

## **Important Statutory Requirements**

In order to be eligible to stream under the statutory license, a Broadcaster must meet certain requirements found in Section 114(d)(2) of the Copyright Act (as modified by the Waiver). The statutory provisions include, but are not limited to, the following:

- Complying with the requirement that the stream be non-interactive.
- Complying with the sound recording performance complement. The performance complement limits the number of times a service may transmit sound recordings from a specific artist or album during a three-hour period of time. The limitations are, specifically:
  - No more than four different tracks by the same featured artist (or from a compilation album) may be transmitted over the same station or channel within a three-hour period (and no more than three of those tracks may be transmitted consecutively) and
  - No more than three different tracks from the same album may be transmitted over the same station or channel within a three-hour period (and no more than two of those tracks may be transmitted consecutively).
- Identifying on the receiving device (*e.g.*, the player), in textual data, as the song is playing, the recording's title, featured artist, and the title of the album embodying the recording.
- Not informing the listener when specific sound recordings or artists will be played (*e.g.*, publishing an advanced program or playlist, on-air announcing, etc.).
- Not making available for on-demand listening "archived programs" that are (1) less than five hours long or (2) available for a period exceeding two weeks.
- Not transmitting continuous programs that are less than three hours long.
- Not performing any track as part of a service that synchronizes video imagery with sound recordings in a manner likely to confuse or deceive as to (1) the affiliation of the copyright owner or featured artist with either the broadcaster or a product or service being advertised by the broadcaster, or as to (2) the endorsement of the copyright owner or featured artist of the broadcaster's activities (other than performing music).
- Streaming tracks only from lawfully made copies that have been (1) distributed to the public under the authority of the copyright owner or (2) authorized by the copyright owner for the transmitting entity to play (*e.g.*, no bootlegs).
- Reasonably cooperating to prevent certain kinds of selective transmitting and/or copying of the transmission by the listener, and reasonably not interfering with technical copyright protection techniques. Transmitting, if technically feasible, the identifying information encoded in the sound recording (*e.g.*, title, artist, songwriter, etc.).
- Not automatically and intentionally causing any device receiving the transmission to switch from one program channel to another.