



**NOTICE OF ELECTION FOR
RATES AND TERMS FOR NONCOMMERCIAL WEBCASTERS
(Pursuant to Webcaster Settlement Act)
2012 LICENSE PERIOD**

For all or any portion of the period January 1, 2012 – December 31, 2012

I. ELECTION

The Licensee identified below hereby elects and declares that it is eligible for the rates and terms of the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings¹ by Noncommercial Webcasters² set forth in the Federal Register at 74 Fed. Reg. 40614, 40624 (Aug. 12, 2009) (the “Eligible Noncommercial Webcaster Rates and Terms”) and authorized pursuant to the Webcaster Settlement Act of 2009 (codified at 17 U.S.C. § 114(f)(5)). 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 the statutory licenses after such date, and ending on December 31, 2012.

The deadline to submit this Notice of Election is January 31, 2012. For an eligible Noncommercial Webcaster that has not made digital audio transmissions under the statutory license prior to January 31, 2012, the deadline is 30 days after the eligible Noncommercial Webcaster began making digital audio transmissions under the statutory license. (Note that a Notice of Election for the Eligible Noncommercial Webcaster Rates and Terms that is submitted in a previous year shall apply for 2012 unless the Noncommercial Webcaster notifies SoundExchange by January 31, 2012, that it is revoking the Notice of Election.)

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 “Noncommercial Microcasters” (as defined at 74 Fed. Reg. 40614, 40624 (Aug. 12, 2009)), the Licensee must complete and submit the separate Notice of Election for Noncommercial Microcasters *instead* of the Notice of Election for Noncommercial Webcasters.)

The Licensee acknowledges that this election to pay royalties in accordance with the Eligible Noncommercial 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 Noncommercial 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, except as permitted by these 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 Noncommercial Webcaster Rates and Terms if and when the service no longer qualifies as an Eligible Noncommercial Webcaster.

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¹ 17 U.S.C. §§ 112(e), 114.

² See 74 Fed. Reg. 40614, 40624 (Aug. 12, 2009) for the definition of “Noncommercial Webcasters” and other terms.

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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. § 370.2.

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 is 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.

