



**NOTICE OF ELECTION FOR
RATES AND TERMS FOR SMALL WEBCASTERS
2010 LICENSE PERIOD**

I. ELECTION

The Licensee identified below hereby elects, and declares that it is eligible for, the rates and terms for the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings¹ by small commercial² webcasters set forth in the Federal Register at 74 Fed. Reg. 9,293 at 9,302 (Mar. 3, 2009) (the “Eligible Small Webcaster Rates and Terms”) and authorized pursuant to the Webcaster Settlement Act of 2008 (Pub. L. No. 110-435; to be codified at 17 U.S.C. § 114(f)(5)). This election is for the period commencing on January 1, 2010, or the date of the Licensee’s first digital audio transmission of a sound recording under the statutory licenses after such date, and ending on December 31, 2010.

This election is for any eligible digital transmissions and ephemeral recordings on stations and channels owned and/or operated by the Licensee. (In order to elect the rates and terms applicable to “Microcasters” (as defined in 74 Fed. Reg. 9,293 at 9,306 (Mar. 3, 2009)), the Licensee must complete and submit the separate Notice of Election for Microcasters instead of the Notice of Election for Small Webcasters.)

The Licensee acknowledges that this election to pay royalties in accordance with the Eligible Small Commercial Webcaster Rates and Terms is in lieu of any different rates and terms that may be available to such Licensee. Upon filing of this notice of election, and for so long as the service qualifies for the Eligible Small Commercial Webcaster Rates and Terms, the Licensee acknowledges and agrees that it cannot opt out of these Rates and Terms or otherwise elect different rates and terms during the period for which this election is made.

The Licensee hereby states that it and its Affiliates’ Gross Revenues, plus Third Party Participation Revenues and revenues from the operation of a new subscription service, have not exceeded \$1,250,000 in 2009, and that the service expects to be an Eligible Small Webcaster during the applicable period covered by this election. “Affiliate”, “Gross Revenues”, “Third Party Participation Revenues” and “Eligible Small Webcaster” shall have the meanings set forth in Section 8 of the Eligible Small Webcaster Rates and Terms. The Licensee further acknowledges that the filing of this notice of election does not guarantee the Licensee the right to pay statutory royalties under the Eligible Small Webcaster Rates and Terms if and when the service no longer qualifies as an eligible small webcaster.

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¹ 17 U.S.C. §§ 112(e) & 114.

² Noncommercial webcasters are not eligible for these rates and terms. See 74 Fed. Reg. 9,293 at 9,306 (Mar. 3, 2009).

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II. LICENSEE INFORMATION

1. Name of Licensee³: _____
2. Name of Corporate Parent⁴: _____
3. Mailing address⁵: _____

4. City/State/Zip: _____
5. Telephone number: _____
6. Fax number: _____
7. Contact person for questions: _____
8. Telephone number for contact person: _____
9. E-mail address for contact person: _____

IMPORTANT NOTE: Licensees should identify all of their channels and stations on Schedule A or prepare a document identifying their channels and stations that is in substantially the same format as Schedule A.

³ The "Licensee" should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.1.

⁴ Name of corporate parent only needs to be listed if different from the Licensee.

⁵ A post office box is acceptable only if it is the only address that can be used in that geographic location.

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CERTIFICATION

The undersigned hereby states that he or she is authorized to make the election set forth above.

Signature: _____

Name: _____

Title: _____

Date: _____

Licensees must comply with all requirements of the statutory licenses under Sections 112(e) and 114 of the Copyright Act, including all requirements set forth in the applicable rates and terms adopted pursuant to those statutory licenses. SoundExchange is not in a position to determine whether each of the many services that rely on these statutory licenses is eligible for statutory licensing and does not in fact make any such determination. Nor does SoundExchange verify that such Licensees are in full compliance with all applicable requirements of the two statutory licenses. Accordingly, SoundExchange's acceptance of a Notice of Election, Statement of Account, Report of Use, payment, or anything else provided by a Licensee does not express or imply any acknowledgment that a Licensee is in compliance with the requirements of the statutory licenses or otherwise eligible to rely on the statutory licenses. SoundExchange, its members and other copyright owners reserve all their rights to take enforcement action against a Licensee that is not in compliance with those requirements or otherwise ineligible for the statutory license.

DELIVERY⁶

A completed Notice of Election must be delivered to:

**SoundExchange
ATTN: Royalty Administration
1121 Fourteenth Street, N.W., Suite 700
Washington, DC 20005**

⁶ SoundExchange does not acknowledge receipt of documents. If you wish to receive notice of delivery, please mail this form by Certified Mail, return receipt requested.

