

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**Distribution of Digital Audio
Recording Royalty Funds**

**Docket No. 15-CRB-0011 DART
(SRF-CO) (2014)**

**ORDER DENYING AARC MOTION TO DISMISS DR. SANDERS’S CLAIM
AND ORDER TO SHOW CAUSE**

On June 26, 2015, the Alliance of Artists and Recording Companies (AARC) filed a motion requesting that the Copyright Royalty Judges (Judges) dismiss the claim of Dr. Dwight Sanders for 2014 Copyright Owners Subfund royalties (Motion). The Motion alleged that Dr. Sanders failed to meet the legal requirement of identifying a legitimate basis for his claim. AARC served the Motion on the claimant, and the Judges received no response.

The Judges generally accept all claims that are facially valid. They have reviewed the Sanders claim and do not find it facially flawed. The claim identifies a sound recording (“ACA”). In its motion, AARC stated that its staff researched the title “ACA” and concluded that there is no such title of any sound recording of a musical work embodied in a digital or analog musical recording that was distributed during the 2014 royalty year.

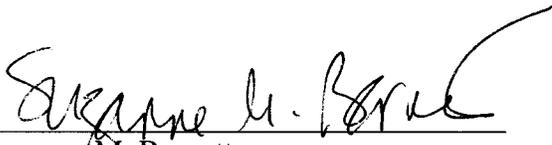
Nevertheless, the Judges have identified at least one sound recording with the title “ACA” “‘ACA’ with the Moore Boys” that was posted to YouTube during 2014. The post included a link to purchase the track on iTunes. The Judges do not at this time conclude that the sound recording referred to above is the same one that Dr. Sanders claimed or that a posting on YouTube with a link to iTunes meets the statutory requirements under Copyright Act Section 1006(a). Based on the information provided in AARC’s motion, however, the Judges cannot conclude that Dr. Sanders’s claim does not satisfy those statutory requirements.

AARC alleges in a footnote that Dr. Sanders’s claim is defective for another reason: he filed the claim on behalf of an association or organization but apparently is not an attorney. Motion at 8 n 6. AARC cites a regulation that prohibits participation by such persons in a distribution *proceeding*. 37 C.F.R. §350.2 (2006). The Judges have not yet commenced a proceeding regarding 2014 DART royalty distribution. The claim is not defective on that basis.

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Therefore, the Judges **DENY**, without prejudice, AARC's Motion, and **ORDER** Dr. Sanders to show cause why his claim should not be dismissed for failure to provide adequate information relating to 1) his alleged copyrights and 2) distribution of the sound recording during 2014. His response to this order is due no later than August 31, 2015. Replies, if any, are due September 4, 2015.

SO ORDERED.



Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: August 25, 2015