

Benjamin K. Semel
Partner

April 14, 2021

Via eCRB

United States Copyright Royalty Judges
Library of Congress
James Madison Memorial Building
101 Independence Ave, S.E.
Washington D.C. 20559-6000

Re: Response to the Services' April 14, 2021 Letter

To the United States Copyright Royalty Judges:

We write on behalf of Copyright Owners to briefly address the objection filed by the Services to Copyright Owners' request for a conference. The Copyright Owners' April 13, 2021 letter is not a substitute for a *discovery* motion, as the issue is compliance with the Judges' production order, not Copyright Owners' discovery requests. Indeed, the April 1 concurrent production obligation predates the April 2 start of the discovery period set forth in the Judges' December 23, 2020 Order (the "Order").

Yet the Services assert that this dispute should be held and addressed in discovery. Such approach would simply delay resolution of the issue, defeating the purpose of the Order's concurrent production requirement. The Services also fail to mention that *three of them have already conveyed their refusal to produce these documents even in discovery*. As backup, Copyright Owners propounded document requests to mirror the concurrent production requirement. These include Copyright Owners' Request No. 29 which seeks:

All Documents concerning the actual or expected impact that the TCC rate prong adopted in the final determination in this proceeding published at 84 Fed. Reg. 1918 (February 5, 2019) has had or will have on company growth, revenues, profits, company value, brand, or ecosystem.

Amazon, Spotify and Google objected in whole to this request and stated:

- "Amazon objects to Request No. 29 in its entirety and does not intend to produce documents in response to Request No. 29."
- "Spotify does not intend to produce documents in response to this Request."
- "Google does not intend to produce documents in response to this request."

Copyright Owners respectfully submit that delaying a conference on this ripe issue concerning compliance with the Order (and not discovery) for weeks until after a discovery process in which Services have already stated they will not cooperate would only serve to further defeat the purpose of the Order.

Respectfully submitted,



Benjamin K. Semel

Proof of Delivery

I hereby certify that on Wednesday, April 14, 2021, I provided a true and correct copy of the April 14, 2021 Letter to Copyright Royalty Board to the following:

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

Nashville Songwriters Association International, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

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

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

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

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

Signed: /s/ Benjamin K Semel