

**Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
Washington, D.C.**

**In the Matter of**

**DETERMINATION OF RATES AND TERMS  
FOR DIGITAL PERFORMANCE OF SOUND  
RECORDINGS AND MAKING OF  
EPHEMERAL COPIES TO FACILITATE  
THOSE PERFORMANCES (WEB V)**

**Docket No. 19-CRB-0005-WR (2021-2025)**

---

**ORDER FURTHER TO OMNIBUS ORDER ON  
PREHEARING EVIDENTIARY MOTIONS**

On June 8, 2021, the Copyright Royalty Judges (Judges) issued an Omnibus Order on Prehearing Evidentiary Motions (Order). The Order did not address proffered Ex. 3003, which SoundExchange challenged in the Joint Exhibit List under Federal Rule of Evidence (FRE) 602 (lack of personal knowledge/lack of foundation). Further to the Order, FRE 602 is not applicable to the Judges' proceedings. Instead, the Judges analyze the admissibility of evidence under 37 C.F.R. § 351.10(a) and will admit evidence that is relevant, not unduly repetitious, or privileged. Order at 32. The Judges have reviewed Ex. 3003, and find that it is relevant to the issues addressed in this proceeding and is not unduly repetitious or privileged. Therefore, Ex. 3003 is **ADMITTED**.

**SO ORDERED.**

---

Jesse M. Feder  
Chief Copyright Royalty Judge

Dated: June 30, 2021