

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY RATES AND
TERMS FOR EPHEMERAL RECORDING AND
DIGITAL PERFORMANCE OF SOUND
RECORDINGS (*WEB IV*)**

**Docket No. 14-CRB-0001-WR
(2016-2020)**

ORDER TO SHOW CAUSE

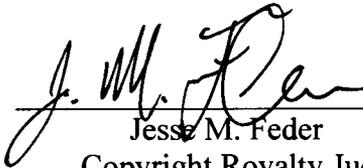
The Judges commenced the instant proceeding on January 3, 2014, by publishing a notice in the *Federal Register* seeking Petitions to Participate. 79 FR 412 (Jan. 3, 2014). Triton Digital, Inc. (Triton) filed a Petition to Participate on January 27, 2014.

The purpose of the proceeding is to set rates and terms under (a) the statutory license for digital transmission of sound recordings by eligible nonsubscription services (webcasters) under section 114 of the Copyright Act (Act) and (b) the statutory license for making of ephemeral copies by the same entities under section 112. The Act charges the Judges with responsibility for “establish[ing] rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller.” 17 U.S.C. § 114. In this case the willing buyers are the licensees of sound recordings (webcasters) and the willing sellers are the licensors (record companies).

Triton is neither a licensor nor a licensee of sound recordings; nor does it represent any such licensors or licensees. Triton describes itself in its Petition to Participate as “the largest provider of streaming and measurement services to digital audio webcasters that currently operate an Internet audio streaming service” In essence, Triton provides services to webcasters that operate under the statutory licenses at issue in this proceeding.

Based on Triton’s description in its Petition to Participate, the Judges are unable to determine that Triton has a “significant interest” in the instant proceeding. Therefore, the Judges hereby **ORDER** that on or before May 14, 2014, Triton **SHOW CAUSE** in writing why its Petition to Participate in this proceeding should not be **DISMISSED** for failure to demonstrate a significant interest in the proceeding.¹

SO ORDERED.



Jesse M. Feder
Copyright Royalty Judge

Dated: April 30, 2014.

¹ See 17 U.S.C. § 803(b)(2)(C).