

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY RATES AND
TERMS FOR MAKING AND DISTRIBUTING
PHONORECORDS (PHONORECORDS III)**

**Docket No. 16-CRB-0003-PR
(2018-2022)**

**ORDER PERMITTING WRITTEN RESPONSE(S) TO
MOTIONS FOR REHEARING, CLARIFICATION, OR CORRECTION**

On February 12, 2018, the Services and the Copyright Owners filed respective motions for rehearing to clarify the regulations (Services) or for clarification or correction of typographical errors and certain regulatory terms (Copyright Owners) in relation to the Determination the Copyright Royalty Judges (Judges) issued on January 27, 2018.¹ Under the Judges' procedural rules, no participant may file a response except by order of the Judges. 37 C.F.R. § 353.3. In the captioned proceeding, the Judges seek responsive memoranda from parties in interest.²

Any party choosing to file a response to either motion shall do so on or before March 5, 2018. No response shall exceed ten pages in length. The Services and the Copyright Owners may file a reply, if any, on or before March 12, 2018. The replies, if any, shall not exceed five pages (each) in length. The Judges encourage the parties to highlight areas of agreement between the motions in addition to areas of disagreement.

SO ORDERED.

Suzanne M. Barnett
Chief Copyright Royalty Judge

Dated: February 21, 2018

¹ The Services are: Amazon Digital Services, LLC, Google Inc., Pandora Media, Inc., and Spotify USA Inc. The Copyright Owners are: the National Music Publishers' Association and the Nashville Songwriters Association International.

² No party in interest is required to respond to the respective motions, or to reply to a response, and the Judges may not draw any negative inference from a party's choice not to participate in the rehearing process. However, failure to participate in the rehearing process may affect a party's right to raise issues in any subsequent appeal. *See* 37 C.F.R. § 353.5.