

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of)
)
Distribution of 2011 DART Sound) Docket No. 2012-3 CRB DD 2011 (SRF)
Recordings Fund/Copyright Owners)
Subfund)
)

ORDER TO SHOW CAUSE

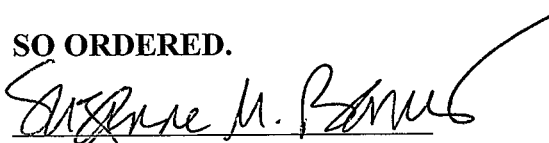
On April 27, 2012, the Alliance of Artists and Recording Companies (“AARC”) filed a motion seeking the dismissal of a claim to the 2011 Digital Audio Recording Technology (“DART”) royalties in the Sound Recordings Funds/Copyright Owners Subfund filed by Pramod Kesav Narayana Pillai. AARC contends that Mr. Pillai “failed to list a title of a sound recording embodied in a digital or analog musical recording, lawfully made under the Copyright Act, that has been distributed between January 1 and December 31, 2011,” as required by 37 C.F.R. § 360.22(b)(6) of the Copyright Royalty Judges’ regulations. *See Motion of the Alliance of Artists and Recording Companies to Dismiss the Pillai 2011 DART Sound Recordings Fund/Copyright Owners Subfund Claim*, at 2 (April 27, 2012). AARC states that the work listed by Mr. Pillai, “Quality Engineering In Setting Content Bench Mark and Tools,” is not a valid sound recording title but rather is a title for print material, which is not compensable under the Audio Home Recording Act of 1992. *Id.* at 3, 6-7; *see also* Exhibit C to motion. Mr. Pillai has not responded to the motion.¹

Dismissing a claim to royalties is not an action to be taken lightly and is one that necessitates affording the adversely affected party every reasonable opportunity to defend the claim.

Therefore, **the Judges ORDER** Mr. Pillai to show cause no later than August 8, 2012, why his claim should not be dismissed for failure to establish a basis for his claim to the 2011 DART royalties in the Sound Recordings Funds/Copyright Owners Subfund.

The Judges **FURTHER ORDER** that Mr. Pillai file his response electronically to crb@loc.gov and serve his response on AARC electronically to the e-mail address listed on AARC’s claim, lbocchi@aarcroyalties.com, by the August 8, 2012, deadline.

SO ORDERED.


Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: July 31, 2012

¹ AARC notes that Mr. Pillai “refused to discuss anything regarding his claim” when contacted by AARC. *See AARC Motion to Dismiss*, at 3 n.1 (April 27, 2012).

Keys, LaKeshia

From: Keys, LaKeshia
Sent: Tuesday, July 31, 2012 10:16 AM
To: crb
Subject: 2012-3 CRB DD 2011 (SRF)
Attachments: 7-31-12 Order to Show Cause.pdf

Attached please find the 2012-3 CRB DD 2011 (SRF) Order to Show Cause.

Please reply back as confirmation that you received this.

Thanks,
Copyright Royalty Board

Keys, LaKeshia

Distribution List Name: 2012-3 CRB DD 2011 (SRF)

Members:

CRB Office
Linda Bocchi
Pramod Pillai

lbocchi@aacroyalties.com
pramodpillai@bsnl.in

Keys, LaKeshia

From: Microsoft Exchange
To: Giuffreda, Gina; crb; Keys, LaKeshia; Strasser, Richard; Wisniewski, Stan
Sent: Tuesday, July 31, 2012 10:16 AM
Subject: Delivered: 2012-3 CRB DD 2011 (SRF)

Your message has been delivered to the following recipients:

[Giuffreda, Gina](#)

[crb](#)

[Keys, LaKeshia](#)

[Strasser, Richard](#)

[Wisniewski, Stan](#)

Subject: 2012-3 CRB DD 2011 (SRF)

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: Microsoft Exchange
To: Barnett, Suzanne; Roberts, William
Sent: Tuesday, July 31, 2012 10:16 AM
Subject: Delivered: 2012-3 CRB DD 2011 (SRF)

Your message has been delivered to the following recipients:

Barnett, Suzanne

Roberts, William

Subject: 2012-3 CRB DD 2011 (SRF)

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: postmaster@aacroyalties.com
Sent: Tuesday, July 31, 2012 10:16 AM
To: Keys, LaKeshia
Subject: Delivered: 2012-3 CRB DD 2011 (SRF)
Attachments: ATT00003; 2012-3 CRB DD 2011 (SRF)

Your message has been delivered to the following recipients:

lbocchi@aacroyalties.com

Subject: 2012-3 CRB DD 2011 (SRF)

Sent by Microsoft Exchange Server 2007

Pramod Kesav Narayana Pillai
Payikkattu House, Kalavamkodam
P.O. Cherthala,
Alleppy, Kerela, INDIA 688586

Linda Bocchi
700 N. Fairfax Street
Suite 601
Alexandria, VA 22314

CERTIFICATE OF SERVICE

I, Breanna Dietrich, Deputy Director of Royalties of the Alliance of Artists and Recording Companies, certify that a copy of the foregoing "Motion Of The Alliance Of Artists and Recording Companies To Dismiss The Pillai 2011 DART Sound Recordings Fund/Copyright Owners Subfund Claim" was sent, by USPS Express Mail on April 26, 2012, and by email on April 27, 2012 (date of filing with the Copyright Office), on the following party:



Breanna Dietrich

**BY USPS EXPRESS MAIL ON APRIL 26, 2012
AND EMAIL ON APRIL 27, 2012:**

Pramod Kesav Narayana Pillai¹
Payikkattu House
Kalawamkodan PO
Cherchala
688586 Alleppey, Kerala
INDIA

¹ No postal carrier is able to provide overnight delivery service to India. We have therefore sent this pleading to Mr. Pillai electronically via email and by USPS Express Mail, which will arrive in an estimated 3-5 business days.

Accordingly, the Pillai 2011 DART Sound Recordings Fund/Copyright Owners Subfund royalties claim warrants dismissal as patently deficient on grounds that: (1) the claim does not identify at least one sound recording, sold during the calendar year 2011, of which Pillai is the sound recording copyright owner, and (2) such failure to identify at least one sound recording that establishes a basis for the claim is an incurable defect. AARC respectfully requests that the Copyright Royalty Judges exercise their authority and dismiss Pillai's claim for 2011 DART Sound Recordings Fund/Copyright Owners Subfund royalties.

Respectfully submitted,

A handwritten signature in black ink that reads "Linda R. Bocchi". The signature is written in a cursive, flowing style.

Linda R. Bocchi, Esq.
DC BAR # 338012
VA BAR # 77599
Executive Director
Alliance of Artists and Recording Companies
700 N. Fairfax Street
Suite 601
Alexandria, VA 22314
(703) 535-8101 (phone)
(703) 535-8105 (facsimile)

April 27, 2012

Keys, LaKeshia

From: Mail Delivery Subsystem [MAILER-DAEMON@pps2.loc.gov]
To: pramodpillai@bsnl.in
Sent: Tuesday, July 31, 2012 10:51 AM
Subject: Relayed: 2012-3 CRB DD 2011 (SRF)

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

pramodpillai@bsnl.in

Subject: 2012-3 CRB DD 2011 (SRF)