	\$0.0034	\$0.00017	\$0.00323
Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2026	\$0.0037	\$0.000185	\$0.003515
2027	\$0.0037	\$0.000185	\$0.003515
2028	\$0.0037	\$0.000185	\$0.003515
2029	\$0.0037	\$0.000185	\$0.003515
2030	\$0.0037	\$0.000185	\$0.003515

Note: The above rates *do not* include the yearly COLA cost of living increases.

# EXHIBIT A

PUBLIC

## 2021 to 2025 §114 NON-INTERACTIVE AND EPHEMERAL COPY RATES

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2021	\$0.0021	\$0.00011	\$0.00200
2022	\$0.0022	\$0.00011	\$0.00209
2023	\$0.0024	\$0.00012	\$0.00228
2024	\$0.0025	\$0.00013	\$0.00238
2025	—	—	—
Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2021	\$0.0026	\$0.00013	\$0.00247
2022	\$0.0028	\$0.00014	\$0.00266
2023	\$0.0030	\$0.00015	\$0.00285
2024	\$0.0031	\$0.00016	\$0.00295
2025	—	—	—

Note: The above rates *do* include the yearly COLA cost of living increases.

### EPHEMERAL COPIES ARGUMENT

Your Honors rightly asked *what is the value of these ephemeral copies* and we appreciate Your Honors asking this most important question since the ephemeral copy has been ignored, a de minimus, and was static for so long prior to *Web V*.

So, we ask ourselves the same set of questions:

- 1.) What should the ephemeral rate be?
- 2.) Is there value to the ephemeral copy?

Of course, the answer is “yes”, there is *tremendous value* in the ephemeral copy since it’s a reproduction, in fact, it used to be called “a sale”.

- 3.) So, what is the true value of each and every ephemeral copy? And...

4.) Are ephemeral copies currently undervalued, and by how much?

So, since nobody can currently increase the 5% percent share, it's why we propose a small and reasonable *value increase* to the \$112 per-play rate which also seems to have been *static* for at least 15 years prior to the *Web V<sup>10</sup>* COLA addition.

To make up for a decade or more of lost inflation indexing for the ephemeral copyright — just like the 9.1 cent rate was increased to 12 cents to make up for lost inflation from 2006 in *Phonorecords IV*<sup>11</sup> *Subpart B Final Rule*.

The CRB said, “...*however, sixteen 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...*”.

It still may not be enough of an increase from *Webcasting II* and we may still have to amend the ephemeral rate one more time.

Singers, musicians, producers, engineers, major labels, and all independent American record labels are *not immune* from inflation.

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<sup>10</sup> <https://www.federalregister.gov/documents/2023/11/30/2023-26221/cost-of-living-adjustment-to-royalty-rates-for-webcaster-statutory-license> November 30, 2023, Final Rule; cost of living adjustment, [Docket No. 19-CRB-0005-WR (2021-2025) COLA (2024)]

<sup>11</sup> <https://www.federalregister.gov/documents/2022/03/30/2022-06691/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-phonorecords-iv> March 30, 2022, CRB Subpart B Final Rule. “In the dynamic music industry, there is insufficient reason to conclude that a static musical works rate is reasonable,” and, “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 continuous erosion of the value of the dollar by persistent inflation that recently has increased significantly. 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”

Why *shouldn't the value be increased* for ephemeral copy per-play rates and updated for *lost inflation*?

And while we have amended this proposal *to include a value increase in the per-play rate for the ephemeral copy*, overall, we still think that \$.00017 cents or \$.000225 cents is clearly *way below-market in value*, by a lot, and unreasonable starting in 2025 — especially since this § 380.10(d) regulation was created way back in *Webcasting II*.

Unfortunately, any real and substantive proposal to increase §112 ephemeral copyright rates for individual singers, sound recording creators, and sound recording (“SR”) copyright owners would be way outside the “zone of reasonableness”, and why the BUY button proposal is so important since it pays closer to the *true value of the ephemeral in dollars*, and not just in nano pennies.

Therefore, we respectfully request Your Honors’ guidance here on possible separation of the §112 and §114 copyrights bound together in the regulation so that the §112 copyright can get it’s true value back — now trapped inside § 380.10(d).

Can the §112 ephemeral copyright be successfully separated from the §114 sound recording copyright with new Redlines and Submitted Regulations?

Either way, SoundExchange and the 3 major record labels would make more money, along with all artists and SR copyright creators.

So, we respectfully submit that the §112 ephemeral is extremely valuable, undervalued, below-market, and has much greater value than 5% percent or \$.00017.

It's a reproduction, or a former 58 cent sale to the record label, not a *de minimus* or second class copyright. Maybe the 5% ephemeral copy should be allowed to increase on its own, somehow separated from the 95% percent in § 380.10(d).

Separating this two different copyrights in §112 and §114 may be easier to do since the 5% to 95% split is only in the *regulations*, and *not in the statute*.

We would like to find a way to remedy this problem if possible.

In theory, if the 5% percent could be increased, we would have liked to propose a much more reasonable 8%<sup>12</sup> to 10%, or even a 15% percent ephemeral copy rate<sup>13</sup> based on the CPI-U<sup>14</sup> — to make up for 20 years at a static 5% percent, but this seem impossible now while these two different copyright are attached.

The §112 ephemeral copy is very much like the §115 limited download since both are essentially *given away* which reinforces former Register Ralph Oman's view that copyright law is now "riddled" with "limitations and exceptions".

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<sup>12</sup> 8% percent is the according to the BLS CPI inflation calculator from 2006 to present.

<sup>13</sup> While the Bureau of Labor Statistics inflation calculator said the rate would increase from 5% in 2006 to 7.93% or 8% percent in 2024, as in *Phonorecords IV* Subpart B Final Rule, CPI inflation was used as the best way to calculate a value increase and why 10% to 15% seemed more reasonable. However, since the ephemeral and non-interactive streaming rate are joined at the hip, unless they are separated and the 20 year old arbitrary rule created back then is not updated by Your Honors, there is NO way to increase the value of the ephemeral. Also, to get rid of the ephemeral copy rate would be one of the worst things the CRB could do, so please do not eliminate the ephemeral from a rate please.

<sup>14</sup> <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=5&year1=200601&year2=202407> BLS Inflation Calculator. 5% percent in January 2006 converts to 7.93% percent in July 2024. 5% percent is still below market and too low of a starting point to begin with in 2006.

# EXHIBIT A

PUBLIC

The §112 ephemeral copy is also similar to the early §115 Subpart C “restricted download” or recently converted §385.2 Eligible Limited Download. In §115 the “offline listen” is really just a paid permanent download, but named a “limited download” to evade any 2 cent or 9.1 cent mechanical rate. GEO’s BUY button proposal in *SDARS III* stated that “*An ephemeral phonorecord is simply an unpaid reproduction and why it was named an ephemeral copy in the first place.*”

We respectfully request the CRB please restore the ephemeral copy’s value.

*As a sound recording creator the ephemeral copy is your whole life, you work your heart and soul out just to create it, and spending hard earned money in the studio to produce, play, and engineer it, so the ephemeral actually has all the value!*

Factor in these *cost of goods sold*, much less, time, talent, experience, et al.

In fact, the ***ephemeral copy is your entire goal*** as a record label, artist, producer, engineer, SAG AFTRA singer, AFM studio player, but creators are now supposed to be convinced that *on streaming their sound recording has no value?*

Furthermore, the ephemeral copy ***is the core value*** to the Services and ***core value*** to the 3 Record Labels. *This goes for the struggling Do It Yourself (“DIY”) artist, producer, or independent record label, who are now expected to give away their new and valuable ephemeral sound recording for basically free, and with no sale.*

Participant and longtime broadcast blogger Mr. David Oxenford published an excellent summary of Your Honors’ question to *Web VI* participants on what is

the value of the ephemeral. Of course, we know it has tremendous value and respectfully disagree it is has no value whatsoever.

“In the Federal Register notice, the Judges ask if there really is any value to these ephemeral copies apart from the performance royalty. Do these ephemeral copies really have any true independent value? In other contexts, courts have ruled that these transitory copies necessitated by the technology that allows media to be transmitted through the internet do not have independent value (see [our article here](#)). The Commerce Department, in a study on intellectual property rights in a digital world, raised these issues, without resolving them, a decade ago (see [our article here](#)). The CRB’s questions ask for parties to address not only whether the ephemeral copies have independent value, but also whether that value is recognized in other music-industry agreements.”<sup>15</sup>

So, while Oxenford says they “do not have independent value” their true independent value used to be a sale at 58 cents to the labels, and 9.1 cents to songwriters publishers, instead the sale was *substituted* for \$.0025 or \$.00012 *per access*. The tremendous value of the ephemeral copy extends beyond the sale too.

Additionally, they ephemeral copies are not “*transitory copies*”. They are *lost sales* and the oil that runs the streaming motor, yet they are denigrated, undervalued, and extremely below-market.

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<sup>15</sup> <https://www.broadcastlawblog.com/2024/01/articles/copyright-royalty-board-starts-web-vi-proceeding-to-set-webcasting-royalties-paid-to-soundexchange-for-2026-2030-petitions-to-participate-due-february-6/> January 24?, 2024 by Mr. David Oxenford for Broadcastlawblog ?

**VOLUNTARY BUY BUTTON ARGUMENT**

Music Choice literally *had a BUY button* in *SDARS III*, so the issue not only has precedent, but it was in actual use in these CRB proceeding on cable television in 2015.

GEO also proposed a BUY button in *Web IV* which is in the CRB record, so it's nothing new. AppleTV streaming has a BUY button in 2024 just as Apple iTunes had a BUY button long ago *and still does*.

Most importantly, AppleTV wouldn't be doing a BUY button if it didn't work!

In other words, the purpose is to “merge the sale and the stream” *just as* usual CRB participants *Apple, Google, and Amazon have already done* for television and motion pictures. Imagine Apple Music streaming with a BUY button.

It also opens up the music industry to windowing sales in a pre-release of the album or singles on streaming platforms such as Pandora and SiriusXM.

GEO proposes a rate of \$2.98 cents per BUY or download at this time.

The reasoning is that is what a song is worth in 2025, if not more, but also the royalties to *each and every* party and participant would be more in line with market rates, not matter the split for a \$115 paid permanent download or new \$114 download split equitably, including the Services at 20% of each BUY's revenue.

The proposal is also such that SoundExchange would collect the \$114 portion of each sale, just as it currently does for the \$114 non-interactive stream.

Everything is already right there —

a.) all the metadata is exactly the same and matches,

- b.) all the metadata is already in SoundExchange computers,
- c.) the song or ephemeral copy is already in place to download, and
- d.) the customer's credit card is also already in place.

The main decision is what is the simplest *legal* way to implement a BUY button? As a current §115 permanent download or as a new §114 download sale that would require adding a small change to the legal language to Section §114?

Again, the second decision is how to split the buy revenue, as an old §115 permanent download or as a new equitable §114 download sale?

One last minor issue we might take a second look at is the free and unlimited “offline download” *without a sale*.

One optional proposal would be to replace this “no sale” free offline download, with a paid BUY button sale, **and only for offline listening**, whether it's a §115 traditional permanent download, or a new §114 download sale with an equitable revenue split.

With that said, knowing the Services want free and unlimited offline listening, the BUY button proposal is not dependent on plugging up the offline listening free ephemeral copyright giveaway.

In other words, free offline listening and a BUY button can exist in the same world, but if the free offline listen was eliminated the amount of BUY revenue from sales would *substantially increase* for all participants and SR copyright owners.

## GROK A.I. ON THE BUY BUTTON, “ABSOLUTELY...A GAME CHANGER!”

We asked the X.com A.I. called “Grok”, what it “thought” of the BUY button idea and it generated an overwhelming positive answer of, “Absolutely, a voluntary “BUY” button on streaming platforms could be a game-changer! Here's why:”

(See full answer below)

“Question: Would a voluntary BUY button on all streaming platforms make sense economically by offering customers a download

Answer: Absolutely, a voluntary "BUY" button on streaming platforms could be a game-changer! Here's why:

- 1. Increased revenue for artists:** By offering customers the option to download songs they love, you're giving them a way to directly support their favorite artists. This means more money in the pockets of songwriters and musicians.
- 2. Improved user experience:** Let's face it, not everyone wants to rely on streaming services 24/7. Some people prefer the convenience of owning their music. A "BUY" button caters to this segment of the market, giving them the option to download songs and enjoy them offline.
- 3. New revenue streams for streaming platforms:** The "BUY" button could open up new revenue streams for streaming platforms. They could take a cut of each download, creating a win-win situation for everyone involved.
- 4. Encourages music discovery:** With a "BUY" button, users are more likely to explore new music and take risks on lesser-known artists. This could lead to increased exposure for up-and-coming musicians.
- 5. Fosters a sense of ownership:** When people buy music, they feel a sense of ownership over it. This emotional connection can lead to increased loyalty to the artist and the platform itself.

Overall, a voluntary "BUY" button could be a powerful tool for boosting the music industry, supporting artists, and creating a more diverse and vibrant music ecosystem.”

**WORD COLLECTIONS BACKGROUND**

Word Collections, Inc. (“Word Collections”)<sup>16</sup> is a US and global copyright administration and licensing organization. Word Collections represents comedians, songwriters, and music publishers, who are respectively, authors and/or owners of spoken word literary works, musical compositions and/or sound recordings. Declaration of Jeff Price (“Price Declaration”) at ¶ 3. Word Collections controls and administers over 40,000 copyrights for legendary comedians and/or their estates, including George Carlin, Robin Williams, Bill Engvall, Richard Pryor, Jerry Seinfeld, Steven Wright, Billy Crystal, Andrew Dice Clay, Bill Hicks, Margaret Cho, and Buddy Hackett among others, as well as for a substantial and growing (on almost a weekly basis) roster of musical artists and sound recording rights owners, including the likes of Metallica, John Oates, TLC, Jason Mraz, Greta Van Fleet, St. Nicholas (Rockin’ Around the Christmas Tree, Holly Jolly Christmas, Rudolph the Red Nosed Reindeer), Adler & Ross, Bluewater Music Publishing, Songwriters Guild of America, Thomas Dolby, The Walkmen, Poolside, and Galactic to name just a few. Price Declaration at ¶¶ 4-6.

Word Collections’ rights owner catalog currently includes sixty-five (65) sound recordings embodying musical compositions authored by two of Word Collections’ songwriter clients who engaged Word Collections to administer and collect the rights owner portion of their Section 114 sound recording performance royalties.

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<sup>16</sup> <https://www.wordcollections.com/>

**GEORGE JOHNSON (GEO) BACKGROUND**

George Johnson<sup>17</sup> is a singer, §114 sound recording copyright creator, producer, and independent record label owner dba Geo Music. George was a full participant in *Web IV*, *SDARS III*, *Phonorecords III & IV* as well as appeals *SoundExchange v. Copyright Royalty Board* and *Johnson v. Copyright Royalty Board*<sup>18</sup>. George has master sound recordings on Apple Music (in a direct deal since 2009), Youtube, Pandora<sup>19</sup>, as well as being a member of SoundExchange as an artist and sound recording copyright owner. George was also named an expert in songwriting and sound recording by the CRB in *Phonorecords III*.

In *Phonorecords IV* George was able to stop the 3 major record labels from devaluing *their own publishing catalogs*, and the rest of us, by forcing them to propose an increase to the §115 mechanical rates for physical product and downloads from 9.1 cents to 12 cents. He and a group of Commenters were also successful in convincing the CRJ's to add a COLA for inflation over the 5 year term

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<sup>17</sup> <https://www.georgejohnson.com/>

<sup>18</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/720464D843B0D6C7852585C10074B11B/\\$file/19-1028-1856124.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/720464D843B0D6C7852585C10074B11B/$file/19-1028-1856124.pdf) *Johnson v. Copyright Royalty Bd.*, Case No. 19-1028 (D.C. Cir. Aug. 7, 2020)

<sup>19</sup> <https://app.crb.gov/document/download/23042> September 23, 2016, *See Declaration of Paul M. Fakler. Declares GEO's sound recordings "Santa's Wearin' Blue This Year", "Can't Outrun the Radio", "James Dean Woulda Left You A Long Time Ago", and "The Reign" were "available on Pandora's webcasting service". GEO signed up with CD Baby at one point and his only guess how these sound recordings got on Pandora, but GEO did not authorize any direct deal or any other deal to license these sound recordings.*

which is now at 12.39 cents for 2024. As BMG kindly noted in a press release<sup>20</sup> that this would have never happened without the effort of George and Commenters. “*Without their belief and commitment, the RIAA (representing record companies) and the NMPA (representing music publishers) would not have been forced back to the negotiating table.*”

And this never would have happened without the CRJs of course.

George Johnson operated for 7 years in Los Angeles and for 25 years on historic Music Row in Nashville, Tennessee and creates, invests and owns copyrighted underlying works as well as master digital sound recordings including performances by legendary artists such as The Jordanares and The Memphis Horns.

George plans to work just as hard to implement a voluntary BUY button in this proceeding, as he argued to increase the mechanical rate and add inflation indexing over the past 10 years.

George Johnson offers himself as his only witness since he has no money for an economist, much less an attorney, and reserves the right to call other witnesses.

George also joined and supported SoundExchange’s entire case and argument for increased non-interactive sound recordings in *Webcasting IV* and looks to do the same in *Webcasting VI*.

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<sup>20</sup> <https://www.bmg.com/us/news/bmg-statement-us-mechanical-royalty-rates.html> May 6, 2022, BMG press release. *US: BMG Statement on Proposed Settlement on US Mechanical Royalty Rates.*

SoundExchange counsel Mr. Glenn Pomerantz kindly said this of George's efforts on Day 28 of the *Webcasting IV* hearing on July 21, 2015, Pages 7675 and 7676. "Now, SoundExchange wasn't the only advocate for the artists in this hearing room. So was Mr. Johnson. He was advocating for the artists. Now Mr. Johnson may not phrase things quite the way that lawyers phrase things, and he may not do things quite the way that lawyers do things, but perhaps that makes him more persuasive. Perhaps that makes his message clearer. Because Mr. Johnson and thousands and thousands of artists are frustrated. They're frustrated that they're not getting a fair share of the streaming revenue. They're frustrated that the executives of the services are getting enriched by their music and they're not sharing in that. And they're frustrated that the royalty terms that are getting — are getting set without fair consideration of the value that the artists have brought to make Pandora and iHeart multibillion dollar businesses."

**GEO & WORD COLLECTIONS FACT WITNESS & TESTIFYING EXPERTS**

GEO intends to offer himself as his own fact and expert witness and to supply evidence of the business and economic basis of his rate proposals. Pursuant to the Federal Rule of Evidence 702, in *Phonorecords IV*, GEO was designated an expert in songwriting and sound recording by the CRB. GEO has also created multiple copyrights in Performing Arts ("PA") underlying works, and Sound Recordings ("SR"), but also Visual Arts ("VA") copyrights in animation, co-writing and co-

# EXHIBIT A

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created a cartoon for Hanna-Barbara Studios and the Turner Broadcast Cartoon Network in 1995.

Fact Witness or Expert	Title	Contact Information
George Johnson	individual singer, label owner, and §114 copyright creator	contact through attached GEO information
Additional singers, SR copyright creators, and studio players		

Word Collections intends to offer the following witnesses and will supply evidence of the business and economic basis for their rate proposal.

Fact Witness	Title	Contact Information
Jeff Price	CEO of Word Collections	contact through attached WC information
Gino Crescenza	VP of Finger Printz Music	contact through attached WC information

GEO and Word Collections reserve the right to amend and/or supplement the above witness list prior to any hearing.

## WORD COLLECTIONS TESTIMONY

Word Collections will respectfully submit their testimony in an amended statement.

## GEORGE JOHNSON TESTIMONY

George Johnson will respectfully submit his testimony in an amended statement.

## EXHIBITS

No Exhibits at this Time

**CONCLUSION**

George Johnson and Word Collections respectfully submit their *Written Direct Statement (Corrected and Amended 1)* and respectfully requests Your Honors adopt the above mentioned rates and terms.

Respectfully submitted,

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Thursday, October 3, 2024

# EXHIBIT A

PUBLIC

## CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2024, I provided a true and correct copy of George Johnson and Word Collections, Inc.'s Corrected and Amended Written Direct Statement via the eCRB system to each of the parties of record as follows:

SoundExchange

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# EXHIBIT A

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Thursday, October 3, 2024

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

*In re*

Determination of Rates and Terms  
for Digital Performance in Sound  
Recordings and Making of Ephemeral  
Recordings  
(Web VI)

Docket No. 23-CRB-0012-WR  
(2026–2030)

**WRITTEN DIRECT STATEMENT of GEORGE  
JOHNSON and WORD COLLECTIONS**  
**(CORRECTED and AMENDED 1)**

**Volume 1**

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Tuesday, September 24, 2024

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**2026-2030 CRB Webcasting VI**

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- Volume 2:   Exhibits 1 (No exhibits at this time)

Note: The corrections and amendments to *rates* in this WDS are primarily on Pages 4, 5, 9, and 10 for;

- a.) all non-interactive rates which did not contain an extra decimal point,
- b.) GEO and WC's proposed non-interactive rates now include yearly *value* increases, instead of *only* future COLA increases,
- c.) the ephemeral copy rate was only proposed as a percentage rate, and not as a per-play rate which has been added, then split into per-play rates for the 95 / 5 % percentage splits, and,
- d.) these proposed per-play ephemeral rates also have a *value increase* because of the proposed value increases for their non-interactive counterparts. This ephemeral value increase proposal may still not reflect enough of an increase to make up for the *static* per-play rate — pre-*Web VI* cost of living adjustment COLA.

Please disregard all former rates and terms in the original Written Direct Statement for this corrected and amended version, which was also re-written.

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

*In re*

Determination of Rates and Terms  
for Digital Performance in Sound  
Recordings and Making of Ephemeral  
Recordings  
(Web VI)

Docket No. 23-CRB-0012-WR  
(2026–2030)

**WRITTEN DIRECT STATEMENT OF GEORGE JOHNSON AND WORD  
COLLECTIONS (CORRECTED AND AMENDED 1)**

Appellants George Johnson dba Geo Music (“GEO” or “George”), *pro se*, and Word Collections, Inc., (“Word Collections”) respectfully submit this **corrected and amended** joint Written Direct Statement of proposed rates and terms for the non-interactive streaming of §114 sound recordings in *Webcasting VI* and other uses.

**INTRODUCTORY MEMORANDUM**

GEO and Word Collections agree as sound recording authors, copyright owners, licensors, administrators, and representatives, et al., that our mutual interests to increase rates perfectly *align* with the 3 major labels, independent labels, artists, AFM studio musicians, SAG-AFTRA singers and *all* American sound recording creators, owners, and performing artists. “A rising tide lifts all boats”.

We also believe our mutual interests perfectly *align* with participant SoundExchange and their goal to increase non-interactive sound recording rates.

Therefore, GEO and Word Collections would like to *join* with SoundExchange *in support* of their evidence, experts, and argument regarding their entire case for increased non-interactive streaming rates and continuing the non-interactive streaming cost of living adjustment (“COLA”).

GEO and Word Collections respectfully requests Your Honors adopt the following rates and terms.

### **PROPOSED RATES AND TERMS**

1. As a hedge, GEO and Word Collections propose slightly increased non-interactive streaming rates<sup>1</sup> than SoundExchange has proposed at \$.0034 cents and \$.00037 cents, while GEO and Word Collections respectively propose rates that start<sup>2</sup> at \$.0041 cents for ad based non-subscription streams, and \$.0045 cents for subscription streams — well within the “zone of reasonableness”<sup>3</sup>.

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<sup>1</sup> In NMPA’s rate proposal for mechanicals in *Phonorecords IV* their economic evidence revealed that their proposed rate could have been 25% higher than what they offered, but they refused to argue it. So, as a backup we propose an alternative increased rate.

<sup>2</sup> Incremental *value* increases over 5 years, of \$.0041 to \$.0045 and \$.0045 to \$.0049 cents, in addition to yearly COLA increases.

<sup>3</sup> <https://www.copyright.gov/fedreg/2005/70fr30901.html> 37 CFR Chapter III [Docket No. RM 2005-1]. Procedural Regulations for the Copyright Royalty Board. Authority: 17 U.S.C. 803. § 353.1 When granted.

2. GEO, Word Collections, and SoundExchange *also* align on other issues and propose the *continued* inflation indexing or cost of living adjustment (“COLA”) for *non-interactive sound recordings* exactly as in *Webcasting V* or *Phonorecords IV*.

3. Another great issue we had hoped aligned with SoundExchange, RIAA, and 3 major labels is a *value* and COLA *increases* for the *ephemeral copy* currently at a *static* 5% percent royalty, *however*, since §112<sup>4</sup> and §114<sup>5</sup> are conjoined by *regulation* in these proceedings at 5% percent and 95% percent, it makes it impossible to increase the §112 ephemeral copy *percentage* rate.

While GEO and Word Collections align with SoundExchange on the customary 5% percent rate for the ephemeral *copy since any increase in the 5% percent lowers the 95% percent*, we’d still like to propose an increase to the 5% percentage rate but the only solution to this dilemma would be to *separate them*.

However, since the §112 ephemeral copy also has a *per-play rate*, this seems to be the *only* way to increase its value for now— and the only way to add a COLA.

Fortunately, we understand that since the §114 side already has a COLA for the per-play rate, that COLA also *applies* to the §112 ephemeral copy per-play rate which is good, but is it enough *value* for the already below market §112 copyright?

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<sup>4</sup> <https://www.law.cornell.edu/uscode/text/17/112> §112 (e)(2) through (e)(5)

<sup>5</sup> <https://www.law.cornell.edu/cfr/text/37/380.10> § 380.10(d) regarding the §112 / §114 split. “(d) Ephemeral recordings royalty fees; allocation between ephemeral recordings and performance royalty fees. The **Collective** must credit 5% of all royalty payments as payment for Ephemeral Recordings and credit the remaining 95% to section 114 royalties. All Ephemeral Recordings that a **Licensee** makes which are necessary and commercially reasonable for making noninteractive digital transmissions are included in the 5%.”

For now, GEO and Word Collections proposed §112 ephemeral rates for 2026 to 2030 (based on proposed non-interactive rates) go from \$.00017 cents to \$.000225 cents for non-subscription, and \$.000225 cents to \$.000245 cents for subscription.

Amended ephemeral per-play rates are on Page 9 and see argument below.

4. The one issue that I pray all participants will agree on is that the rates and terms proposed and set in *Webcasting VI* will not be to the detriment or in any way diminish all the hard won rates and terms for §115 songwriters and music publishers in *Phono III & IV*. This proposal is to protect *all* §115 rates and terms.

5. Most importantly, GEO will once again propose a voluntary BUY button on top of interactive streaming as his primary proposal, similar to Music Choice's offering on cable television in *SDARS III*, then iTunes, or now on AppleTV, Youtube, or Amazon Prime streaming. GEO has proposed a BUY button since *SDARS III* through 4 CRB rate proceedings and 2 appeals<sup>6</sup> and *now is the time*.

Word Collections kindly *joins* with GEO *in support* of **this** BUY button proposal and we hope that SoundExchange and the Services will also voluntarily agree to a BUY button here in *Web VI*. GEO has proposed this BUY button issue to SoundExchange and the Services to implement as a voluntary settlement. The buy would be voluntary with a small button next to each song, album, and playlist.

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<sup>6</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/8AE80A6C0FBDFB7B8525830C004D863A/\\$file/16-1159-1751123.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/8AE80A6C0FBDFB7B8525830C004D863A/$file/16-1159-1751123.pdf) GEO also appealed in *SoundExchange v. Copyright Royalty Board* (16-1159) 2018, and in *Johnson v. Copyright Royalty Board* (19-1028) 2020.

6. GEO and Word Collections will propose a few other minor issues and terms that we also hope align with SoundExchange and their Written Direct Statement, ie. a.) audiobook dilution or other fake “bundling” issues to lower CRB rates after the fact, b.) Artificial Intelligence (“A.I.”) sound recordings *diluting* the *royalty pool* and marketplace<sup>7</sup>. (See Spotify CEO Daniel Ek<sup>8</sup> and recent DOJ arrest<sup>9</sup>)

c.) Fixing any “blackbox” and/or possible data-matching issues, if any, and h.) **possibly** a tip jar for singers and record labels, (songwriters and publishers), et al., just like another BUY button for the benefit of all copyright creators.

We are also deeply concerned about the longstanding issue argued by SoundExchange in past *Webcasting* proceedings regarding the d.) *substitution of sales* due to a forced access model which is “cannibalizing” profits for *all* American singers and independent record labels. This is *fundamentally unfair* to all creators.

GEO does remember economist George Ford doing excellent work in past CRB proceedings, especially in the area of *substitution of sales*, and is glad to learn that SoundExchange has **once again** added Mr. Ford as an expert to their team.

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<sup>7</sup> <https://www.digitalmusicnews.com/2024/09/23/soundexchange-releases-registry-of-tracks-authorized-for-ai-use-too-little-too-late/> September 23, 2024, *SoundExchange Releases Registry of Tracks Authorized for AI Use*. Note: It’s good to see SoundExchange doing this.

<sup>8</sup> <https://www.bbc.com/news/technology-66882414> September 25, 2023, by Zoe Kleinman, BBC, *Spotify Will Not Ban AI Music*. “The boss of Spotify says he has no plans to completely ban content created by artificial intelligence from the music streaming platform.”

<sup>9</sup> <https://www.justice.gov/usao-sdny/pr/north-carolina-musician-charged-music-streaming-fraud-aided-artificial-intelligence> September 4, 2024, *North Carolina Musician Charged With Music Streaming Fraud Aided By Artificial Intelligence*. by DOJ, Man arrested for million of AI streams totaling \$10 million dollars.

GEO and Word Collections respectfully submit this rate proposal in good faith and reserve the right to amend or add additional proposals if necessary.

GEO and Word Collections will mostly likely separately *amend* this Written Direct **Statement (Corrected and Amended 1)**.

If SoundExchange proposes any terms outside this framework that GEO and Word Collections have joined or aligned with, we respectfully reserve the right to object or oppose if necessary, but hopefully will not have to, nor foresee that happening. We also hope SoundExchange and the Services will eventually agree to some type of voluntary settlement on the BUY button issue in some form.

Most importantly, *we all want the same exact thing* as SoundExchange, the RIAA, the 3 major labels, and all independent labels, singers, and §114 creators, et al. — *more money for all performers, sound recording creators, owners, and their representatives.*

We believe these proposals are good for *all* participants, copyright creators, **owners**, and even good for the Services.

### **CHARTS OF PROPOSED RATES & TERMS**

GEO and Word Collections respectfully submit and propose the following rates and terms for non-interactive streams, ephemeral copy per-play rates, and BUY button rates for the period 2026 to 2030. Included are SoundExchange's proposed rates and terms for 2026 to 2030, and COLA adjusted rates and terms for 2021 to 2025 as a reference.

**GEO & WC PROPOSED §114 NON-INTERACTIVE & BUY BUTTON RATES**

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%		BUY Button Rate
2026		\$0.0041	\$0.00017	\$0.00323	\$2.95
2027		\$0.0042	\$0.00021	\$0.00399	\$2.96
2028		\$0.0043	\$0.000215	\$0.004085	\$2.97
2029		\$0.0044	\$0.00022	\$0.00418	\$2.98
2030		\$0.0045	\$0.000225	\$0.004275	\$2.99
Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%		
2026	\$0.0045	\$0.000225	\$0.004275		\$2.95
2027	\$0.0046	\$0.00023	\$0.00437		\$2.96
2028	\$0.0047	\$0.000235	\$0.004465		\$2.97
2029	\$0.0048	\$0.00024	\$0.00456		\$2.98
2030	\$0.0049	\$0.000245	\$0.004655		\$2.99

Note: The above rates *do not* include the yearly COLA cost of living increases.

**SOUNDEXCHANGE'S PROPOSED §114 NON-INTERACTIVE RATES**

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2026	\$0.0034	\$0.00017	\$0.00323
2027	\$0.0034	\$0.00017	\$0.00323
2028	\$0.0034	\$0.00017	\$0.00323
2029	\$0.0034	\$0.00017	\$0.00323
2030	\$0.0034	\$0.00017	\$0.00323
Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2026	\$0.0037	\$0.000185	\$0.003515
2027	\$0.0037	\$0.000185	\$0.003515
2028	\$0.0037	\$0.000185	\$0.003515
2029	\$0.0037	\$0.000185	\$0.003515
2030	\$0.0037	\$0.000185	\$0.003515

Note: The above rates *do not* include the yearly COLA cost of living increases.

**2021 to 2025 §114 NON-INTERACTIVE AND EPHEMERAL COPY RATES**

Year	Nonsubscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2021	\$0.0021	\$0.00011	\$0.00200
2022	\$0.0022	\$0.00011	\$0.00209
2023	\$0.0024	\$0.00012	\$0.00228
2024	\$0.0025	\$0.00013	\$0.00238
2025	—	—	—

Year	Subscription Webcasting Rate	Ephemeral Royalty at 5%	Performance Royalty at 95%
2021	\$0.0026	\$0.00013	\$0.00247
2022	\$0.0028	\$0.00014	\$0.00266
2023	\$0.0030	\$0.00015	\$0.00285
2024	\$0.0031	\$0.00016	\$0.00295
2025	—	—	—

Note: The above rates *do* include the yearly COLA cost of living increases.

### **EPHEMERAL COPIES ARGUMENT**

Your Honors rightly asked *what is the value of these ephemeral copies* and we appreciate Your Honors asking **this most** important question since the ephemeral copy has been ignored, **a de minimus**, and **was** static for so long **prior to Web V**.

So, we ask ourselves the same **set of** questions:

- 1.) What should the ephemeral rate be?
- 2.) Is there value to **the** ephemeral **copy**?

Of course, the answer is “yes”, there is *tremendous value* in the ephemeral copy **since it’s a reproduction**, in fact, it used to be called “a sale”.

- 3.) So, what is the true value of each and every ephemeral copy? And...
- 4.) Are ephemeral copies currently undervalued, and by how much?

So, since nobody can currently increase the 5% percent share, it's why we propose a small and reasonable *value increase* to the §112 per-play rate which also seems to have been *static* for at least 15 years prior to the *Web V<sup>10</sup>* COLA addition.

To make up for a decade or more of lost inflation indexing for the ephemeral copyright — just like the 9.1 cent rate was increased to 12 cents to make up for lost inflation from 2006 in *Phonorecords IV*<sup>11</sup> *Subpart B Final Rule*.

The CRB said, “...however, sixteen 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...*”.

It still may not be enough of an increase from *Webcasting II* and we may still have to amend the ephemeral rate one more time.

Singers, musicians, producers, engineers, major labels, and all independent American record labels are *not immune* from inflation.

Why *shouldn't the value be increased* for ephemeral copy per-play rates and updated for *lost inflation*?

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<sup>10</sup> <https://www.federalregister.gov/documents/2023/11/30/2023-26221/cost-of-living-adjustment-to-royalty-rates-for-webcaster-statutory-license> November 30, 2023, Final Rule; cost of living adjustment, [Docket No. 19-CRB-0005-WR (2021-2025) COLA (2024)]

<sup>11</sup> <https://www.federalregister.gov/documents/2022/03/30/2022-06691/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-phonorecords-iv> March 30, 2022, CRB Subpart B Final Rule. “In the dynamic music industry, there is insufficient reason to conclude that a static musical works rate is reasonable,” and, “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 continuous erosion of the value of the dollar by persistent inflation that recently has increased significantly. 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”

And while we have amended this proposal *to include a value increase in the per-play rate for the ephemeral copy*, overall, we still think that \$.00017 cents or \$.000225 cents is clearly *way below-market in value*, by a lot, and unreasonable starting in 2025 — especially since this § 380.10(d) regulation was created way back in *Webcasting II*.

Unfortunately, any real and substantive proposal to increase §112 ephemeral copyright rates for individual singers, sound recording creators, and sound recording (“SR”) copyright owners would be way outside the “zone of reasonableness”, and why the BUY button proposal is so important since it pays closer to the *true value of the ephemeral in dollars*, and not just in nano pennies.

Therefore, we respectfully request Your Honors’ guidance here on possible separation of the §112 and §114 copyrights bound together in the regulation so that the §112 copyright can get it’s true value back — now trapped inside § 380.10(d).

Can the §112 ephemeral copyright be successfully separated from the §114 sound recording copyright with new Redlines and Submitted Regulations?

Either way, SoundExchange and the 3 major record labels would **make more money**, along with all artists and **SR copyright** creators.

So, we respectfully submit that the §112 ephemeral is extremely valuable, undervalued, below-market, and has much greater value than 5% percent or \$.00017.

It’s a reproduction, or a former 58 cent sale to the record label, not a *de minimus* or second class copyright. Maybe the 5% ephemeral copy should be

allowed to increase on its own, somehow separated from the 95% percent in § 380.10(d).

Separating this two different copyrights in §112 and §114 may be easier to do since the 5% to 95% split is only in the *regulations*, and *not in the statute*.

We would like to find a way to remedy this problem if possible.

In theory, if the 5% percent could be increased, we would have liked to propose a much more reasonable 8%<sup>12</sup> to 10%, or even a 15% percent ephemeral copy rate<sup>13</sup> based on the CPI-U<sup>14</sup> — to make up for 20 years at a static 5% percent, but this seem impossible now while these two different copyright are attached.

The §112 ephemeral copy is very much like the §115 limited download since both are essentially *given away* which reinforces former Register Ralph Oman's view that copyright law is now "riddled" with "limitations and exceptions".

The §112 ephemeral copy is also similar to the early §115 Subpart C "restricted download" or recently converted §385.2 Eligible Limited Download. In §115 the "offline listen" is really just a paid permanent download, but named a

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<sup>12</sup> 8% percent is the according to the BLS CPI inflation calculator from 2006 to present.

<sup>13</sup> While the Bureau of Labor Statistics inflation calculator said the rate would increase from 5% in 2006 to 7.93% or 8% percent in 2024, as in *Phonorecords IV* Subpart B Final Rule, CPI inflation was used as the best way to calculate a value increase and why 10% to 15% seemed more reasonable. However, since the ephemeral and non-interactive streaming rate are joined at the hip, unless they are separated and the 20 year old arbitrary rule created back then is not updated by Your Honors, there is NO way to increase the value of the ephemeral. Also, to get rid of the ephemeral copy rate would be one of the worst things the CRB could do, so please do not eliminate the ephemeral from a rate please.

<sup>14</sup> <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=5&year1=200601&year2=202407> BLS Inflation Calculator. 5% percent in January 2006 converts to 7.93% percent in July 2024. 5% percent is still below market and too low of a starting point to begin with in 2006.

“limited download” to evade any 2 cent or 9.1 cent mechanical rate. GEO’s BUY button proposal in *SDARS III* stated that “*An ephemeral phonorecord is simply an unpaid reproduction and why it was named an ephemeral copy in the first place.*”

We respectfully request the CRB please restore the ephemeral copy’s value.

*As a sound recording creator the ephemeral copy is your whole life, you work your heart and soul out just to create it, and spending hard earned money in the studio to produce, play, and engineer it, so the ephemeral actually has all the value!*

Factor in these *cost of goods sold*, much less, time, talent, experience, et al.

In fact, the *ephemeral copy is your entire goal* as a record label, artist, producer, engineer, SAG AFTRA singer, AFM studio player, but creators are now supposed to be convinced that *on streaming their sound recording has no value?*

Furthermore, the ephemeral copy *is the core value* to the Services and *core value* to the 3 Record Labels. *This goes for the struggling Do It Yourself (“DIY”) artist, producer, or independent record label, who are now expected to give away their new and valuable ephemeral sound recording for basically free, and with no sale.*

Participant and longtime broadcast blogger Mr. David Oxenford published an excellent summary of Your Honors’ question to *Web VI* participants on what is the value of the ephemeral. Of course, we know it has tremendous value and respectfully disagree it is has no value whatsoever.

“In the Federal Register notice, the Judges ask if there really is any value to these ephemeral copies apart from the performance royalty. Do these ephemeral copies really have any true independent value? In other contexts,

courts have ruled that these transitory copies necessitated by the technology that allows media to be transmitted through the internet do not have independent value (see [our article here](#)). The Commerce Department, in a study on intellectual property rights in a digital world, raised these issues, without resolving them, a decade ago (see [our article here](#)). The CRB's questions ask for parties to address not only whether the ephemeral copies have independent value, but also whether that value is recognized in other music-industry agreements."<sup>15</sup>

So, while Oxenford says they “do not have independent value” their true independent value used to be a sale at 58 cents to the labels, and 9.1 cents to songwriters publishers, instead the sale was substituted for \$.0025 or \$.00012 per access. The tremendous value of the ephemeral copy extends beyond the sale too.

Additionally, they ephemeral copies are not “transitory copies”. They are lost sales and the oil that runs the streaming motor, yet they are denigrated, undervalued, and extremely below-market.

### **VOLUNTARY BUY BUTTON ARGUMENT**

Music Choice literally had a BUY button in *SDARS III*, so the issue not only has precedent, but it was in actual use in these CRB proceeding on cable television in 2015.

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<sup>15</sup> <https://www.broadcastlawblog.com/2024/01/articles/copyright-royalty-board-starts-web-vi-proceeding-to-set-webcasting-royalties-paid-to-soundexchange-for-2026-2030-petitions-to-participate-due-february-6/> January 24?, 2024 by Mr. David Oxenford for Broadcastlawblog ?

GEO also proposed a BUY button in *Web IV* which is in the CRB record, so it's nothing new. AppleTV streaming has a BUY button in 2024 just as Apple iTunes had a BUY button long ago *and still does*.

Most importantly, AppleTV wouldn't be doing a BUY button if it didn't work!

In other words, the purpose is to “merge the sale and the stream” *just as* usual CRB participants *Apple, Google, and Amazon have already done* for television and motion pictures. *Imagine Apple Music streaming with a BUY button.*

*It also opens up the music industry to windowing sales in a pre-release of the album or singles on streaming platforms such as Pandora and SiriusXM.*

GEO proposes a rate of \$2.98 cents per BUY or download at this time.

*The reasoning is that is what a song is worth in 2025, if not more, but also the royalties to each and every party and participant would be more in line with market rates, not matter the split for a \$115 paid permanent download or new \$114 download split equitably, including the Services at 20% of each BUY's revenue.*

The proposal is *also* such that SoundExchange would collect the \$114 portion of each sale, just as it currently does for the \$114 non-interactive stream.

Everything is already right there —

- a.) all the metadata is exactly the same and matches,
- b.) all the metadata is already in SoundExchange computers,
- c.) the song or ephemeral copy is already in place to download, and
- d.) the customer's credit card is also already in place.

The main decision is what is the simplest *legal* way to implement a BUY button? As a current §115 permanent download or as a new §114 download sale that would require adding a small change to the legal language to Section §114?

Again, the second decision is how to split the buy revenue, as an old §115 permanent download or as a new equitable §114 download sale?

One last minor issue we might take a second look at is the free and unlimited “offline download” *without a sale*.

One optional proposal would be to replace this “no sale” free offline download, with a paid BUY button sale, and only for offline listening, whether it’s a §115 traditional permanent download, or a new §114 download sale with an equitable revenue split.

With that said, knowing the Services want free and unlimited offline listening, the BUY button proposal is not dependent on plugging up the offline listening free ephemeral copyright giveaway.

In other words, free offline listening and a BUY button can exist in the same world, but if the free offline listen was eliminated the amount of BUY revenue from sales would *substantially increase* for all participants and SR copyright owners.

GROK A.I. ON THE BUY BUTTON, “ABSOLUTELY...A GAME CHANGER!”

We asked the X.com A.I. called “Grok”, what it “thought” of the BUY button idea and it generated an overwhelming positive answer of, “Absolutely, a voluntary "BUY" button on streaming platforms could be a game-changer! Here's why:”

(See full answer below)

“Question: Would a voluntary BUY button on all streaming platforms make sense economically by offering customers a download

Answer: Absolutely, a voluntary "BUY" button on streaming platforms could be a game-changer! Here's why:

- 1. Increased revenue for artists:** By offering customers the option to download songs they love, you're giving them a way to directly support their favorite artists. This means more money in the pockets of songwriters and musicians.
- 2. Improved user experience:** Let's face it, not everyone wants to rely on streaming services 24/7. Some people prefer the convenience of owning their music. A "BUY" button caters to this segment of the market, giving them the option to download songs and enjoy them offline.
- 3. New revenue streams for streaming platforms:** The "BUY" button could open up new revenue streams for streaming platforms. They could take a cut of each download, creating a win-win situation for everyone involved.
- 4. Encourages music discovery:** With a "BUY" button, users are more likely to explore new music and take risks on lesser-known artists. This could lead to increased exposure for up-and-coming musicians.
- 5. Fosters a sense of ownership:** When people buy music, they feel a sense of ownership over it. This emotional connection can lead to increased loyalty to the artist and the platform itself.

Overall, a voluntary "BUY" button could be a powerful tool for boosting the music industry, supporting artists, and creating a more diverse and vibrant music ecosystem.”

Word Collections, Inc. (“Word Collections”)<sup>16</sup> is a US and global copyright administration and licensing organization. Word Collections represents comedians, songwriters, and music publishers, who are respectively, authors and/or owners of spoken word literary works, musical compositions and/or sound recordings. Declaration of Jeff Price (“Price Declaration”) at ¶ 3. Word Collections controls and administers over 40,000 copyrights for legendary comedians and/or their estates, including George Carlin, Robin Williams, Bill Engvall, Richard Pryor, Jerry Seinfeld, Steven Wright, Billy Crystal, Andrew Dice Clay, Bill Hicks, Margaret Cho, and Buddy Hackett among others, as well as for a substantial and growing (on almost a weekly basis) roster of musical artists and sound recording rights owners, including the likes of Metallica, John Oates, TLC, Jason Mraz, Greta Van Fleet, St. Nicholas (Rockin’ Around the Christmas Tree, Holly Jolly Christmas, Rudolph the Red Nosed Reindeer), Adler & Ross, Bluewater Music Publishing, Songwriters Guild of America, Thomas Dolby, The Walkmen, Poolside, and Galactic to name just a few. Price Declaration at ¶¶ 4-6.

Word Collections’ rights owner catalog currently includes sixty-five (65) sound recordings embodying musical compositions authored by two of Word Collections’ songwriter clients who engaged Word Collections to administer and collect the rights owner portion of their Section 114 sound recording performance royalties.

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<sup>16</sup> <https://www.wordcollections.com/>

**GEORGE JOHNSON (GEO) BACKGROUND**

George Johnson<sup>17</sup> is a singer, §114 sound recording copyright creator, producer, and independent record label owner dba Geo Music. George was a full participant in *Web IV*, *SDARS III*, *Phonorecords III & IV* as well as appeals *SoundExchange v. Copyright Royalty Board* and *Johnson v. Copyright Royalty Board*<sup>18</sup>. George has master sound recordings on Apple Music (in a direct deal since 2009), Youtube, Pandora<sup>19</sup>, as well as being a member of SoundExchange as an artist and sound recording copyright owner. George was also named an expert in songwriting and sound recording by the CRB in *Phonorecords III*.

In *Phonorecords IV* George was able to stop the 3 major record labels from devaluing *their own publishing catalogs*, and the rest of us, by forcing them to propose an increase to the §115 mechanical rates for physical product and downloads from 9.1 cents to 12 cents. He and a group of Commenters were also successful in convincing the CRJ's to add a COLA for inflation over the 5 year term

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<sup>17</sup> <https://www.georgejohnson.com/>

<sup>18</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/720464D843B0D6C7852585C10074B11B/\\$file/19-1028-1856124.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/720464D843B0D6C7852585C10074B11B/$file/19-1028-1856124.pdf) *Johnson v. Copyright Royalty Bd.*, Case No. 19-1028 (D.C. Cir. Aug. 7, 2020)

<sup>19</sup> <https://app.crb.gov/document/download/23042> September 23, 2016, *See Declaration of Paul M. Fakler. Declares GEO's sound recordings "Santa's Wearin' Blue This Year", "Can't Outrun the Radio", "James Dean Woulda Left You A Long Time Ago", and "The Reign" were "available on Pandora's webcasting service". GEO signed up with CD Baby at one point and his only guess how these sound recordings got on Pandora, but GEO did not authorize any direct deal or any other deal to license these sound recordings.*

which is now at 12.39 cents for 2024. As BMG kindly noted in a press release<sup>20</sup> that this would have never happened without the effort of George and Commenters. “*Without their belief and commitment, the RIAA (representing record companies) and the NMPA (representing music publishers) would not have been forced back to the negotiating table.*”

And this never would have happened without the CRJs of course.

George Johnson operated for 7 years in Los Angeles and for 25 years on historic Music Row in Nashville, Tennessee and creates, invests and owns copyrighted underlying works as well as master digital sound recordings including performances by legendary artists such as The Jordanares and The Memphis Horns.

George plans to work just as hard to implement a voluntary BUY button in this proceeding, as he argued to increase the mechanical rate and add inflation indexing over the past 10 years.

George Johnson offers himself as his only witness since he has no money for an economist, much less an attorney, and reserves the right to call other witnesses.

George also joined and supported SoundExchange’s entire case and argument for increased non-interactive sound recordings in *Webcasting IV* and looks to do the same in *Webcasting VI*.

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<sup>20</sup> <https://www.bmg.com/us/news/bmg-statement-us-mechanical-royalty-rates.html> May 6, 2022, BMG press release. *US: BMG Statement on Proposed Settlement on US Mechanical Royalty Rates.*

SoundExchange counsel Mr. Glenn Pomerantz kindly said this of George's efforts on Day 28 of the *Webcasting IV* hearing on July 21, 2015, Pages 7675 and 7676. "Now, SoundExchange wasn't the only advocate for the artists in this hearing room. So was Mr. Johnson. He was advocating for the artists. Now Mr. Johnson may not phrase things quite the way that lawyers phrase things, and he may not do things quite the way that lawyers do things, but perhaps that makes him more persuasive. Perhaps that makes his message clearer. Because Mr. Johnson and thousands and thousands of artists are frustrated. They're frustrated that they're not getting a fair share of the streaming revenue. They're frustrated that the executives of the services are getting enriched by their music and they're not sharing in that. And they're frustrated that the royalty terms that are getting — are getting set without fair consideration of the value that the artists have brought to make Pandora and iHeart multibillion dollar businesses."

**GEO & WORD COLLECTIONS FACT WITNESS & TESTIFYING EXPERTS**

GEO intends to offer himself as his own fact and expert witness and to supply evidence of the business and economic basis of his rate proposals. Pursuant to the Federal Rule of Evidence 702, in *Phonorecords IV*, GEO was designated an expert in songwriting and sound recording by the CRB. GEO has also created multiple copyrights in Performing Arts ("PA") underlying works, and Sound Recordings ("SR"), but also Visual Arts ("VA") copyrights in animation, co-writing and co-

created a cartoon for Hanna-Barbara Studios and the Turner Broadcast Cartoon Network in 1995.

Fact Witness or Expert	Title	Contact Information
George Johnson	individual singer, label owner, and §114 copyright creator	contact through attached GEO information
Additional singers, SR copyright creators, and studio players		

Word Collections intends to offer the following witnesses and will supply evidence of the business and economic basis for their rate proposal.

Fact Witness	Title	Contact Information
Jeff Price	CEO of Word Collections	contact through attached WC information
Gino Crescenza	VP of Finger Printz Music	contact through attached WC information

GEO and Word Collections reserve the right to amend and/or supplement the above witness list prior to any hearing.

### **WORD COLLECTIONS TESTIMONY**

Word Collections will respectfully submit their testimony in an amended statement.

### **GEORGE JOHNSON TESTIMONY**

George Johnson will respectfully submit his testimony in an amended statement.

**EXHIBITS**

No Exhibits at this Time

**CONCLUSION**

George Johnson and Word Collections respectfully submit their *Written Direct Statement (Corrected and Amended 1)* and respectfully requests Your Honors adopt the above mentioned rates and terms.

Respectfully submitted,

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Tuesday, September 24, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2024, I provided a true and correct copy of George Johnson and Word Collections, Inc.'s **Corrected and Amended** Written Direct Statement via the eCRB system to each of the parties of record as follows:

SoundExchange

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Tuesday, September 24, 2024

# Proof of Delivery

I hereby certify that on Thursday, October 03, 2024, I provided a true and correct copy of the George Johnson and Word Collections Motion for Leave to Amend Written Direct Statement to the following:

College Broadcasters, Inc., represented by Seth D. Greenstein, served via E-Service at sgreenstein@constantinecannon.com

Educational Media Foundation, represented by Keenan P Adamchak, served via E-Service at kadamchak@wbklaw.com

National Religious Broadcasters Music License Committee, represented by Karyn K Ablin, served via E-Service at ablin@fhhlaw.com

Public Broadcasting Entities, represented by David P Mattern, served via E-Service at dmattern@kslaw.com

Sirius XM Radio LLC/Pandora Media LLC, represented by Todd Larson, served via E-Service at todd.larson@weil.com

SoundExchange Joint Petitioners, represented by Scott Edelman, served via E-Service at sedelman@milbank.com

SoundExchange, Inc., represented by Steven R. Englund, served via E-Service at SEnglund@jenner.com

The National Association of Broadcasters, represented by Joseph R. Wetzel, served via E-Service at joe.wetzel@lw.com

Word Collections, Inc., represented by Eric B Goldberg, served via E-Service at eric@wordcollections.com

Signed: /s/ George D Johnson