

Before the
United States Copyright Royalty Judges
Copyright Royalty Board
Library of Congress

Copyright Royalty Board Regulations
Regarding the Conduct of Proceedings

Docket No. 21-CRB-0007-RM

COMMENTS OF SOUNDEXCHANGE, INC.

SoundExchange, Inc. (“SoundExchange”) submits these comments concerning the Copyright Royalty Judges’ proposed rule to clarify that their hearings may be conducted in person at the Library of Congress or an alternative location, or virtually, at the Judges’ discretion, 86 Fed. Reg. 11,673 (Feb. 26, 2021).

SoundExchange supports the proposed rule and believes it to be a proper statement of the flexibility inherent in the Judges’ authority to conduct hearings pursuant to Section 803 of the Copyright Act. In the *Web V* rate-setting proceeding, Docket No. 19-CRB-0005-WR (2021-2025), the Judges conducted a hearing using videoconferencing technology, in lieu of an in-person hearing at the Library of Congress, as a consequence of the COVID-19 pandemic. Despite widely-held doubts about the ability of the technology to support a complex, multi-party, five-plus week hearing, the virtual format worked with no significant problems (and few problems at all). And while there is virtue to a live, in-person hearing for allowing the Judges, participants, and witnesses to more fully view and interact with each other, there may well be future circumstances in which it would make sense to employ virtual hearing technology.

SoundExchange is pleased that the proposed rule leaves the Judges flexibility in conducting future proceedings, rather than dictating a particular videoconferencing platform or particular alternative location. In the past, whenever the Judges or their predecessors have

conducted hearings as other than in-person events at the Library of Congress, they have done so in consultation with the participants in the relevant proceeding. For example, in *Web V*, the Judges and participants coordinated on the details of the videoconferencing platform and how it would be used. That flexibility and coordination provides a good model for future proceedings.

Respectfully submitted,

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