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

In the Matter of: **Determination of Rates and Terms for Making and Distributing Phonorecords (Phonorecords V)**	**Docket No. 25-CRB-0013-PR (2028-2032)**

THE SERVICES' JOINT MOTION TO DENY THE PETITION TO PARTICIPATE OF GLOBAL MUSIC RIGHTS, LLC

Spotify USA Inc., Amazon.com Services LLC, Pandora Media, LLC, and Apple Inc. (the "Services") respectfully request that the Copyright Royalty Judges ("Judges" or "CRJs") deny Global Music Rights, LLC's ("GMR") petition to participate in the above-captioned proceeding.[1] GMR is a performing rights organization ("PRO") representing songwriters and composers in the licensing of *public performance rights.* GMR thus lacks the "significant interest" required to participate in this proceeding, which will set rates and terms for a distinct set of rights—*mechanical rights* under Section 115 of the Copyright Act. 17 U.S.C. § 803(b)(2)(C); 37 C.F.R. § 351.l(c). The Judges have regularly rejected similar petitions to participate from parties without a direct interest in the rates at issue in the proceeding.[2]

[1] The National Music Publishers' Association and the Nashville Songwriters Association International take no position on this motion. Google LLC joins in requesting the relief sought by this motion.

[2] *See, e.g.*, Order Granting SoundExchange Mot. to Deny the Pet. to Participate, Dkt. No. 14-CRB-0001 (Apr. 30, 2014); Order Dismissing David Powell and Circle God Network Inc. from the Proceeding, Dkt. No. 19-CRB-0005 (March 23, 2020).

BACKGROUND

On December 31, 2025, the Judges commenced this proceeding and requested petitions to participate from parties with a significant interest in the outcome. 90 Fed. Reg. 61424 (Dec. 31, 2025). GMR filed a petition to participate on January 29, 2026, but did not attempt in that petition to articulate its "significant interest." It instead acknowledged that it "represents…music creators in the *public performance licensing* of their musical compositions." GMR Pet. to Participate, Determination of Rates and Terms for Making and Distributing Phonorecords, Dkt. No. 25-CRB-0013-PR (Jan. 29, 2026) (emphasis added).

LEGAL STANDARD

The Copyright Act requires that an entity participating in a proceeding before the Judges have a "significant interest in the proceeding." 17 U.S.C. § 803(b)(2)(C); *see also* 37 C.F.R. § 351.l(c). The Judges "may decide … on the motion of another participant in the proceeding that a party lacks a significant interest in a proceeding." H.R. Rep. No. 108-408, at 29 (2004). Because the statute does not define what a "significant interest" is, the Judges have relied on the statute's legislative history to understand congressional intent. *See* Order Granting SoundExchange Mot. to Deny the Pet. to Participate, Dkt. No. 14-CRB-0001 at 2; *see also Fox Television Stations, Inc. v. FilmOn X LLC*, 150 F. Supp. 3d 1, 18 (D.C. Cir. 2015) (courts "may examine the statute's legislative history" to interpret ambiguous language) (citations omitted).

The legislative history makes clear that "petitions to participate must provide sufficient evidence demonstrating that [the petitioner has] a significant interest in the proceeding," which ensures that "only parties with legally protectable and tangible interests may take part" in proceedings. H.R. Rep. No. 108-408, at 27, 118 (2004). Accordingly, to become a participant, an entity "must be a party *directly affected* by the royalty fee"—such as "a copyright owner, a copyright user, or an entity or organization involved in the collection and distribution of royalties"

at issue. *Id.* (emphasis added). The Judges have previously concluded that the statute "require[s] a putative participant to show some financial stake in the outcome of the proceeding in order to present a 'significant interest'" and "carr[ied] forward the statutory language, without further elaboration." 70 Fed. Reg. 30901, 30902 (May 31, 2005). Critically, this financial stake must be a *direct* one—an indirect or attenuated interest does not suffice. *See* Order Granting SoundExchange Mot. to Deny the Pet. to Participate, Dkt. No. 14-CRB-0001 at 3 ("to have a significant interest in a royalty rate, the participant must be a party *directly affected* by the royalty fee") (emphasis added) (citations omitted). While the "significant interest" inquiry is made on a case-by-case basis, "[a] person or entity that is not a user of a statutory license but expresses a vague or unspecified" interest in the license or "proposes or objects to a rate proceeding solely on the basis of espoused public policy or consumer interest concerns does not have a specific interest." 68 Fed. Reg. 39837, 39839 (July 3, 2003).

ARGUMENT

I. GMR LACKS A SIGNIFICANT INTEREST BECAUSE IT HAS NO DIRECT FINANCIAL INTEREST IN THIS PROCEEDING.

GMR is a PRO that administers the licensing of public performance rights for musical compositions.[3] GMR does not own or administer any mechanical rights subject to compulsory licensing under Section 115, which are the subject of this proceeding. GMR thus cannot meet the "significant interest" requirement, because it lacks a direct financial stake in the outcome of the proceeding. *See* 70 Fed. Reg. at 30902; *see also* Order Granting SoundExchange Mot. to Deny the Pet. to Participate, Dkt. No. 14-CRB-0001 at 3. Denying GMR's petition to participate is

[3] *See* Global Music Rights, LLC, Comments on Issues Related to Performing Rights Organizations (Apr. 11, 2025), https://www.regulations.gov/comment/COLC-2025-0001-4947 ("GMR was established" to represent songwriters in the "compensation for the public performance of their works."); *see also* Global Music Rights, What We Stand For https://globalmusicrights.com/about#what-we-stand-for (last visited Apr. 3, 2026).

consistent with the Judges' prior rulings. In *Web IV*, the Judges denied the National Music Publishers' Association's ("NMPA") petition to participate because NMPA—a trade organization representing music publishers that own musical works rights—was not a licensor or licensee of the sound recording rights at issue in *Web IV* and thus would not be "*directly affected*" by the proceeding. *See* Order Granting SoundExchange Mot. to Deny the Pet. to Participate, Dkt. No. 14-CRB-0001 at 1, 3 (emphasis added). The Judges found that NMPA's purported interest was not "a 'legally protectable and tangible interest[]' as contemplated in the legislative history." *Id.* at 3 (citations omitted).

The same is true here. GMR has no direct relationship to the mechanical rights at issue. As a PRO, it administers public performance licenses—not mechanical licenses. Entities that collect royalties on behalf of copyright owners "can have a specific interest in a rate proceeding, *but only* to the extent that such entity … acts on the behalf of[] those copyright owners to represent their interests *in the rate proceeding*." 68 Fed. Reg. at 39839 (emphasis added). The Copyright Act's "significant interest" requirement was intended to "restrict participation to those who have a stake in the outcome of the proceeding." H.R. Rep. No. 108-408 at 27. GMR does not represent the interests of owners of mechanical licenses and does not own or administer mechanical rights. GMR thus lacks the requisite financial stake to participate in this rate proceeding.

GMR's affiliation with songwriters and music publishers whose mechanical royalties *are* at issue in this proceeding and its general interest in "advanc[ing] the interests of its community of affiliated songwriters, composers, and music publishers"[4] are not legally cognizable "significant interests" under the Act. GMR does not represent copyright owners in connection with the rights

[4] GMR Pet. to Participate, Determination of Rates and Terms for Making and Distributing Phonorecords, Dkt. No. 25-CRB-0013-PR (Jan. 29, 2026).

at issue in this proceeding. Indeed, the copyright owners GMR represents in a different context are already represented *here* by a different entity: NMPA.

An entity that "would benefit indirectly from another's use [of a license] does not have a specific interest." 68 Fed. Reg. at 398398. Likewise, a "business [ ] interest" alone is not sufficient to "gain[] a specific interest in a rate proceeding." *Id.* And "public policy [ ] concerns" about the music publishing industry writ large are not sufficient to claim a significant interest. *Id.* Even if GMR's affiliated songwriters and publishers have mechanical royalties at stake in this proceeding, that does not give GMR itself a direct financial interest—it gives GMR, at most, an indirect interest. Indeed, no PRO has ever formally participated in a *Phonorecords* proceeding because PROs do not have a direct financial stake in these proceedings.[5]

To the extent that GMR believes that it has an interest because the rate set by the Copyright Royalty Board might decrease the amount of money available to pay public performance royalties, the Judges have already rejected that precise argument. *See* Order Granting SoundExchange Mot. to Deny NMPA's Pet. to Participate, Dkt. No. 14-CRB-0001 at 3. In *Web IV*, NMPA argued that it had a financial interest in the proceeding because the royalties at issue would impact the amount of money available for streaming services to pay music publishers. Opposition to SoundExchange's Motion to Deny NMPA's Petition to Participate, Dkt. No. 14-CRB-0001 (Apr. 2, 2014), at 12–13. The Judges squarely rejected this argument, holding that so-called "payment availability" was "an indirect interest that [did] not rise to the level of a 'significant interest' under section 803(b)(2) of the Act" and that such a theory "would permit any of a webcaster's vendors to participate in a rate proceeding." Order Granting SoundExchange Mot. to Deny NMPA's Pet. to Participate, Dkt. No. 14-CRB-0001 at 3.

[5] *See* BMI Motion to Withdraw, Dkt. No. 2011-3 (Dec. 1, 2011); ASCAP and BMI Notice of Withdrawal from Proceeding, Dkt. No. 16-CRB-0003 (March 10, 2016).

Finally, allowing GMR to participate in this proceeding based on any of these attenuated interests would undermine the "efficient and just" administration of this proceeding. *See* 37 C.F.R. § 303.8. The Judges in this proceeding are tasked with "establish[ing] rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller." 17 U.S.C. §115(c)(1)(F). GMR is a different seller offering a different product that is not at issue here and thus has no role in this framework. GMR's participation in this proceeding would only be disruptive and distracting given its lack of involvement with the licensing rates at issue. It would also complicate negotiations regarding the protective order and potentially give GMR access to highly confidential licensing and financial information from the parties—many of whom GMR directly negotiates with in the marketplace—when GMR ordinarily would not have access to such information.

Excluding GMR due to its lack of a "significant interest" in this proceeding "makes a great deal of sense" because "[r]ate proceedings before [the Judges] are lengthy, complex, and expensive." 68 Fed. Reg. at 39838. Given the rigorous scheduling required in Copyright Royalty Board proceedings, efficient coordination between all parties is key, and "[i]t would make no sense to allow an entity with a tentative or collateral interest in the rates" to participate. *Id.* Allowing GMR to participate here would also invite other entities to claim an interest in future proceedings where they have only attenuated interests in preserving potential revenue from digital services unrelated to the royalties at issue. Opening the floodgates to this kind of participation would undermine the Judges' goal of efficiently setting royalty rates for specific rights between a willing buyer and a willing seller.

CONCLUSION

The Services therefore respectfully request that the Judges deny GMR's petition to participate and find that GMR may not participate in *Phonorecords V* because it does not have a significant interest in this proceeding.

Dated: April 15, 2026

Respectfully submitted,

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Proof of Delivery

I hereby certify that on Wednesday, April 15, 2026, I provided a true and correct copy of the The Services' Joint Motion to Deny the Petition to Participate of Global Music Rights, LLC to the following:

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