

ALLOCATION FOR MUSIC PRODUCERS ("AMP") ACT
INSTRUCTIONS FOR PRE-NOVEMBER 1, 1995 SOUND RECORDINGS

The Allocation for Music Producers ("AMP") Act section of the Music Modernization Act ("MMA") includes a provision that allows creative participants who produced, mixed, or engineered sound recordings made prior to November 1, 1995 ("Pre-95") to apply for a default allocation of 2%* of the royalties collected by SoundExchange for such sound recordings (the "Default Allocation"). The Default Allocation is paid by SoundExchange from amounts otherwise payable to the featured artist(s) on such recordings. The AMP Act imposes certain requirements on creative participants in order to be eligible to receive the Default Allocation from SoundExchange, all of which are set forth in the SoundExchange AMP Act Certification included in this packet. Please follow the steps below to pursue your SoundExchange Letter of Direction ("LOD") with your artist(s) and to apply for the Default Allocation in the event you are unable to contact the artist to obtain an LOD.

*2% of royalties for a sound recording, taken only from the artist's share of royalties for that sound recording, equates to 4.68% of the artist's royalties.

- 1) **IS THE ARTIST REGISTERED?** – SoundExchange can only process **LODs and pay the Default Allocation if the artist is directly registered with SoundExchange.** Before you begin the process of trying to obtain an LOD or applying for the Default Allocation, please check the registration status of the artist(s) for each sound recording you helped create. Artist registration status is available on the SoundExchange [Unpaid List](#). Artists who appear on the Unpaid List are **not** registered with SoundExchange, and SoundExchange cannot process any LODs or applications for the Default Allocation unless and until the artist registers. Additionally, SoundExchange cannot process any LODs or applications for the Default Allocation for sound recordings made by artists whose royalties from SoundExchange royalties are paid to international collective management organizations (such as PPL or SENA).
- 2) **PREPARE YOUR LOD** – If you have determined that the artist(s) on the sound recordings you helped create is directly registered with SoundExchange, please complete the standard 2-part SoundExchange LOD included in this packet. Please complete this LOD as you normally would and then attempt to secure the artist(s)' signature for a period of at least 120 days. For your convenience we have also included the "Guide To Letter Of Direction" in this packet.
- 3) **DID THE ARTIST SIGN THE LOD?** - If you have successfully obtained an LOD from the artist(s), please submit the LOD to SoundExchange at accounts@soundexchange.com or via your SoundExchange Direct account and we will process it accordingly. There is no need for you to apply for the Default Allocation if you have obtained an LOD from the artist(s) . If you were able to contact the artist(s) and the artist(s) declined to sign the LOD, the process is over and you cannot apply for the Default Allocation. If, on the



other hand, you were unable to contact the artist after trying for at least 120 days, please continue to the next step.

- 4) **DEFAULT ALLOCATION ELIGIBILITY** – You are only eligible to apply for the Default Allocation if you have been unable to contact the artist after making reasonable attempts for a period of at least 120 days. If you were able to contact the artist(s) and the artist(s) declined to sign the LOD, then you are **not** eligible to apply for the Default Allocation.
- 5) **PREPARE YOUR DEFAULT ALLOCATION** – Included in this packet is the “AMP Act Certification” form. Please carefully review this form, complete it, **and have it notarized**. SoundExchange will **not** accept incomplete Certifications or Certifications that have not been notarized. You must include your unsigned LOD, the notarized AMP Act Certification form, and a copy of all contracts entitling you to participate in royalty payments for all sound recordings you are claiming as listed on your LOD.
- 6) **SUBMIT YOUR DEFAULT ALLOCATION APPLICATION** – Email all of the required documents listed in step #5 above to accounts@soundexchange.com and include “Default Allocation Application” in your email subject line.
- 7) **SOUNDEXCHANGE REVIEW & PROCESS** – Once we receive your complete Default Allocation application our team will attempt to notify the artist(s) that we received your Default Allocation application . If, after a period of at least 120 days, the artist(s) has not responded with an objection to your Default Allocation application, we will apply the Default Allocation in your favor. If your Default Allocation application is deficient in any way, our team will notify you.
- 8) **THE DEFAULT ALLOCATION HAS BEEN APPLIED, NOW WHAT?** – SoundExchange will pay the Default Allocation on a prospective basis only, meaning we will not debit the artist(s) or credit the creative participant(s) for any prior royalties already paid to the artist(s). The Default Allocation will apply **to new royalties only**. In the event more than one creative participant meets the requirements to receive the Default Allocation for the same sound recordings, SoundExchange will divide the Default Allocation for those recordings equally between the total number of creative participants.
- 9) **CAN THE ARTIST(S) REVOKE MY DEFAULT ALLOCATION?** – Yes, the AMP Act allows the artist(s) to direct SoundExchange to stop paying the Default Allocation. This would also be applied on a prospective basis, meaning we will not debit the creative participant(s) and credit the artist for any Default Allocation payments already made to the creative participant(s).