

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)**

ORDER SOLICITING RESPONSES REGARDING REGULATORY PROVISIONS

The Copyright Royalty Judges (Judges) hereby **ORDER** the parties to respond in writing to their adversary’s “Submission of Regulatory Provisions” (eCRB No. 27005 and 27011) (July 18 Submissions) that implement the Initial Ruling and Order After Remand (Initial Ruling) (eCRB No. 26938). Copyright Owners shall also respond to the Services’ July 22, 2022 letter (eCRB No. 27022) in their response (in lieu of a separate response to the letter).

In addition, the Judges **ORDER** the parties to address an issue in a footnote that was inadvertently omitted during the process of editing the Initial Ruling¹. The footnote should have appeared on page 94 of the Ruling, at the end of the final paragraph of part III, and reads as follows:

“Copyright Owners assert that the Services have inexplicably omitted from their proposed subpart C rates a portion of the Phonorecords II rates, to Copyright Owners’ detriment. *See* Copyright Owners’ Response to Services’ New Joint Rate Proposal at 5, n.5. In the parties’ submission of Proposed Rates and Terms, as ordered herein, they shall address the issues raised in that footnote.”

The parties’ submissions shall only respond to their adversary’s arguments regarding the adversary’s differing proposed regulatory provisions and address the issue in the omitted footnote. The parties shall identify where, if at all, they have addressed the issue in the omitted footnote in their respective July 18 Submissions.

The responses provided for by this Order shall not exceed twelve (12) pages. The parties shall file the responses provided for in this Order **no later than seven (7) days** from the date of this Order.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

DATED: July 27, 2022

¹ The cross reference in footnote 164 was intended to refer to the footnote in question.