

[Reminder: Most Webcasters Need to File With SoundExchange Minimum Fees and Many Need A Notice of Election of Webcaster Settlement Act Rates, All By January 31](#)

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Each year, we remind webcasters about their obligations under various settlement agreements entered into with SoundExchange and under CRB decisions to make minimum payments and, in some cases, to file a Notice of Election to be covered under certain negotiated rates - all due by January 31. All webcasters have **minimum fee obligations due by January 31**. Many, though not all, Webcasters who have elected the the royalty rates set by many of the **settlement agreements entered into pursuant to the Webcasters Settlement Act** must also file an **election notice** with SoundExchange by January 31 to continue to be covered by those settlement agreements. These agreements were entered into by groups of webcasters and SoundExchange, and allow the webcasters to pay royalties at rates lower than those [rates set by the Copyright Royalty Board](#) for 2011.

While SoundExchange has, in the past, sent out reminders of these obligations to services that had paid in the prior year, sometimes these notices get lost, so Internet Radio operators need to remember to make these filings. The original election forms filed under **settlement agreements** signed by the **NAB and by Sirius XM** cover the entire settlement period from 2006-2015, so no election form must be filed each year, though minimum fee payments must still be made. Note that certain small broadcasters, who under the Broadcaster agreement need not comply with SoundExchange recordkeeping obligations, do need to file an election to certify that they still meet the standards necessary to count as a small broadcaster. The WSA settlement agreements that cover **Pureplay webcasters, Small Commercial webcasters, and certain Noncommercial Educational webcasters** are all entered into on a year-by-year basis (though, as noted below, there is a default in certain noncommercial webcasting agreements that, if you were covered in prior years, you will be continued to be covered in the current year, unless you opt out). Thus, to continue to be covered, parties currently governed by these agreements need to file a Notice of Election to again be covered by these agreements by January 31.

The election forms are available on the SoundExchange website, though they are not easy to find. The forms that must accompany the annual minimum fees are also on the SoundExchange website. Note that in some cases there are forms that cover both webcasters who paying under a particular settlement, as well as under the special provisions for small entities that are covered by these same agreements (e.g. Small Pureplay webcasters file a different form than other Pureplay Webcasters even though both are governed by the same agreement. Similarly Small

Broadcasters file a form different than other broadcasters, though both are covered by the same agreement, and soon by a CRB decision adopting those rates as the default rates for all broadcasters who stream programming on the Internet).

These forms can be found at the links below. Click on the name of the category of webcasters for a link to our article that summarizes the particular settlement or CRB decision, the minimum fees required, and the qualifications for small webcasters under that deal (if there is such a provision):

- [Broadcasters](#) minimum fee form - [here](#).
- [Small broadcasters](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Pureplay webcaster](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Small pureplay](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Small commercial webcaster](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Microcaster](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Noncommercial educational webcaster](#). Minimum fee payment form - [here](#). Note that, under the recent CRB decision, when that decision becomes effective, these will be the default rates for noncommercial webcasters for 2011.
- [Other noncommercial webcaster](#) election form - [here](#). Minimum fee payment form - [here](#). Note that, under the agreement covering these webcasters, if you opted into the deal in previous years, and do not wish to opt out, you may continued to be covered without filing a notice of election - but check to make sure that you are indeed covered by this default.
- [Noncommercial microcasters](#) election form - [here](#). Minimum fee payment form - [here](#).
- [Satellite radio](#) (for their webcasting operations - a deal that may also fit other commercial webcasters who are not covered by other agreements and who do not choose the [2011 CRB rates](#)) minimum fee payment form - [here](#).
- [Commercial CRB rates](#) - minimum payment form - [here](#).

Note that there is no specific form for NPR affiliates covered under the NPR settlement, as an organization set up by the Corporation for Public Broadcasting handles all payments and SoundExchange filings. Other companies providing Internet radio services need to pay attention to these dates - and file the necessary papers and make the required payments by the upcoming deadline.

So pay attention and meet the filing deadlines!

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