

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)  
(Remand)

**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 Initial Remand Submission of Copyright Owners (the "Initial Submission").

3. I have reviewed the Initial Submission. I am also familiar with the definitions and terms set forth in the Protective Order. Each of the redactions that the Copyright Owners have indicated are to be made to the Initial Submission and that they will make in the publicly filed version of the Initial Submission 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 are doing 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: April 1, 2021  
New York, New York

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

# Proof of Delivery

I hereby certify that on Thursday, April 01, 2021, I provided a true and correct copy of the Declaration of Benjamin K. Semel Regarding Restricted Information to the following:

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

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

Google LLC, represented by David P Mattern, served via ESERVICE at dmattern@kslaw.com

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

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

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

Signed: /s/ Benjamin K Semel