



**BEFORE THE
U.S. COPYRIGHT OFFICE**

**Issues Related to Performing Rights
Organizations**

Docket No. 2025-1

COMMENTS OF GLOBAL MUSIC RIGHTS, LLC

Global Music Rights, LLC (“GMR”) appreciates the opportunity to submit the following comments in response to each of the topics raised within the Notice of Inquiry (“NOI”) published by the U.S. Copyright Office (the “Office”) in the Federal Register on February 10, 2025, regarding Issues Related to Performing Rights Organizations (“PROs”) and the Copyright Act’s public performance right for musical works. GMR believes that the competitive performing rights marketplace fostered by the four major PROs (ASCAP, BMI, SESAC, and GMR) over many decades continues to ensure that songwriters, composers, and music publishers are fairly compensated for the performance of their works and that licensees are provided a valuable service in the ease of licensing the millions of copyrighted works that they exploit in their businesses.

GMR was established in 2013 as a boutique PRO that is dedicated to protecting the rights and interests of songwriters and composers by ensuring that they receive fair compensation for the public performance of their works. GMR represents an esteemed group of creators whose music is performed worldwide, and it is committed to advocating for government policies that uphold the value of their creative contributions.

GMR’s mission from its inception has been to offer individualized service, increased transparency, and enhanced economic terms that songwriters and composers were not receiving from the incumbent PROs that were dominating the marketplace. Among other goals, GMR was determined to solve various marketplace inefficiencies by offering an unprecedented degree of transparency



to its clients on how their royalties flowed through GMR's payment ecosystem and a freedom from traditional, contractual restrictions designed to restrict or discourage songwriters and composers from moving among PROs. GMR offers exceptional boutique services, revenue guarantees, value-based compensation, transparent pay structures including a rate card (as discussed further in response 5 below), audit rights, and the freedom to leave with their catalog if a writer elects not to renew with GMR (i.e., no imposition of "licenses in effect"). As a result, GMR has attracted over 160 top-tier songwriters and composers, including Billie Eilish, the Prince Estate, and Jon Bon Jovi, among others. GMR's innovations were a response to the systemic inefficiencies in the existing marketplace. By continuing to adhere strictly to its original mission to provide high-quality customer service and a superior product to those songwriters and composers who bring the most value to licensees, GMR has become an increasingly popular home for top songwriters and composers, with a near-perfect retention rate of its client roster. GMR also believes that the standard of care provided to its clients has forced other competing PROs to enhance the value of their offerings to songwriters and composers, consistent with core free market principles.

From its inception, GMR has also sought to provide a higher level of service to music licensees. GMR remains committed to its founding principles of providing licensees with a consistently premium product and a definitive, current view of the GMR catalog. GMR will provide any prospective licensee with its current catalog in a downloadable, searchable format. This enables music licensees to assess the value of the GMR catalog and to elect or refrain from entering into a GMR license. In response to licensee concerns about the administrative burden of contemporaneously tracking the movement of a writer who joins GMR, GMR has a policy as clearly stated on its website that GMR will not seek enforcement of any song not listed on its website (as discussed further in response 3 below).



A. The Increase in PROs

1. To what extent, if any, have there been increased financial and administrative costs imposed on licensees associated with paying royalties to additional PROs?

The formation of GMR almost twelve years ago should not have increased the financial and administrative costs for licensees. When GMR entered the performing rights marketplace in 2013, it spent over two years assembling a client roster consisting of only top-tier songwriters and composers (collectively, GMR’s “clients”) prior to engaging licensees. Only after securing a substantial number of clients—all of whom joined GMR from existing PROs and whose compositions GMR believed would be a relevant offering to music users—did GMR begin reaching out to the licensee marketplace regarding performance licenses on behalf of its clients. In the interim period, GMR completely deficit-financed its clients’ royalty payments and business costs.

GMR does not discuss licensing fees with other PROs, and licensees do not disclose their overall licensing obligations to GMR; however, because GMR’s clients were formerly represented by other PROs, as GMR’s offering grew with each client signing, licensees were given an opportunity to negotiate their licensing fees with other PROs upon their license renewals. While not privy to those negotiations, when GMR engages in licensing conversations, licensees consistently examine GMR’s roster to determine whether GMR’s representation of writers has diminished as a justification to reduce the license fee paid to GMR. Consequently, GMR believes that licensees avail themselves of the same argument when negotiating with other PROs.

Given increased competition and technological advances, the performing rights licensing ecosystem has become more accessible and less administratively burdensome. From its beginning, GMR has committed to fostering a system that makes it simple for any interested music user to obtain a performance license from GMR (see further discussion in response 3 below, which explains the procedure by which any music user can obtain a license from GMR). Since the introduction of GMR, other PROs have taken steps to increase transparency in music licensing.



Additionally, with the rapid expansion of digital technology and services, music streaming services tailored for businesses, such as Soundtrack Your Brand (formerly known as “Spotify for Business”) or Mood Music, enable licensees to secure performance licenses directly through those services, thereby allowing businesses to sign up for a single music service that includes virtually every song in the world without needing to engage in negotiations with any PRO.

2. Factors that may be contributing to the formation of new PROs.

New entities purporting to share the same spirit and duties of a PRO have caused members of Congress to question contributing factors to the formation of new PROs. Yet, new entrants like AllTrack and PRO Music Rights have not entered the performing rights marketplace with the same degree of candor, legitimacy, and transparency that is required of and upheld by the four major PROs. By way of example and as previously stated in response 1 above, when GMR entered the marketplace, it did not even begin outward-facing licensing discussions with potential licensees for more than two years. Instead, it focused on winning over clients from other PROs in order to offer a meaningful repertoire that it believed licensees would find value in performing.

To the contrary, AllTrack and PRO Music Rights have entered the marketplace with a substantially different strategy at the expense of licensees. For example, AllTrack does not publish any meaningful level of repertoire information on its website, making it practically impossible for any user of music to ascertain the works that AllTrack represents. And to compound that issue, as of the date of submission of these comments, AllTrack “makes no warranties or representations about the information, including but not limited to its accuracy and currency”¹ that is provided in its repertoire. AllTrack and PRO Music Rights’ operation in the PRO marketplace is antithetical to that of the four major PROs: they have (1) failed to amass any meaningful repertoire that a licensee would find valuable to its business and (2) represented to licensees that they have acquired the rights to a much more substantial body of work than they actually have, thereby misleading and placing undue pressure on small businesses to take a performance license that they may not even

¹ <https://www.alltrack.com/repertory/>



need (but cannot verify).² GMR abhors these actions and urges AllTrack, PRO Music Rights, and any future new entrant into the performing rights marketplace to approach that marketplace with the requisite level of transparency and conduct that is prescribed both by law and custom.

To the extent that the Office continues to have concerns about improper behavior of new entrants into the PRO space, those concerns are best addressed through non-copyright means such as existing laws and regulations that deter fraudulent and deceptive business practices. GMR believes that it may be appropriate to open a further inquiry into new entrants like these if there is reason to believe that such new entrants have engaged in fraudulent or deceptive business practices or any other actions that run afoul of federal and state statutes or regulations.

3. Recommendations on how to improve clarity and certainty for entities seeking to obtain licenses from PROs to publicly perform musical works.

Since its formation, GMR has always ensured that the process to secure a license from GMR is clear and efficient, from start to finish. GMR recommends that all PROs in the marketplace follow these best practices where applicable. By way of example, GMR offers the following to any interested music user:

Streamlined and individualized procedure to obtain a performance license. Any individual or entity who seeks to secure a performance license from GMR can navigate to www.globalmusicrights.com and/or email licensing@globalmusicrights.com. When an email is sent to that dedicated email address, the licensee is efficiently paired with one of GMR's licensing directors who in turn ascertain what kind of performance license such licensee may need, if any, based on the information provided to them by that licensee. The licensing director then provides the licensee with a proposed license agreement, and upon execution, the license is deemed effective.

² See <https://www.alltrack.com/> (on its home page, AllTrack continues to represent that it represents well-known music group, No Doubt, yet each of the group's members are affiliated with one of the other four major PROs. It is fundamentally unclear which works, if any, AllTrack represents with respect to No Doubt)



Clarity and transparency into GMR’s repertoire. GMR’s catalog is readily accessible to the public in two ways. First, the GMR database of all works contained in its repertoire can be accessed at any time by utilizing the “Search Catalog” function embedded into the website located at www.globalmusicrights.com. Any website user can filter search results by industry-standard indicators such as by work title, performer, songwriter, publisher, work identification number, and International Standard Musical Work Code (“ISWC”). Second, GMR provides every interested member of the public with the GMR database in a downloadable, searchable format. As noted above, GMR shelters licensees from inadvertent infringements through its public policy that GMR will “not sue anyone for copyright infringement for performances of [its] compositions unless they appear in [its] catalog at the time of performance,” ensuring that licensees can wholly rely on the composition and rights data supplied by GMR.³

The GMR database is updated on a monthly basis so that licensees have full visibility into the GMR catalog and the coverage afforded by GMR through its blanket license. GMR’s licensing directors are also trained to answer any questions that licensees may have with respect to a GMR license or its catalog.

Blanket license assurance. The “blanket” (as opposed to a singular or composition-specific) performance license that GMR offers bolsters that transparency during any licensing negotiations when questions of coverage arise. By design, licensees have near-perfect clarity and certainty with respect to the rights that they are being granted by signing a blanket license with GMR. While GMR has issued single-song licenses and licenses for a subset of its catalog, most licensees opt for a blanket license which includes access to the entire GMR catalog and eases the licensees’ administrative burden of monitoring performances.

Songview integration. ASCAP and BMI originally joined together to create Songview in 2020, a free, publicly available database of their music ownership information, in order to provide transparency to licensees with respect to the works that they license.⁴ Song ownership data on Songview is “reconciled” (ownership of works is verified by each cooperating PRO) and then

³ <https://globalmusicrights.com/catalogrequest>

⁴ <https://songview.com/>



posted on each participating PRO's public databases. The four major PROs are currently exploring the inclusion of GMR and SESAC data to enhance Songview's reconciled view of copyright ownership information. While GMR has always believed that its own public-facing database is sufficiently clear and easy to use, it has taken the additional step to hopefully even further accommodate its licensees through a collaborative and concerted effort with the other major PROs.

B. General Licensing Revenue Distribution Methods

4. How PROs currently gather information concerning musical works publicly performed at live music venues, on music services (e.g., digital music providers), and by other general licensees (including bars, restaurants, stores, hotels, and similar venues).

GMR utilizes various methods to gather information concerning musical works that are performed in its repertoire. The sources of information largely depend on the nature of the musical performance as well as GMR's licensing relationship with a given licensee. For digital music providers, GMR contractually obligates a licensee to provide performance data. If a licensee is unable to provide this data, GMR will utilize data or supplement its existing data with information provided by third party sources such as industry-leading data companies like BMAT and Orfium. With respect to live performances, GMR solicits setlists from its clients or their representatives and supplements this data with established third-party sources such as Pollstar and crowdsourced information, such as from www.setlist.fm.

Many general licensees avail themselves of services such as Mood Music and Soundtrack Your Brand. These systems provide licensees with both a properly licensed system for playing music in their establishments and the assurance that the requisite data regarding performances is provided to the applicable PRO(s). The introduction of these digital services provides a one-stop solution to the issues raised by Congress: one licensed legal device which provides virtually unlimited music in an establishment that ensures all performance data is provided to each of the four major PROs.



5. Whether the manner in which the PROs gather information regarding public performances adversely impacts lesser-known artists and smaller publishers.

GMR’s information gathering procedures do not adversely impact any lesser-known artists and/or smaller publishers since GMR’s repertoire and business model are distinct from those of the other major PROs. GMR focuses solely on licensing “premium” compositions. Because GMR operates as an invitation-only PRO, it selectively represents songwriters and composers whose compositions reach a certain threshold value in the performing rights marketplace. An integral part of that business model is the goal of not only offering more competitive economic terms than their prior PROs, but also doing so in a transparent royalty payment ecosystem. An equally important facet of this distribution ecosystem is GMR’s rate card: GMR is the only PRO that offers an identical rate card to each of its clients, which describes the various streams from which royalties will be paid. Thus, each GMR client has a robust understanding of what royalties will be paid to them before those distributions are even made. GMR’s rate card reflects the rate that is paid to all GMR clients on a per-stream or per-play basis. Only the number of times a song is played or streamed creates a potential difference in payment among GMR’s clients.

With its rate card, GMR has introduced an unprecedented level of both transparency and parity for its clients. To further bolster that transparency, GMR continues to be the only PRO that allows any of its clients to audit its books and records. As such, no GMR client is disadvantaged by the method in which GMR collects performance information—as described above, GMR’s information-gathering methods are completely agnostic to “lesser-known artists and smaller publishers,” since each client is paid royalties according to the same rate card.

6(a). What information PROs currently provide to the public, including with respect to repertoire information and metadata (e.g., song titles, songwriter and publisher information, ownership shares, and unique identifiers).

GMR’s online database hosts all of the information that any licensee may need to ascertain the performance rights that GMR represents across its entire repertoire, and even, in some instances,



what other performance license(s) may be needed to be fully licensed to perform a given work. GMR provides the following information to the public: (1) song titles; (2) work identification number; (3) ISWC; (4) GMR ownership percentage; (5) co-writers; (6) co-writers' current PRO; (7) publishers (where available); (8) performing artists; and (9) alternate song titles.

All of this information has been readily available to the public since GMR's formation over a decade ago, and any Internet user is able to access it. As discussed above in response 3, in addition to this information source, the four major PROs are currently exploring the inclusion of GMR and SESAC data to enhance Songview's reconciled view of copyright ownership information, providing licensees with an additional source of repertoire information.

6(b). What information PROs currently provide to the public, including with respect to royalty distribution practices and policies.

GMR offers a uniform rate card and detailed royalty distribution policies articulated in each of its agreements with its clients. As such, GMR is well-recognized within the industry as offering extremely competitive economic and non-economic terms as a distributor of royalties to its clients.

More importantly, GMR provides exceptional clarity for its own clients in terms of the royalties that are payable to each such client. Since its inception, one of GMR's primary goals has been to provide a level of transparency that had never existed in the PRO marketplace. All of GMR's affiliated songwriters, composers, and publishers are privy to otherwise confidential terms and conditions of its royalty distribution structure. GMR is the only PRO to offer an identical rate card to all of its clients that transparently defines how royalties are paid out to those clients, the result of which is GMR rewarding copyright creators with royalty payments that are indicative of those copyrights' value to the marketplace.



7. Whether any gaps or discrepancies occur in royalty distributions, including circumstances where it is likely for performance data to be unavailable or incomplete and where PROs must rely on proxy or survey data for royalty distributions.

In agreements with its licensees, GMR requires that each licensee provides GMR with a requisite level of music usage data in order to inform its royalty calculation and distribution process—the first major PRO to do so. In instances where GMR utilizes proxy distributions because it is not feasible to get performance data directly from a licensee, GMR uses all commercially reasonable resources and efforts to ensure that such distributions are as accurate as possible.

Proxy distributions are, by definition, derived from data sets used as substitutes for incomplete or unavailable original data, with the explicit aim of approximating the characteristics of the intended data set. Every proxy distribution generated by GMR reflects the key properties of the original data—such as its structure, distribution, and underlying patterns.

8. What technological and business practices exist or could be developed to improve the current systems for usage tracking and royalty distribution.

Each of the four major PROs, including GMR, depends on incoming data in order to render royalty distributions. That is, GMR’s efficiency in terms of royalty distributions is correlated to the quality of data that GMR’s licensees provide. By way of example, most “digital service provider” licensees directly supply GMR with transparent and reliable data that GMR, in turn, uses to track performance usage and calculate its royalty distributions.

However, most physical business establishments that perform music have not availed themselves of a music service that provides data for use in a distribution. Instead, they perform music with little regard to the need for clear and consistent data to be used by the PROs for the distribution of royalties. Moreover, many of those businesses use GMR’s music without regard for copyright law, continuing to perform music at their bars, restaurants, and hotels without securing the requisite license from GMR to do so. Some music users provide data to GMR that is incomplete, inaccurate,



or deliberately manipulated so as to underrepresent the extent of their music usage. Other music users simply refuse to engage in any discussions with GMR and fail to provide any information to GMR at all even as they continue to infringe upon GMR and its songwriters' and composers' rights. Despite GMR's efforts to facilitate fair and efficient licensing, numerous music users continue to knowingly use GMR's copyrighted music without a license, daring GMR to enforce its rights and relying on the high cost of litigation as a shield against accountability. *Ironically, GMR is aware that some of the entities that are now appealing to the Office to intercede in the PRO marketplace are themselves not licensed by GMR, yet continue to use GMR's music.*

The rampant disregard for creators' rights leaves songwriters and composers shortchanged while these businesses continue to profit from songwriters' and composers' work without consequence. The widespread failure of thousands of music users to meet even their most basic obligations to secure a license is indicative of the current performing rights marketplace, and no amount of novel technological innovation will fix a blatant exploitation of songwriters and composers by certain music users. GMR encourages this Office to deploy resources to remind small businesses that exploit copyrighted music in their businesses of their legal obligation to secure a public performance license prior to the use of any copyrighted work.

9. The extent to which current PRO royalty distribution practices are the result of existing legal and regulatory constraints.

While the four major PROs are woven together with a common thread in many scenarios, GMR's royalty distribution practices materially diverge from those of its three main competitors.

GMR's entire business model, including its royalty distribution practices, is the result of arms-length transactions with each of its own clients and licensees that ultimately seek to attribute a fair value for premium music. Through its proprietary rate card that not only offers competitive royalty rates but also an unprecedented degree of transparency to its songwriter clients, GMR has come to represent many talented songwriters and composers that were formerly affiliated with ASCAP or



BMI. GMR's royalty distribution practices have instilled a much-needed alternative for songwriters and composers in the PRO market.

10. Additional recommendations for Congress to address these issues.

This Office has posed various questions about the PRO marketplace in response to certain businesses expressing concerns of “more purported PROs hav[ing] emerged.” The current business practices of AllTrack and PRO Music Rights appear to be contrary to the customs and practices of the four major PROs. A PRO that offers no threshold level of transparency and is paired with a repertoire that is largely devoid of any meaningful value to any licensee is deeply problematic. Coupled with attempts to take advantage of small businesses by relentlessly threatening litigation while failing to provide music users with insight into the repertoires that they represent, such a PRO should certainly be subject to further inquiry. GMR believes that competition in the performance licensing marketplace is undoubtedly beneficial for the creators and artists that they represent. However, GMR also demands that any new entrants to the marketplace do so lawfully and in good faith. GMR also notes the importance of licensees investing into their own due diligence regarding the music that they use. In doing so, they can make more informed decisions about the licenses that are required for the performance of music and whether the repertoire offered is necessary for the operation of their businesses.

This Office has also posed a series of questions pertaining to royalty distribution practices that seem to have been introduced by music users who simply want to pay less than the modest amounts that they pay for performing music at their businesses. Under the guise advocating for transparency in the performing rights marketplace, certain music users are in fact pursuing a singular goal: to reduce the already modest compensation paid to songwriters and composers for the use of their works. While GMR appreciates the Office's efforts to explore how royalties are allocated, GMR believes that it is important to ensure that discussions around transparency do not unintentionally extend into matters of private business that fall squarely outside the scope of copyright law. GMR certainly believes that its licensees should have a requisite level of transparency to make business decisions about whether to secure a performance license or not. However, it does not agree that



those licensees should then further have a right to examine the very proprietary business innovations that make GMR a competitive player in the music marketplace. Those competitive business practices are precisely what has allowed GMR to offer an extremely meaningful alternative to traditional PROs in the licensing marketplace. In addition, GMR believes that any business that exploits music in the course of its business should be properly licensed to do so and would like to see greater efforts made by these businesses to comply with their obligations under copyright law.

For each of the reasons stated above, GMR urges that the Office take no further action regarding the issues that it has raised in the NOI. GMR would welcome any opportunity to engage in further discussions with the Office regarding any performing rights-related issues.

Respectfully submitted,

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