



NOTICE OF ELECTION FOR NONCOMMERCIAL EDUCATIONAL WEBCASTERS¹

2012 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 recordings² by a Noncommercial Educational Webcaster as set forth in either (1) the Federal Register at 74 Fed. Reg. 40614, 40616 (Aug. 12, 2009) and authorized pursuant to the Webcaster Settlement Act of 2009 (17 U.S.C. § 114(f)(5)), or (2) 37 C.F.R. 380 Subpart C (in either case, the “Eligible Noncommercial Educational Webcaster Rates and Terms”). This election is for the period commencing on January 1, 2012, 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, 2012. This election is for any eligible digital transmissions and ephemeral recordings made by an eligible Noncommercial Educational Webcaster on all stations and channels owned and/or operated by the Licensee.

The deadline to submit this Notice of Election is January 31, 2012. For an eligible Noncommercial Educational Webcaster that has not made digital audio transmissions under the statutory license prior to January 31, 2012, the deadline is 45 days after the end of the month in which the eligible Noncommercial Educational Webcaster began making digital audio transmissions under statutory licensing.

II. REPORTING OPTION

The Noncommercial Educational Webcaster identified below hereby elects the following for the period in which this election is filed.³ (Please check one of the items below.)

Reporting Waiver Sample-Basis Reports Census-Basis Reports

Noncommercial Educational Webcasters electing the Reporting Waiver option shall pay a single \$100 reporting waiver fee in lieu of submitting a Report of Use for 2012. **This is in addition to the \$500 minimum fee (per station/channel) that the Noncommercial Educational Webcaster must pay under the applicable rates and terms.** By electing the Reporting Waiver option, the Licensee further declares and certifies that during the period January 1, 2012 through December 31, 2012, its average monthly usage was and/or is expected to be less than 55,000 aggregate tuning hours (“ATH”). If the Licensee exceeded 55,000 aggregate tuning hours on one or more channels or stations for more than one month during 2011, the Licensee further certifies that it has taken measures reasonably calculated to ensure that it will not make Eligible Transmissions exceeding 55,000 total ATH per month during 2012.

The reporting waiver **must** be submitted with this Notice of Election, in the form of a (1) check or money order (made out to “SoundExchange, Inc.”) or (2) in a bank wire/ACH payment.⁴

¹ See 74 Fed. Reg. 40614, 41616 (Aug. 12, 2009) or 37 C.F.R. 380 Subpart C for the definition of “Noncommercial Educational Webcasters” and other terms.

² 17 U.S.C. § 112(e), 114.

³ For requirements for Reporting Waiver, Sample-Basis Reports, and Census-Basis Reports, please see the Noncommercial Educational Webcaster Rates and Terms.

⁴ For SoundExchange’s tax identification number and bank wire instructions, please call (202) 640-5858.

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III. LICENSEE INFORMATION

1. Name of Licensee⁵: _____
2. Name of 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. The most recent public list of entities who have filed a Notice of Use is available at <http://www.copyright.gov/licensing/>.

⁶ Name of parent only needs to be listed if different from Licensee (e.g., university name).

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 states that (1) he or she is authorized to make the election set forth above, (2) that the Licensee is eligible for the Eligible Noncommercial Educational Webcaster Rates and Terms, and (3) that the channels and stations identified on Schedule A are eligible to operate as a Noncommercial Educational Webcaster as defined in the Eligible Noncommercial Educational Webcaster 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.



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**NOTICE OF ELECTION –NONCOMMERCIAL EDUCATIONAL WEBCASTERS (2012 LICENSE PERIOD)
SCHEDULE A¹⁰**

STATION/CHANNEL URL	CALL LETTERS	DATE OF FIRST TRANSMISSION⁹	FORMAT/GENRE OF STATION/CHANNEL

⁹ “Date of First Transmission” is the first date that the Licensee elects (or elected) the station to operate as a Noncommercial Educational Webcaster.

¹⁰ If needed, the Licensee may prepare and submit (with its Notice of Election) a document identifying their stations/channels (and all related information as requested in this Schedule A) that is substantially in the same format as this Schedule A.