

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MELISSA FERRICK, et. al.,

Plaintiffs,

vs.

SPOTIFY USA INC, et. al.

Defendant.

Case No. 1:16-cv-08412 (AJN)

**DECLARATION OF MARIAN DICUS  
IN SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT RE:  
ADEQUACY OF NOTICE PROGRAM**

I, MARIAN DICUS, declare as follows:

1. I am the Global Head of Artist/Content Marketing at Defendant Spotify USA Inc. (“Spotify”).

2. This declaration is based upon my personal knowledge, and I would testify to the matters set forth in this declaration if called upon as a witness.

3. I provided information that was used in connection with designing the plan to notify the settlement class members of the proposed class action settlement (the “Notice Program”). In providing that information, I drew on my years of marketing experience and substantial knowledge of the music industry to help ensure that the Notice Program reaches as many members of the settlement class as is realistically possible under the circumstances.

**RELEVANT EXPERIENCE**

4. I have over fifteen years of marketing experience. After working in a number of senior marketing positions in print media (Condé Nast and Vogue) and retail (Gilt Home, J. Crew), I joined Spotify as the Head of U.S. Consumer Marketing in October 2013. In October

2014, I was promoted to Head of North America Consumer Marketing, and in December 2016, I was promoted to Global Head of Artist/Content Marketing.

5. In my role as a marketing executive at Spotify, I have overseen a wide variety of campaigns targeting music consumers and professionals, including marketing efforts aimed at providing artists and songwriters with information and support to help them develop their careers. Accordingly, I am familiar with (a) the print and digital publications that cater to music consumers and professionals; (b) the types of advertisements that are most likely to reach music consumers, songwriters, and others in the music industry; and (c) the social media and community websites that are most commonly used by musicians, songwriters, and other music professionals.

#### **NOTICE PROGRAM BACKGROUND**

6. I understand that the settlement class includes songwriters, music publishers, and other persons or legal entities who own registered copyrights in musical compositions that were available on Spotify's service at any time since December 28, 2012. I will refer to them as the "Class Members." Although I understand that the majority of the Class Members reside in the United States, some Class Members may reside in other countries.

7. The proposed Notice Program is designed to ensure that it reaches a substantial number of Class Members.

8. Since Spotify does not possess a comprehensive list of Class Members, the Notice Program primarily seeks to notify Class Members of the settlement through the use of print, digital, and social media.

9. I expect the members of the Class to include people who are both music consumers and professionals. As a result, I recommended that the Notice Program include print

and digital advertising in publications targeted at music consumers, such as *Rolling Stone* magazine, as well as specialty publications for music industry professionals, such as *American Songwriter* magazine. I also recommended that the Notice Program include advertising purchases targeting songwriters and music industry professionals on social media. Lastly, the Notice Program will include the prominent placement of a link to the Notice on the “Spotify for Artists” website ([artists.spotify.com](http://artists.spotify.com)).

**PRINT/DIGITAL MEDIA**

10. Based on my experience in the music industry and marketing, I recommended the publications that I believe are most likely to be read by up-and-coming singer/songwriters as well as established composers, publishers, and other musical composition copyright holders around the globe.

11. As a result of these recommendations, the campaign will include print advertising in the following publications:

- (a) *Rolling Stone*
- (b) *Variety*
- (c) *Billboard*
- (d) *Music Connection*

12. In addition, the campaign will include digital advertising on the web properties associated with the following publications:

- (a) *The Fader*
- (b) *Hits Daily Double*
- (c) *BillboardBiz*
- (d) *Pitchfork*

- (e) *American Songwriter*
- (f) *Drowned in Sound*
- (g) *Consequence of Sound*

13. In addition, the campaign will include advertisements on Facebook, Twitter, LinkedIn, and Reddit, which are popular social media services that are widely used by songwriters and music publishers.

#### **NOTICE ON SPOTIFY**

14. As a supplement to the above efforts, we also plan to place a notice on Spotify's website itself.

15. Specifically, because a significant number of the artists on Spotify are singer/songwriters, the Notice Campaign will include a prominent message on the "Spotify for Artists" website ([artists.spotify.com](http://artists.spotify.com)) directing Class Members to the settlement website. The message will be as follows: "Songwriters and publishers: Learn if a recent settlement may benefit you."

16. Consistent with Spotify's commitment to helping artists develop their careers and reach new fans, the Spotify for Artists site was created in 2013 and includes (a) guides to getting music on Spotify and customizing a Spotify artist page, (b) access to data on tracks streamed on Spotify; and (c) articles and a blog with tips and information on marketing, trends, and other issues of interest to artists.

17. The Spotify for Artists site has been popular within the music community, receiving approximately 4.4 million visits in 2016. Therefore, I anticipate that the placement of a message on that site will reach a large number of songwriters (as well as other members of the music industry).

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
25th day of May, 2017, in Ojai, CA.

*Marian Dicus*

---

Marian Dicus