

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY RATES
AND TERMS FOR EPHEMERAL COPIES
OF SOUND RECORDINGS USED BY
BUSINESS ESTABLISHMENTS**
(Business Establishments III)

Docket No. 17-CRB-0001-BER
(2019-2023)

**ORDER COMPELLING DISCLOSURE OF PRIOR
COPYRIGHT ROYALTY JUDGES' DETERMINATIONS**

On April 5, 2018, Mood Media Corporation (Mood) filed with the Copyright Royalty Judges (Judges) a Motion to Compel Disclosure of Prior Copyright Royalty Board Determinations (Motion). The Motion was unopposed.

Mood seeks production by SoundExchange, Inc. (SoundExchange) of unredacted versions of past determinations or orders of the Judges and their predecessors from proceedings in which SoundExchange or any major record company was a participant. Motion at 1. Mood states that

SoundExchange does not believe that it is permitted to produce unredacted Determinations or orders under the protective orders governing the proceedings in which the Determinations or orders were issued, as those Determinations may contain proprietary information that belongs to third parties who are not participants here; however, SoundExchange does not oppose this motion so long as the Determinations and orders are designated as Restricted material under the current Protective Order.

Id. Mood argues that the requested information is necessary in light of 17 U.S.C. § 803(a)(1), which requires the Judges to act in accordance with prior determinations. *Id.* at 2. Mood also notes that an order compelling production of unredacted versions of these past determinations and orders would remedy an asymmetry of information between parties like Mood that participate infrequently in Copyright Royalty Board proceedings, and more frequent participants like SoundExchange. *Id.*

The Judges find the requested relief appropriate and therefore **GRANT** the motion and hereby **ORDER** that SoundExchange shall produce unredacted copies of all determinations and orders on motions issued by the Copyright Royalty Board or its predecessors in which SoundExchange or any major record company was a participant. The determinations and orders

shall be designated and treated as “Restricted” materials under the Protective Order entered in this proceeding on February 23, 2018.

SO ORDERED.

DATED: April 6, 2018.

Jesse M. Feder
Copyright Royalty Judge