

Before the
UNITED STATES COPYRIGHT ROYALTY BOARD
Washington, D.C.

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In the Matter of:)	
)	
DETERMINATION OF RATES)	Docket No. 21-CRB-0001-PR
AND TERMS FOR MAKING AND)	(2023-2027)
DISTRIBUTING PHONORECORDS)	
(Phonorecords IV))	
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DECLARATION AND CERTIFICATION OF JOSHUA D. BRANSON
REGARDING RESTRICTED MATERIALS

(On behalf of Amazon.com Services LLC)

1. I am counsel for Amazon.com Services LLC (“Amazon”) in the above-captioned case. I respectfully submit this declaration and certification pursuant to the terms of the Amended Protective Order dated November 4, 2021 (“Protective Order”). I am authorized by Amazon to submit this declaration on Amazon’s behalf.

2. I am familiar with Amazon’s Motion to Strike, or in the Alternative, to Submit Supplemental Testimony, Concerning the [REDACTED], as well as the accompanying Supplemental Written Direct Testimony of James Duffett-Smith, Appendix and Exhibits (collectively, “Amazon’s Motion”).

3. I have reviewed the definitions and terms provided in the Protective Order. After consultation with my client, I have determined to the best of my knowledge, information, and belief that Amazon’s Motion contains information that Amazon has designated as “confidential information” as defined by the Protective Order (“Amazon Protected Material”).

4. Such Amazon Protected Material includes, but is not limited to, highly confidential internal business information that is proprietary, not available to the public, and commercially sensitive.

5. If this highly confidential internal business information were to become public, it would place Amazon at a commercial and competitive disadvantage, unfairly advantage other parties to the detriment of Amazon, and jeopardize its business interests.

6. In addition to the Amazon Protected Material, Amazon is bound under the Protective Order to treat as “Restricted” information designated “Confidential Information” by other participants in the proceedings. Amazon’s Motion contains information that the Copyright Owners and other services have designated as “Confidential Information.” Amazon is treating that information as “Restricted” and redacting such information in accordance with the terms of the Protective Order. Amazon reserves all rights and arguments as to whether such information is, in fact, “Confidential Information.”

Pursuant to 28 U.S.C. § 1746, I hereby declare under the penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Dated: May 5, 2022
Washington, D.C.



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Counsel for Amazon.com Services LLC

Proof of Delivery

I hereby certify that on Thursday, May 05, 2022, I provided a true and correct copy of the Declaration and Certification of Joshua D. Branson Regarding Restricted Materials (PUBLIC) to the following:

Apple Inc., represented by Mary C Mazzello, served via E-Service at mary.mazzello@kirkland.com

UMG Recordings, Inc., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Warner Music Group Corp., represented by Steven R. Englund, served via E-Service at senglund@jenner.com

Copyright Owners, represented by Benjamin K Semel, served via E-Service at Bsemel@pryorcashman.com

Spotify USA Inc., represented by Joseph Wetzel, served via E-Service at joe.wetzel@lw.com

Google LLC, represented by Gary R Greenstein, served via E-Service at ggreenstein@wsgr.com

Zisk, Brian, represented by Brian Zisk, served via E-Service at brianzisk@gmail.com

Joint Record Company Participants, represented by Susan Chertkof, served via E-Service at susan.chertkof@riaa.com

Powell, David, represented by David Powell, served via E-Service at davidpowell008@yahoo.com

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

Johnson, George, represented by George D Johnson, served via E-Service at george@georgejohnson.com

Sony Music Entertainment, represented by Steven R. Englund, served via E-Service at
senglund@jenner.com

Signed: /s/ Joshua D Branson