

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of	}	
	}	
Distribution of 2008 Digital Audio	}	Docket No. 2009-3 CRB DD 2008
Recording Royalty Funds	}	
	}	

ORDER DENYING EUGENE "LAMBCHOPS" CURRY'S REQUEST FOR PARTIAL DISTRIBUTION OF ROYALTIES FROM THE COPYRIGHT OWNERS SUBFUND OF THE 2008 DART SOUND RECORDINGS FUND

On August 28, 2009, Eugene "Lambchops" Curry filed with the Copyright Royalty Judges a request, under section 801(b)(3)(A) of the Copyright Act, for partial distribution of 50% of the remaining royalties in the Copyright Owners Subfund of the 2008 DART Sound Recordings Fund. The Alliance of Artists and Recording Companies ("AARC") oppose Mr. Curry's request.¹ In its opposition AARC attaches Exhibit A, Declaration of Richard Seltzer, in which he represents that he searched 2008 SoundScan data. With respect to Mr. Curry's request, Mr. Seltzer represents that in his search of 2008 SoundScan data he did not find a label named "Eugene Lambchops Curry" or "Tajai Music." Based on this fact he concludes that SoundScan reported no sales for Mr. Curry or Tajai Music. In his request, Mr. Curry asserts that his claim to the royalties at issue here relates to the following:

[t]he Artist was PLIES/Atlantic records/SlipN Slide Album was Definition of Real Song "Somebody (Loves You) [sic]. Second album was Artist Lyfe Jennings Album Lyfe Changes Columbia/Sony Urban Song 26 Years 17 Days [sic]. Both releases were in April/May of 2008.

Section 801(b)(3)(A) of the Copyright Act authorizes the Judges to distribute DART royalties (among others) to the extent that the Judges find that the distribution of such royalties is not subject to controversy.² In light of AARC's opposition we can make no such finding in this case. While Mr. Seltzer's declaration does not appear to address the sound recordings that Mr. Curry asserts entitle him to royalties (*i.e.*, "Somebody Loves You" performed by PLIES on the album entitled SlipNSlide on the Atlantic Record Label and "26 Years 17 Days" performed by Lyfe Jennings on the album entitled Lyfe Changes on the Columbia/Sony Urban Record Label) we cannot, in the absence of a proceeding, determine what copyrights, if any, Mr. Curry possesses with respect to those sound recordings or how much royalties those rights would entitle


1 AARC's opposition was incorrectly dated August 3, 2009, which would have predated Mr. Curry's request. Presumably AARC intended the date of the opposition to be September 3, 2009, the date of the Certificate of Service.

2 See 17 U.S.C. 801(b)(3)(A). Compare 17 U.S.C. 801(b)(3)(C), which authorizes a partial distribution of DART royalties, notwithstanding the existence of a controversy, where no claimant has filed a reasonable objection to the partial distribution and all claimants agree to the partial distribution and are willing to make certain other representations.

him to.

Therefore, Mr. Curry's request is **DENIED**.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'James Scott Sledge', written over a horizontal line.

James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: March 30, 2010