



Guide on
File and Reports of Use Delivery Specifications

Address	Telephone / Fax / Email
<u>Prior to January 1, 2007:</u>	
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<u>After December 31, 2006:</u>	
SoundExchange 1121 14 th Street, N.W. Suite 700 Washington, D.C. 20005	202-640-5858/ 202-640-5859/ info@soundexchange.com

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1. GENERAL

1.1 PURPOSE

This document sets forth SoundExchange’s understanding of the Copyright Royalty Board’s (“CRB”) regulations for the delivery of reports of use by Services operating under the Section 112 and/or Section 114 statutory licenses. Included are file format and data delivery specifications consistent with current regulations for the effective exchange of data between Services¹ and SoundExchange.

This document is intended to help Services in the reporting of data to SoundExchange, however, it is not a substitute for regulations adopted by the U.S. Copyright Office or CRB and codified at 37 C.F.R. Part 370 (available at: <http://www.loc.gov/crb/fedreg/2006/71fr59010-9.pdf>).

SOUNDEXCHANGE IS NOT PROVIDING YOU WITH LEGAL ADVICE ABOUT THE RIGHTS OR LIABILITIES UNDER THE COPYRIGHT ACT OR REGULATIONS PROMULGATED PURSUANT THERETO THROUGH THE PUBLICATION OF THIS GUIDE. EACH SERVICE OPERATING UNDER THE STATUTORY LICENSES AND SUBJECT TO GOVERNING REGULATION SHOULD SEEK THE ASSISTANCE OF THEIR OWN LEGAL COUNSEL TO ENSURE FULL COMPLIANCE WITH FEDERAL LAW.

Do not hesitate to contact us if you have any questions. SoundExchange staff is available to assist you in delivering reports of use.

1.2 ASSUMPTIONS

1.2.1 Report Content

The regulations set forth herein address the elements of data to be reported by Services, and the technical specifications for file format and data delivery.

1.2.2 Spreadsheet Template Requirements

SoundExchange is required to make available spreadsheet templates, which will assist Services in recording and reporting the required data elements. Services may maintain records of use of sound recordings in a spreadsheet format, or any other format, provided that the Service first converts such spreadsheet data into an ASCII² text file that conforms to the specifications set forth below for the use of text indicators and delimiters prior to delivery of any reports of use to SoundExchange. SoundExchange has or will soon post spreadsheet templates on its website. For the Microsoft Excel version, see

¹ “Service” shall have the meaning set forth in 37 C.F.R. § 270.1(b)(2).

² “ASCII” means American Standard Code for Information Interchange.

http://www.soundexchange.com/licensee/documents/Excel_Template.xls. Corel's Quattro Pro will soon be posted on SoundExchange's website.

Due to the significant limitations of spreadsheets, SoundExchange is not required to provide technical support for the use of spreadsheets for recordkeeping purposes.

2. REPORT DELIVERY

2.1 ENTITIES TO RECEIVE REPORTS OF USE

2.1.1 Delivery Address

A Service shall deliver reports of use to SoundExchange.

Prior to January 1, 2007, please deliver to the following address:

SoundExchange	(phone) 202.828.0120
1330 Connecticut Avenue, N.W., Suite 330	(facsimile) 202.833.2141
Washington, D.C. 20036	(e-mail) reports@soundexchange.com
www.soundexchange.com	

After December 31, 2006, please deliver to the following address:

SoundExchange	(phone) TBD
1121 14 th Street, N.W., 7 th Floor	(facsimile) TBD
Washington, D.C. 20005	(e-mail) reports@soundexchange.com
www.soundexchange.com	

2.2 REPORT CHARACTERISTICS

Reports must be maintained and delivered in electronic form only. A hard copy report of use is not permissible. A Service must deliver only one report of use per seven or fourteen consecutive day reporting period per transmission category. Reports must be generated electronically and presented per the specifications below. Discussed below are File Naming, File Type, File Compression and Delivery mechanisms. Services wishing to report more comprehensive data are invited to do so.

2.2.1 File Naming

Licensees are required to deliver a separate report of use for each transmission category (see section 4.3) under which they operate (e.g., an eligible nonsubscription service and a new subscription service, or a preexisting satellite digital audio radio service and new subscription service).

If a Service is operating under multiple transmission categories, then the reports of use delivered by a Service should indicate the transmission category in the file name. This will prevent a

Service from giving multiple reports of use the same name if they are provided for identical seven- or fourteen-day reporting periods.

Every report of use must be appropriately named. The file name must contain the name of the Service submitting the file followed by the start and end date of the seven or fourteen consecutive day reporting period. The start date and end date should be separated by a dash. Start and end dates should be in the format of year, month, and day (YYYYMMDD) where YYYY is the four-digit year of the log period (beginning or end); MM is the two-digit month of the log period; and DD is the two-digit day of the log period (beginning or end). Single-digit days and months should be preceded by a zero (e.g., the first day of January of 2006 should be identified as 20060101) and the file name should end with a file type extension of “.txt” as follows:

AcmeMusicCo20050115-20050121.txt
AcmeMusicCo20050307-20050313.txt

SoundExchange prefers for services to identify their transmission category in the file name. The transmission category should be identified in the file name after the date range, separated from the date range by an underscore (not a space), and the file name should end with a file type extension of “.txt” as follows:

AcmeMusicCo20050115-20050121_H.txt
AcmeMusicCo20050307-20050313_K.txt

2.2.2 File Type

All files must be delivered in ASCII format. This applies to records of use that are maintained by a Service in spreadsheet format, as well as any other data format that a Service employs for its records of use. Files must not be attributed with any operating system settings that do not allow the file to be read using widely used Extract, Transform and Load (“ETL”) software (e.g. Oracle SQL Loader, Informatica, Sagent, Teradata, etc.).

2.2.3 File Compression

Each report of use should be compressed in one of the following formats:

- .zip—generated using utilities such as WinZip and/or UNIX zip command
- .Z—generated using UNIX compress command
- .gz—generated using UNIX gzip command

The zipped file should follow the same naming convention described above. However, instead of the “.txt” file extension, the file extension should be one of the three described immediately above.

2.2.4 Number of Files

A Service may deliver no more than two files per reporting period corresponding to the two (2) seven (7) consecutive day reporting requirements per calendar quarter unless the Service is making transmissions in more than one transmission category. If a licensee supplies fourteen (14) or more consecutive days, it may provide the data in a single file.

2.2.5 Delivery Mechanism

A Service is permitted to deliver a report of use to SoundExchange by one of the following methods:

2.2.5.1 File Transfer Protocol (“FTP”) Delivery

File Transfer Protocol is an electronic delivery mechanism that permits Services using the section 112 and 114 licenses to deposit a computer file on a password-secured site operated by SoundExchange. A Service choosing FTP as the means of data file delivery must obtain a username and password, plus specific instructions for delivery, from SoundExchange. SoundExchange shall post on a publicly available portion of its Web site instructions for applying for a username and password and access and delivery instructions for FTP delivery.

2.2.5.2 Electronic Mail (E-Mail) Attachment Delivery

A report of use file may be appended to an e-mail as an attachment and sent to reports@soundexchange.com. Unlike delivery to an FTP site, there are frequently file size limitations imposed by the Internet Service Provider offering the e-mail service. To avoid the problems likely to be associated with e-mailing large files, the size of file attachments may not exceed five (5) megabytes. Services must compress their files using the data compression methods described above.

Upon receipt of a report of use, SoundExchange will acknowledge receipt of the e-mail as soon as possible through use of an automated reply e-mail to the delivering party. This acknowledgement of a report of use is not an admission that the delivered report of use is compliant with governing regulations or that the file is not corrupted in any manner.

The following identifying information shall be set forth in the body of each e-mail message to which a report of use is attached:

- (1) The full name and address of the Service, including country name for non-U.S.-based Services;
- (2) The name of a contact person and that person’s telephone number and e-mail address;
- (3) The start and end date of the reporting period;
- (4) The number of rows in the data file. If the report of use is a file using headers, counting of the rows should begin with row 15. If the report of use is a file without headers, counting of the rows should begin with row 1; and

- (5) The name of the file attached.

2.2.5.3 CD-ROM Delivery

A report of use contained on a Compact Disk-Read Only Memory (CD-ROM) should be delivered to the address identified in Section 3. The data file must be sufficiently compressed to fit onto a single CD-ROM per seven or fourteen consecutive day reporting period. Each CD-ROM submitted must be accompanied by a cover letter identifying:

- (1) The full name and address of the Service, including country name for non-U.S.-based Services;
- (2) The name of a contact person and that person's telephone number and e-mail address;
- (3) The start and end date of the reporting period;
- (4) The number of rows in the data file. If the report of use is a file using headers, counting of the rows should begin with row 15. If the report of use is a file without headers, counting of the rows should begin with row 1; and
- (5) The name of the file attached.

SoundExchange is not required to return CD-ROMs to a Service.

2.2.5.4 Floppy Diskette Delivery

A report of use contained on a floppy diskette that measures 3.5 inches in diameter should be delivered to the address identified in Section 3. The diskette should be formatted using MS/DOS and be contained on a single diskette. No more than one floppy diskette may be submitted per seven or fourteen consecutive day reporting period unless the Service is making transmissions in more than one transmission category. The diskette must be accompanied by a cover letter identifying:

- (1) The full name and address of the Service, including country name for non-U.S.-based Services;
- (2) The name of a contact person and that person's telephone number and e-mail address;
- (3) The start and end date of the reporting period;
- (4) The number of rows in the data file. If the report of use is a file using headers, counting of the rows should begin with row 15. If the report of use is a file without headers, counting of the rows should begin with row 1; and

- (5) The name of the file attached.

3. DELIVERY ADDRESSES

All reports of use should be delivered to SoundExchange at the following address:

Prior to January 31, 2007:

SoundExchange, Inc.
1330 Connecticut Avenue, N.W., Suite 330
Washington, DC 20036
(phone) (202) 828-0120
(facsimile) (202) 833-2141
(general e-mail) info@soundexchange.com
(emailed reports of use) reports@soundexchange.com
(website) <http://www.soundexchange.com>.

After December 31, 2006:

SoundExchange, Inc.
1121 14th Street, N.W., 7th Floor
Washington, DC 20005
(phone) TBD
(facsimile) TBD
(general email) info@soundexchange.com
(emailed reports of use) reports@soundexchange.com
(website) <http://www.soundexchange.com>.

For those Services choosing to deliver CD-ROMs or floppy diskettes, it is recommended that Services elect a type of delivery service that provides proof that the data file was sent in a timely fashion (e.g., certified mail, return receipt requested). It is the responsibility of the Service to assure that its report of use is delivered on time to SoundExchange.

4. FILE CONTENTS

The file contents are based upon the Copyright Royalty Board's Interim Final Rule regarding data fields for reports of use. See 71 Fed. Reg. 59010 (Oct. 6, 2006) (codified at 37 C.F.R. §370.3)(available at: <http://www.loc.gov/crb/fedreg/2006/71fr59010-9.pdf>).

There are two (2) options for file layouts: Files with Headers and Files without Headers. These are described below.

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4.1 FILES WITH HEADERS (OPTION 1)

A file with headers is a file that contains, among other things, information identifying the Service, the period for which data is being provided, and column headers that identify the data elements in each column. The following is a table summarizing the first 13 rows of a file with headers, including identification of the data that is required for each field, followed by an example.

Row No. (Do not include row numbers)	Field definition (Do not include field definition description)	Example
1	Name of Service	ACME MUSIC SERVICE
2	Name of Contact Person	JOHN DOE
3	Street Address	1000 WASHINGTON STREET
4	City, State, Zip, Country (for non-U.S.-based Services)	WASHINGTON, DC 20005
5	Phone	202-555-1212
6	E-mail	DOE@ACMEMUSIC.COM
7	Start of the seven or fourteen consecutive day Reporting Period (YYYYMMDD)	20060101
8	End of the seven or fourteen consecutive day Reporting Period (YYYYMMDD)	20060107
9	Report Generation Date (YYYYMMDD)	20060415
10	Number of rows	60000
11	Text Indicator Character	^
12	Field Delimiter Character	
13	Blank line	

4.1.1 Header Field Definitions

Header Fields shall have no leading or trailing spaces or characters. Header Fields shall be separated by a carriage return at the end of each element. The “#” symbol should be used to indicate suite or room numbers in a mailing address.

Header Element	Definition	Maximum Length & Description
Name of Service	Full name of Service making the report.	255 alphanumeric characters
Contact Person	Full name of the contact person responsible for technical matters related to the submission of the report of use.	255 alphanumeric characters
Street Address	Full business street address of the Service submitting the report of use. The # symbol should be used to indicate suite or room numbers in the street address.	255 alphanumeric characters
City, State, Zip, Country	City, state, and zip code of the Service submitting the report of use. Country should be included for non-US-based Services.	255 alphanumeric characters
Phone	Phone number of the contact person.	255 alphanumeric characters
Email	The e-mail address for the contact person.	255 alphanumeric characters

Header Element	Definition	Maximum Length & Description
Start of Reporting Period (YYYYMMDD)	The beginning date of the seven or fourteen consecutive day reporting period. The date should include the year, followed by the month followed by the day (YYYYMMDD). Single-digit days or months should be preceded by a zero. Example: the first day of January 2006 should appear as 20060101. Thus, the length of the start of the reporting period should be eight numeric characters.	8 numeric characters
End of Reporting Period (YYYYMMDD)	Last or ending date of the seven or fourteen consecutive day reporting period. As with the starting date, the date should be eight numeric characters with the year, month and day in that order.	8 numeric characters
Report Generation Date (YYYYMMDD)	The date that the report was generated by the Service. The date should be consistent with the file generation date tagged to the zipped container file or the report file and be expressed in the eight numeric YYYYMMDD format described above.	8 numeric characters
Number of rows	The total number of rows beyond the fourteenth row in the file. The first 13 rows of each report file are for the header information only, and the fourteenth row is for the column headers described below. There is no limitation on the maximum length and description of the number of rows.	Number – no length
Text Indicator	<p>The identification of the character that delineates the beginning and end of a text field. The text indicator is a one-character symbol that must be unique and never found in the report's data content. While the Copyright Royalty Board has not specified the text indicator, SoundExchange is recommending the adoption of the caret (“^”) symbol as an appropriate text indicator. The text indicator differs from a delimiter because it is only found at the beginning and end of a text field. Examples: ^Sound Recording Title^; ^Featured Artist^.</p> <p>Numbers and dates never have text indicators. However, names of Services, sound recording titles, artists or albums that are comprised of numbers only or contain numbers (e.g., 3 DOORS DOWN) are still deemed text fields.</p> <p>In addition, text indicators must be used even when certain text elements are not being reported. For example, if the Service does not have information for the Marketing Label for a sound recording, the Service should denote the missing data with a sequence of two consecutive text indicators to show that no text for the field is available (i.e., “^^”).</p>	1 character representation of the delimiter (e.g., “^”).

Header Element	Definition	Maximum Length & Description
Delimiter	The identification of the character that delineates the end of a data field. It differs from a text indicator because it is found at the end of both text fields and numeric fields. Field delimiters should not be placed at the end of the last data element in a row of data. The field delimiter character must be unique and never found in the report's data content. As with the text delimiter, the Copyright Royalty Board has not specified the field delimiter at this time, but SoundExchange recommends adoption of the pipe (“ ”) as an appropriate field delimiter. Delimiters must be used even when certain elements are not being reported. In this case, the Service should denote the blank data field with a delimiter in the order in which it would have appeared. If the tab is used as the delimiter, place the word “Tab” in this row.	1 character (except where the delimiter is the tab key, which should be represented by the word “TAB”).
Blank line		Carriage return only

4.1.2 Report Header

Report headers for the data being transmitted are set forth below and are based upon the data fields established by the Copyright Royalty Board. See 37 C.F.R. § 370.3. The underscores (“_”) between words of each field name are meant to show separation (instead of spaces) in the field titles and must be included in the Report Header. The report header will appear in the 14th row of each report of use. The report data will appear starting on the 15th row of the file. Report headers for reports of use of sound recordings under the Section 112 and Section 114 statutory license shall be those set forth below:

NAME_OF_SERVICE	TRANSMISSION_CATEGORY	FEATURED_ARTIST	SOUND_RECORDING_TITLE	ISRC	ALBUM_TITLE
-----------------	-----------------------	-----------------	-----------------------	------	-------------

MARKETING_LABEL	ACTUAL_TOTAL_PERFORMANCES	AGGREGATE_TUNING_HOURS	CHANNEL_OR_PROGRAM_NAME	PLAY_FREQUENCY
-----------------	---------------------------	------------------------	-------------------------	----------------

4.1.3 Report Data Format

All text fields shall be reported in alphanumeric characters. All featured performers that are individuals (other than single-named artists such as STING), shall be reported as First_Name Last_Name, where the name of the featured performer is the name of an individual. The underscore represents a space between the first and last name of the featured performer, but the underscore must not be included in the data field. **Abbreviations are never permitted.** All data shall be reported as the data appears on the physical or electronic product from which the Service obtains the sound recording, and not in any colloquial manner (e.g., “THE BEATLES” and “EAGLES” are the correct names for these two well-known artists, not “BEATLES” and “THE EAGLES”). SoundExchange prefers to receive all text fields in UPPER CASE.

4.1.4 Report Record Indicator

A carriage return must be at the end of each line and all data for one record must be on a single line.

4.2 FILES WITHOUT HEADERS (OPTION 2)

4.2.1 Report Data

Reports of Use without headers should meet the following format requirements:

- (1) ASCII delimited format, using pipe (|) characters as delimiters, with no headers or footers;
- (2) Carets (^) should be used as the text indicator, surrounding alphanumeric data elements such as name of Service, transmission category, channel name, artist, song title, album;
- (3) No carets (^) should surround dates and numbers;
- (4) A carriage return must be at the end of each line;
- (5) All data for one record should be on a single line; and
- (6) Abbreviations within data fields are not permitted (e.g., the artist “John Lee Hooker” should not be abbreviated as “J.L. Hooker”). Services should take care in providing data that conforms with the data that appeared on the physical or electronic product containing the sound recording that was supplied to or used by the Service, and avoid using colloquialisms or short-hand methods of data entry (e.g., “Jennifer Lopez” is the correct data entry for the artist, not “J Lo”).

4.2.2 Report Data Format

All text fields shall be reported in alphanumeric characters. All featured performers that are individuals (other than single-named artists such as STING), shall be reported as First_Name Last_Name, where the name of the featured performer is the name of an individual. The underscore represents a space between the first and last name of the featured performer, but the underscore must not be included in the data field. **Abbreviations are not permitted.** All data shall be reported as the data appears on the physical product from which the Service obtains the sound recording, and not in any colloquial manner (e.g., “THE BEATLES” and “EAGLES” are the correct names for these two well-known artists, not “BEATLES” and “THE EAGLES”).

4.3 REPORT DATA

The data to be included in a report of use contains 11 columns of information. Not all columns are mandatory but data may only be reported in its designated column. Where a data element for

a particular column is not provided, the column is to be reported as null (left blank). Those data elements that are not identified as mandatory are “either/or” options.

A licensee may report either (1) the ISRC or (2) Album Title and Marketing Label. If a licensee opts to report ISRC, then the Album Title and Marketing Label field may be left blank. Alternatively, if a licensee opts to report Album Title and Marketing Label, then the ISRC field may be left blank. A licensee may provide all three fields if it so chooses. SoundExchange prefers the reporting of all three data fields.

A licensee may report either (1) the Actual Total Performances or (2) Aggregate Tuning Hours, Channel or Program Name, and Play Frequency. If a Service opts to report Actual Total Performances, then Aggregate Tuning Hours, Channel or Program Name, and Play Frequency may be left blank. Alternatively, if a licensee opts to report Aggregate Tuning Hours, Channel or Program Name, and Play Frequency, then the Actual Total Performances field may be left blank. A licensee must select one of the two options and report on that basis for all reports submitted during a year. Should a Service wish to change the basis of reporting, then it may do so in January of the following year.

A Service may report more data than required in the regulations if it so chooses, but it may not report less data than required in regulations.

The table below indicates all of the columns, the order of the columns, the content of the columns, whether the column is mandatory or not, values the column can contain, and any comments that may be useful in the creation of a Report of Use.

<i>NAME_OF_SERVICE</i>	
Column #	1
Field Description	The name of the nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service making the transmissions, including the name of the entity filing the Report of Use, if different.
Status	Mandatory
Values	Text
Comments	Full legal name of the Service making the transmissions
<i>TRANSMISSION_CATEGORY</i>	
Column #	2
Field Description	The category transmission code for the category of transmission operated by the nonsubscription transmission service, preexisting satellite digital audio radio service, new subscription service or business establishment service. The licensee must populate this field with a single alpha character, A through L.
Status	Mandatory
Values	
A	For eligible nonsubscription transmissions other than broadcast simulcasts and transmissions of non-music programming.
B	For eligible nonsubscription transmissions of broadcast simulcast programming not reasonably

	classified as news, talk, sports or business programming.
C	For eligible nonsubscription transmissions of non-music programming reasonably classified as news, talk, sports or business programming.
D	For eligible nonsubscription transmissions by a non-Corporation for Public Broadcasting noncommercial broadcaster making transmissions covered by 37 CFR 261.3(a)(2)(i) and (ii).
E	For eligible nonsubscription transmissions by a non-Corporation for Public Broadcasting noncommercial broadcaster making transmissions covered by 37 CFR 261.3(a)(2)(iii).
F	For eligible nonsubscription transmissions by a small webcaster operating under an agreement published in the Federal Register pursuant to the Small Webcaster Settlement Act of 2002.
G	For eligible nonsubscription transmissions by a noncommercial broadcaster operating under an agreement published in the Federal Register pursuant to the Small Webcaster Settlement Act of 2002.
H	For transmissions other than broadcast simulcasts and transmissions of non-music programming made by an eligible new subscription service.
I	For transmissions of broadcast simulcast programming not reasonably classified as news, talk, sports or business programming made by an eligible new subscription service.
J	For transmissions of non-music programming reasonably classified as news, talk, sports or business programming made by an eligible new subscription service.
K	For eligible transmissions by a business establishment service making ephemeral recordings.
L	For eligible transmissions by a preexisting satellite digital audio radio service.

FEATURED_ARTIST

Column #	3
Field Description	Name of the featured artist for each sound recording.
Status	Mandatory
Values	Text
Comments	If the featured artist is an individual or an entity such as a band, the full name must be reported. In those instances where the songwriter and the featured artist are different, care must be taken in reporting only the featured artist. Where the sound recording is taken from an album that contains various featured artists (e.g, a compilation), it is not acceptable to report the artist as "Various." The featured artist of the particular sound recording track performed must be reported. For individuals (other than single-named artists such as STING), all featured performers shall be reported as FIRST_NAME LAST_NAME. The first and last name of the featured performer should be separated by a single space.

SOUND_RECORDING_TITLE

Column #	4
Field Description	Title of the sound recording (i.e., the song title).
Status	Mandatory
Values	Text
Comments	As with the featured artist, care must be taken in accurately reporting the title of the sound recording. It is not acceptable to report the name of the album from which the sound recording is taken in this field.

ISRC

Column #	5
Field	The International Standard Recording Code ("ISRC") is the unique identifier that identifies each

Description	version of a sound recording.
Status	Optional: A Service may report the ISRC of a sound recording in lieu of the Album Title and Marketing Label.
Values	Text; 12 characters
Comments	The ISRC may be embedded in promotional and commercially released sound recordings and can be read by currently available software.
<i>ALBUM_TITLE</i>	
Column #	6
Field Description	The title of an album on which a particular sound recording appears.
Status	Optional: A Service may report the ISRC of a sound recording in lieu of the Album Title and Marketing Label.
Values	Text
Comments	Services need only report the album title for a particular sound recording when they have that information in their possession, or it has been supplied by the recording label, at or before the time of performance of the sound recording. Those services which copy sound recordings into databases for subsequent transmission to their users and do not enter the album title into that database are nonetheless responsible for providing the album title if that information was in their possession, or been supplied to them, at or before the time the sound recording was performed.

<i>MARKETING_LABEL</i>	
Column #	7
Field Description	The Marketing Label is the name of the company that markets the album which contains the sound recording.
Status	Optional: A Service may report Album Title and Marketing Label in lieu of ISRC
Values	Text
Comments	Services need only report the Marketing label if that information was in their possession, or was supplied to them by the Marketing label, at or before the time the performance of the sound recording is made. Discarding marketing label information, or not including it in the database into which the sound recording is copied, does not relieve the service of the obligation to report the information.

<i>ACTUAL_TOTAL_PERFORMANCES</i>	
Column #	8
Field Description	Number of performances of a sound recording. See definition below.
Status	Optional: Services may report Actual Total Performances – OR – Aggregate Tuning Hours, Channel or Program Name and Play Frequency.
Values	Numeric
Comments	<p>A “performance” is defined as “each instance in which any portion of a sound recording is publicly performed to a Listener by means of a digital audio transmission or retransmission (<i>e.g.</i>, the delivery of any portion of a single track from a compact disc to one Listener) but excluding the following:</p> <p>(1) A performance of a sound recording that does not require a license (<i>e.g.</i>, the sound recording is not copyrighted);</p> <p>(2) A performance of a sound recording for which the service has previously obtained a</p>

	<p>license from the Copyright Owner of such sound recording; and</p> <p>(3) An incidental performance that both:</p> <p>(i) Makes no more than incidental use of sound recordings including, but not limited to, brief musical transitions in and out of commercials or program segments, brief performances during news, talk and sports programming, brief background performances during disk jockey announcements, brief performances during commercials of sixty seconds or less in duration, or brief performances during sporting or other public events and</p> <p>(ii) Other than ambient music that is background at a public event, does not contain an entire sound recording and does not feature a particular sound recording of more than thirty seconds (as in the case of a sound recording used as a theme song).</p> <p>For those services that possess the technological ability to identify accurately the number of times that a sound recording is performed (such as those that generate intended play lists), the number of performances must be reported in the performance data field. The data reported in this field may be for each time the sound recording is transmitted or “played” during the reporting period, or for all Actual Total Performances of the sound recording during the relevant reporting period. [Footnote - If a service chooses to enter the Actual Total Performance data for each time the sound recording is transmitted or “played,” it will be required to repeat the full data for the sound recording to account for all transmissions or “playings” of the sound recording during the relevant accounting period.]</p>
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AGGREGATE_TUNING_HOURS

Column #	9
Field Description	Aggregate Tuning Hours (“ATH”) are a standard measure of listenership that can be used to estimate the Actual Total Performances of sound recordings.
Status	Optional: Services may report Actual Total Performances – OR – Aggregate Tuning Hours, Channel or Program Name and Play Frequency.
Values	Numeric
Comments	Aggregate Tuning Hours means the total hours of programming that the licensee has transmitted during the relevant period to all listeners within the United States from all channels and stations. Aggregate Tuning Hours do not, by themselves, provide sufficient information on which to estimate the Total Performances of a sound recording. However, when combined with information regarding the Channel or Program Name on which the sound recording appeared and the Play Frequency, Aggregate Tuning Hours will permit SoundExchange to estimate the Total Performances for a sound recording during the reporting period.

CHANNEL_OR_PROGRAM_NAME

Column #	10
Field Description	The Channel Name for an AM or FM radio station should be the FCC facility identification number (e.g., WABC-FM). For all other transmissions, the channel or Program Name should be the name assigned by the Service.
Status	Optional: Services may report Actual Total Performances – OR – Aggregate Tuning Hours, Channel or Program Name and Play Frequency.
Values	Text
Comments	(e.g., “OLDIES HITS,” “70’S ROCK”), provided that if a program is generated as a random list of sound recordings from a predetermined list, the channel or program must be a unique identifier differentiating each user’s randomized playlist from all other users’ randomized playlists.

<i>PLAY_FREQUENCY</i>	
Column #	11
Field Description	The overall number of times a sound recording is offered, regardless of the number of listeners receiving the sound recording.
Status	Optional: Services may report Actual Total Performances – OR – Aggregate Tuning Hours, Channel or Program Name and Play Frequency.
Values	Numeric
Comments	If a particular sound recording is offered to listeners on a particular channel or program only once during the two-week reporting period, then it is only “played” once and the Play Frequency is one. Likewise, if the sound recording is offered 10 times during the two-week reporting period, then it is “played” ten times and the Play Frequency is 10.

4.3.1 Report Data Samples

The pdf file located at http://www.soundexchange.com/licensee/documents/Specs_Examples.pdf illustrates the manner in which Services should report the data. Examples exist for each “either/or” section.

The examples below illustrate how each line in the ASCII text file should report the data using the standard delimiter and text indicators.³

Example 1: Service is reporting Album Title and Marketing Label in lieu of ISRC
 Service is reporting Total Actual Performances in lieu of Aggregate Tuning Hours,
 Channel or Program Name and Play Frequency

```
^Name_of_Service^|Transmission_Category^|Featured_Artist^|Sound_Recording_Title^|
^ISRC^|Album_Title^|Marketing_Label^|Actual_Total_Performances|
Aggregate_Tuning_Hours|Channel_or_Program_Name^|Play_Frequency
```

```
^ACME MUSIC SERVICE^|B^|THE EAGLES^|WITCHY
WOMAN^||EAGLES^|ASYLUM^|46||
```

```
^ACME MUSIC SERVICE^|B^|BACKSTREET BOYS^|I WANT IT THAT
WAY^||MILLENIUM^|JIVE^|75||
```

```
^ACME MUSIC SERVICE^|B^|NELLY FURTADO^|I'M LIKE A BIRD ^||WHOA!
NELLY^|DREAMWORKS^|20||
```

```
^ACME MUSIC SERVICE^|B^|GEORGE HARRISON^|GOT MY MIND SET ON
YOU^||CLOUD NINE^|DARK HORSE^|11||
```

```
^ACME MUSIC SERVICE^|B^|MARIAH CAREY^|ALWAYS BE MY
BABY^||DAYDREAM^|COLUMBIA^|1||
```

³ Note that for optional, either/or columns, the column which is left blank will not have text indicators surrounding the blank column, (e.g., ^), but will have a delimiter, (e.g., pipe character).

Example 2: Service is reporting ISRC in lieu of Album Title and Marketing Label
 Service is reporting Total Actual Performances in lieu of Aggregate Tuning Hours,
 Channel or Program Name and Play Frequency

^Name_of_Service^|Transmission_Category^|Featured_Artist^|Sound_Recording_Title^|
 ^ISRC^|Album_Title^|Marketing_Label^|Actual_Total_Performances|
 Aggregate_Tuning_Hours|Channel_or_Program_Name^|Play_Frequency

^ACME MUSIC SERVICE^|C^|^BARRY WHITE^|^SOMEBODY IS GONNA OFF THE
 MAN^|^USMR17489033^||2||

^ACME MUSIC SERVICE^|C^|^ALICIA KEYS^|^FALLIN^|^USJAY0100202^||62||

^ACME MUSIC SERVICE^|C^|^ACE OF BASE^|^CRUEL
 SUMMER^|^USAR10000640^||5||

^ACME MUSIC SERVICE^|C^|^TOBY KEITH^|^HOW DO YOU LIKE ME
 NOW?!^|^USDW10022105^||11||

^ACME MUSIC SERVICE^|C^|^LUTHER VANDROSS^|^I'D
 RATHER^|^USJAY0100134^||1||

Example 3: Service is reporting Album Title and Marketing Label in lieu of ISRC
 Service is reporting Aggregate Tuning Hours, Channel or Program Name and Play
 Frequency in lieu of Total Actual Performances

^Name_of_Service^|Transmission_Category^|Featured_Artist^|Sound_Recording_Title^|
 ^ISRC^|Album_Title^|Marketing_Label^|Actual_Total_Performances|
 Aggregate_Tuning_Hours|Channel_or_Program_Name^|Play_Frequency

^ACME MUSIC SERVICE^|D^|^THE CURE^|^A FOREST^||THE CURE: GREATEST
 HITS^|^ELEKTRA RECORDS^||17009|^90'S ALTERNATIVE^|70

^ACME MUSIC SERVICE^|D^|^STONE TEMPLE PILOTS^|^PLUSH^|^THANK
 YOU^|^ATLANTIC RECORDS^||17009|^90'S ALTERNATIVE^|36

^ACME MUSIC SERVICE^|D^|^USHER^|^IF I WANT TO KNOW^|^8701^|^ARISTA
 RECORDS, INC.^||100025|^ADULT CONTEMPORARY^|150

^ACME MUSIC SERVICE^|D^|^LEE MORGAN^|^MUMBO JUMBO^|^SONIC
 BOOM^|^BLUE NOTE^||1005|^JAZZ^|3

^ACME MUSIC SERVICE^|D^|^GROOVE ARMADA^|^DRIFTED^|^GOODBYE
 COUNTRY (HELLO NIGHTCLUB)^|^JIVE ELECTRO^||120|^ELECTRONICA^|60

Example 4: Service is reporting ISRC in lieu of Album Title and Marketing Label
 Service is reporting Aggregate Tuning Hours, Channel or Program Name and Play
 Frequency in lieu of Total Actual Performances

^Name_of_Service^|Transmission_Category^|Featured_Artist^|Sound_Recording_Title^|
 ^ISRC^|Album_Title^|Marketing_Label^|Actual_Total_Performances|
 Aggregate_Tuning_Hours^|Channel_or_Program_Name^|Play_Frequency

^ACME MUSIC SERVICE^|F^|MARC ANTHONY^|WHEN I DREAM AT
 NIGHT^|USSM19911205^|||7658^|LATIN^|25

^ACME MUSIC SERVICE^|F^|GRUPO
 LIMITE^|VETE^|MXF119901401^|||7658^|LATIN^|5

^ACME MUSIC SERVICE^|F^|MARK CHESNUTT^|SHE
 WAS^|USSM10200030^|||304^|COUNTRY^|10

^ACME MUSIC SERVICE^|F^|TRAVIS TRITT^|MODERN DAY BONNIE AND
 CLYDE^|USSM10027058^|||304^|COUNTRY^|60

^ACME MUSIC SERVICE^|F^|THE CLARK FAMILY EXPERIENCE^|GOING
 AWAY^|USSM10027058^|||304^|COUNTRY^|2

4.4 FREQUENCY OF REPORTING

Services other than Preexisting Subscription Services shall submit Reports of Use, as provided above, for no less than two (2) weeks (two (2) seven consecutive day reporting periods for each quarter of the calendar year). Reports are likely to be due no later than 45 days after the close of the quarter although we are awaiting an order from the Copyright Royalty Board clarifying this issue. The chart below indicates the due dates.

Quarter Start Date	Quarter End Date	Report due no later than
January 1	March 31	May 15
April 1	June 30	August 14
July 1	September 30	November 14
October 1	December 31	February 14

The two (2) weeks reported need not be consecutive, although a Service may choose that option. Likewise, each seven-day period need not begin on a Sunday, but may begin on any day of the week and then run for a total of seven (7) consecutive days. The two seven-day reporting periods must fall entirely within a calendar quarter. The two (2) weeks chosen for the reporting should reflect as much as possible the programming typically offered by the Service during the calendar quarter.

Services that wish to report records of use beyond the two (2) weeks of each calendar quarter should contact SoundExchange to arrange for the delivery of longer reporting periods. SoundExchange welcomes more comprehensive reporting so that we can ensure the proper allocation of royalties among all copyright owners and performers.

5. ACKNOWLEDGEMENT OF REPORTS OF USE

SoundExchange shall acknowledge receipt of a report of use via electronic mail within fifteen (15) business days of receipt of the report, provided that the Service has provided SoundExchange with a current electronic mail address.

The acknowledgement will state the following:

- Full name of the Service
- Filename
- File Receipt Date
- Comments (as needed)