

UNITED STATES COPYRIGHT ROYALTY JUDGES  
The Library of Congress

*In re*

**DETERMINATION OF ROYALTY RATES  
AND TERMS FOR MAKING AND  
DISTRIBUTING PHONORECORDS  
(Phonorecords III)**

**Docket No. 16-CRB-0003-PR  
(2018–2022) (Remand)**

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**ORDER GRANTING SERVICES’ UNOPPOSED MOTION FOR ACCESS TO AND USE  
OF THE RESTRICTED *WEBCASTING V* INITIAL DETERMINATION**

On June 18, 2021, Amazon.com Services LLC, Google LLC, Pandora Media, LLC, and Spotify USA Inc. (collectively, the Services) filed a joint motion ([Motion](#)) requesting that the Copyright Royalty Judges (Judges) enter an order stating that all eligible participants in the *Phonorecords III* remand proceeding may have full access to and use of the restricted version of the Judges’ Initial Determination in *Web V* on an outside counsel only basis, as provided in Section IV.B of the [Phonorecords III Protective Order](#) (Jul. 27, 2016). The Services have also agreed — for purposes of obtaining the consent of SoundExchange and the record labels participating in *Web V* and promptly resolving this motion and subject to their reservation of rights to seek broader access in the *Phonorecords IV* proceeding — that the following people who would otherwise be permitted to review the restricted version of the Judges’ Initial Determination in *Web V* under those protective orders shall not be permitted under this order to review that document: (1) attorneys for the participants in *Phonorecords III* who have not currently entered an appearance on the docket; (2) attorneys at the Wilson Sonsini law firm, whether or not currently appearing on the docket; and (3) experts retained by the participants in *Phonorecords III* other than those who have already appeared as experts in the proceeding. *See* Services’ Update to their Unopposed Motion for Access to and Use of the Restricted Webcasting V Initial Determination at 1-2 (Jun. 25, 2021) ([Updated Motion](#)).

For reasons detailed in the Motion, the Judges find that good cause exists to grant the requested access. The Judges **ORDER** that all eligible participants in the *Phonorecords III* remand proceeding may have full access to and use of the entire restricted version of the *Web V* Initial Determination, subject to both the [Phonorecords III Protective Order](#) and the [Web V Protective Order](#),<sup>1</sup> as well as the additional, agreed-upon restrictions listed above. Specifically, the Judges **ORDER** the overlapping participants in *Phonorecords III* and *Web V* — Google and

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<sup>1</sup> *Protective Order*, Docket No. 19-CRB-0005-WR (Jun. 24, 2019). In the event of a conflict between the protective orders, the more restrictive provision will govern.

Pandora — to provide a copy of the restricted version of the Initial Determination in *Web V* to the eligible participants in the *Phonorecords III* remand proceeding.

**SO ORDERED.**

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Jesse M. Feder  
Chief Copyright Royalty Judge

Dated: July 20, 2021