

**UNITED STATES COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

**In re**

**Distribution of Digital Audio Recording  
Royalty Funds**

**Docket No. 16-CRB-0014 (SRF-FRA/CO)  
(2015)**

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**ORDER GRANTING AARC’S REQUEST FOR PARTIAL DISTRIBUTION OF  
ROYALTIES FROM THE 2015 DART SOUND RECORDINGS FUND  
(Copyright Owners and Featured Recording Artists Subfunds)**

On August 15, 2017, the Copyright Royalty Judges (Judges) published in the *Federal Register* a notice soliciting comments on a motion for partial distribution of royalties from the 2015 DART sound recordings fund (copyright owners and featured recording artists subfunds) in response to the filing by the Alliance of Artists and Recording Companies (AARC) of its Notice of Settlement and Request for Partial Distribution of the 2015 Dart Sound Recordings Fund Featured Recording Artists and Copyright Owners Subfunds Royalties (Jun. 23, 2017) ([Motion](#)).<sup>1</sup> In the Motion, the Alliance of Artists and Recording Companies (AARC), on behalf of itself and certain claimants with which it has reached settlements (Settling Claimants), seeks 98% of the 2015 DART sound recordings fund (copyright owners and featured recording artists subfunds) pursuant to Section 801(b)(3)(C) of the Copyright Act. The Judges received one [comment](#) on the notice, which was from AARC. Not surprisingly, AARC supported its own Motion.

Section 801(b)(3)(C) of the Copyright Act authorizes the Judges, upon a motion of one or more of the claimants and after publication in the *Federal Register* of notice with an opportunity for comment, to authorize a partial distribution of royalty fees, provided that the claimants receiving funds pursuant to the requested distribution agree, among other things, to return any excess funds that they may receive if it is later determined that they received a greater share of the royalties than that to which they were entitled. AARC represents that the Settling Claimants have agreed to comply with the conditions of Section 801(b)(3)(C) if the Judges grant their request for partial distribution.<sup>2</sup>

In light of the fact that the Judges received no objection to AARC’s requested distribution, and AARC has met, or is prepared to meet, the requirements of Section 801(b)(3)(C), the Judges **GRANT** the Motion.

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<sup>1</sup> 82 FR 38713. The heading of the notice refers to two docket numbers, one for each subfund. The Judges have consolidated the two dockets into the captioned docket number. See [Consolidation Order](#) (Apr. 4, 2019).

<sup>2</sup> [Motion](#) in Support of Settling Claimants’ Notice of Settlement and Request for Partial Distribution of the 2015 DART Sound Recordings Fund Featured Recording Artists and Copyright Owners Subfund Royalties at 5 (Sep. 14, 2017).

The Judges **ORDER** AARC to provide to the Judges a fully-executed agreement binding all Settling Claimants to disgorge the full amount of any overpayment (with interest accrued to the date of redeposit) that they may receive from the 2015 DART sound recordings fund (either featured recording artists or copyright owners subfund, as applicable).

The Judges **FURTHER ORDER** that 98% of the DART royalties held in the 2015 sound recordings fund's featured recording artists subfund and copyright owners subfund be distributed to AARC as the designated agent for the Settling Claimants. To effect the distribution, AARC shall file the disgorgement agreement with the Judges and the Licensing Division and provide all pertinent information to the Licensing Division necessary to complete the requested distribution. The Licensing Division shall determine the date of distribution upon receipt of the disgorgement agreement and all pertinent disbursement information.

**SO ORDERED.**

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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: December 30, 2020