



**NOTICE OF ELECTION FOR
RATES AND TERMS FOR MICROCASTERS
2011 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 Microcasters² set forth in the Federal Register at 74 Fed. Reg. 9,293 at 9,302 (Mar. 3, 2009) (the “Microcaster 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, 2011, or the date of the Licensee’s first digital audio transmission of a sound recording under statutory license after such date, and ending on December 31, 2011.

This election is for any eligible digital transmissions and ephemeral recordings made by a qualified Microcaster on all stations and channels owned and/or operated by the Licensee.

By submitting this Notice of Election, the Licensee further declares and certifies that during the period January 1, 2010 through December 31, 2010, the Licensee had the following Gross Revenues, Third Party Participation Revenues and Aggregate Tuning Hours³:

- 1. **2010 Gross Revenues:** _____
- 2. **2010 Third Party Participation Revenues:** _____
- 3. **2010 Total Aggregate Tuning Hours:** _____

The deadline to submit this Notice of Election is January 31, 2011. For a Microcaster that has not made digital audio transmissions under the statutory license prior to January 31, 2011, the deadline is 45 days after the end of the month in which the Microcaster began making digital audio transmissions under the statutory license.

II. PROXY FEE

Microcasters must pay a \$100 Proxy Fee in lieu of submitting a Report of Use for 2011⁴.

The Proxy Fee **must** be submitted with the Notice of Election, in the form of a (1) check or money order (made out to “SoundExchange, Inc.”) or (2) bank wire/ACH payment.

¹ 17 U.S.C. § 112(e), 114.

² See 74 Fed. Reg. 9,306 (Mar. 3, 2009) for a definition of the term “Microcaster.”

³ The eligibility requirements for Microcasters include (1) a combined annual Gross Revenues and annual Third Party Participation Revenues of under \$5,000, (2) annual Expenses of under \$10,000, and (3) a total amount of annual aggregate tuning hours less than 18,067. See 74 Fed. Reg. 9,293 at 9,306 (Mar. 3, 2009).

⁴ Microcasters who do *not* pay the Proxy Fee must comply with the reporting procedures as described in 74 Fed. Reg. 9,293 at 9,304 (Mar. 3, 2009).

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III. LICENSEE INFORMATION

1. Name of Licensee⁵: _____
2. Name of Corporate Parent⁶: _____
3. Mailing address⁷: _____

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: _____

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⁵ The “Licensee” should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.1.

⁶ Name of corporate parent only needs to be listed if different from Licensee..

⁷ 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 certifies that (1) he or she is authorized to make the election set forth above, (2) that the Licensee is eligible for the Microcaster Rates and Terms, and (3) that the Licensee is eligible to operate as a Microcaster as defined in the Microcaster Rates and Terms.

Signature: _____

Name: _____

Title: _____

Date: _____

Licensees must comply with all requirements of the statutory licenses set forth in Sections 112(e) and 114 of the Copyright Act, including all requirements set forth in the applicable rates and terms adopted in accordance with 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 is otherwise ineligible for the statutory license.

DELIVERY⁸

A completed Notice of Election must be delivered to:

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

⁸ 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.

