

**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.**

In re

**DETERMINATION OF RATES AND TERMS
FOR DIGITAL PERFORMANCE OF SOUND
RECORDINGS AND MAKING OF
EPHEMERAL COPIES TO FACILITATE
PERFORMANCES (*WEB V*)**

**Docket No. 19–CRB–0005–WR
(2021–2025)**

**ORDER SETTING VIRTUAL HEARING AND ADDRESSING
OTHER HEARING-RELATED MATTERS**

Having received and considered the Participants’ Statements in Advance of the June 22, 2020 Telephonic Status Conference, and having communicated the Copyright Royalty Judges’ (Judges) preliminary views at the June 22, 2020 Status Conference, the Judges make the following rulings:

1. In light of the Participants’ unanimous position in their June 17, 2020 submissions that an in-person hearing beginning on July 20, 2020, would not be practical, the Judges hereby rule that the evidentiary hearing in this matter will be conducted virtually via video conferencing technology. The Judges further urge the Participants to discuss a contingency plan in the event that some, or all, of the proceeding cannot be conducted virtually, to proceed in a manner not inconsistent with 17 U.S.C. § 803(b)(5).
2. On June 10, 2020, the Judges ordered the Participants to immediately form a Technology Working Group to identify an online video conferencing platform suitable to conduct the hearing virtually in the event an in-person hearing was not feasible. By **June 29, 2020**, the Technology Working Group shall present its written findings and recommendation to the Judges and the broader group of counsel for all participants.
3. Due to delays in the trial date caused by the COVID-19 pandemic, the Judges intend to request that the Register of Copyrights grant a 120-day extension, until April 15, 2021, of the deadline for the Judges to issue a Final Determination in this matter. The Judges believe that, pursuant to 17 U.S.C. § 803(d)(2)(A), any adjustment to rates and terms for the ensuing statutory license period made in the Judges’ determination shall be effective as of January 1, 2021, even if the Judges’ determination is issued on a later date. If any Participant believes that 17 U.S.C. § 803(d)(2)(A) does not apply, or that the Judges’ determination cannot

impose retroactive royalty or other terms for any other reason, such Participant shall submit to the Judges a statement setting forth the Participant's views by 9:00 p.m. on **July 7, 2020**.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

Dated: June 25, 2020