

Before the
UNITED STATES
COPYRIGHT ROYALTY JUDGES
LIBRARY OF CONGRESS
Washington, D.C.

In the Matter of:

DETERMINATION OF ROYALTY RATES
AND TERMS FOR MAKING AND
DISTRIBUTING PHONORECORDS
(PHONORECORDS III)

Docket No. 16-CRB-0003-PR (2018-2022)

**DECLARATION OF BENJAMIN K. SEMEL
REGARDING RESTRICTED INFORMATION**

1. I am a partner at Pryor Cashman LLP, counsel for the National Music Publishers' Association ("NMPA") and the Nashville Songwriters Association International ("NSAI" and, together with the NMPA, the "Copyright Owners") in the above-captioned proceeding (the "Proceeding").

2. Pursuant to Section IV.A of the Protective Order issued in the above-captioned Proceeding on July 28, 2016 (the "Protective Order"), I submit this declaration in connection with the Copyright Owners' Proposal for the Conduct and Schedule of the Resolution of the Remand (the "Copyright Owners' Remand Statement").

3. I have reviewed the Copyright Owners' Remand Statement and the attached Redaction Log. I am also familiar with the definitions and terms set forth in the Protective Order. Each of the redactions made in the Copyright Owners' Remand Statement (as set forth in the Redaction Log) is necessitated by the designation of one of the participants in this proceeding as "Confidential Information" under the Protective Order. Because the Copyright Owners are bound under the Protective Order to treat as "Restricted" and to redact information designated

“Confidential Information” by participants, they have done so. Copyright Owners reserve all rights and arguments as to whether any such information is, in fact, “Confidential Information.”

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: December 10, 2020
New York, New York

/s/ Benjamin K. Semel
Benjamin K. Semel (N.Y. Bar No. 2963445)
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Counsel for Copyright Owners

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**REDACTION LOG FOR COPYRIGHT OWNERS’ PROPOSAL FOR
THE CONDUCT AND SCHEDULE OF THE RESOLUTION OF THE REMAND**

1. Pursuant to the terms of the Protective Order issued in the above-captioned action on July 28, 2016 (the “Protective Order”), the National Music Publishers’ Association (“NMPA”) and the Nashville Songwriters Association International (“NSAI” and, together with the NMPA, the “Copyright Owners”) hereby submit a list of redactions from their Proposal for the Conduct and Schedule of the Resolution of the Remand (the “Copyright Owners’ Remand Statement”).

2. The undersigned counsel certifies that the redactions listed below are required pursuant to the Protective Order.

Page/Paragraph	Description
p. 15 fn. 9 (2 redactions)	Contains information from RESTRICTED hearing sessions
p. 19 para. 2 (5 redactions)	Contains information from RESTRICTED hearing sessions
p. 20 para. 1 (3 redactions)	Contains information from RESTRICTED hearing sessions

Dated: December 10, 2020
New York, New York

/s/ Benjamin K. Semel
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Counsel for Copyright Owners

Proof of Delivery

I hereby certify that on Thursday, December 10, 2020, I provided a true and correct copy of the Declaration of Benjamin Semel Regarding Restricted Information to the following:

Pandora Media, Inc., represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

Spotify USA Inc., represented by A. John P. Mancini, served via ESERVICE at jmancini@mayerbrown.com

Amazon.com Services LLC, represented by Scott Angstreich, served via ESERVICE at sangstreich@kellogghansen.com

Apple Inc., represented by Dale M Cendali, served via ESERVICE at dale.cendali@kirkland.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Google Inc., represented by Kenneth L Steinthal, served via ESERVICE at ksteinthal@kslaw.com

Signed: /s/ Benjamin K Semel