

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY
RATES AND TERMS FOR MAKING
EPHEMERAL COPIES OF SOUND
RECORDINGS FOR TRANSMISSION TO
BUSINESS ESTABLISHMENTS (*Business
Establishments IV*)**

**Docket No. 21-CRB-0013-BER
(2024-28)**

**ORDER FOR FURTHER PROCEEDINGS
AND CASE SCHEDULING ORDER**

The Copyright Royalty Judges (Judges) initiated the captioned proceeding to set rates and terms for licensing the making of ephemeral copies of sound recordings for transmission to business establishments by publishing notice in the *Federal Register*. See 87 Fed. Reg. 490 (Jan. 5, 2022). After receiving Petitions to Participate, the Judges provided notice of the participants to all interested parties and issued a *Notice of Participants and Commencement of Voluntary Negotiation Period* (Feb. 15, 2022) (Notice).

Seven entities filed Petitions to Participate.¹ The Notice directed participants to engage in negotiations and to notify the Judges no later than May 20, 2022, of the outcome of the settlement negotiations. The Judges did not receive a Notice of Settlement, hence the present order. To move the proceeding forward to meet statutorily mandated deadlines, the Judges issue this Order for Further Proceedings and expand upon upcoming deadlines applicable in this proceeding.

Participants are encouraged to continue settlement negotiations and to notify the Judges immediately of any resolution that will obviate continued litigation. Unless the Judges receive notice of a full and final settlement of all issues, the attached case schedule remains in effect.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

DATED: August 12, 2022.

¹ Petitioning Participants were: Mood Media Corporation; Music Choice; Rockbot, Inc.; Sirius XM Radio Inc.; Cloud Cover Media, Inc., and Pandora Media, LLC (Jointly); SoundExchange, Inc.; Soundtrack Your Brand Sweden AB; and Stingray Music USA Inc.

ATTACHMENT A

Schedule for Rates and Terms Determination (Business Establishments IV)

Case event	Date
End of Voluntary Negotiation Period	May 16, 2022
Order for Further Proceedings	August 12, 2022
Begin Preliminary Disclosure and Discovery	August 12, 2022
End Preliminary Disclosure and Discovery	August 26, 2022
Participants file Written Direct Statements Commencement of Discovery Period	September 19, 2022
Deadline to file Discovery Motions	October 17, 2022
End of Discovery Period	November 18, 2022
Participants may file Amended Written Direct Statements	December 5, 2022
Settlement Conference Period	December 26, 2022- January 16, 2023
Deadline for Joint Settlement Conference Report	January 17, 2023
IF PARTICIPANTS DO NOT SETTLE	
Deadline to file Written Rebuttal Statement ²	February 27, 2023
Participants exchange witness and exhibit lists	March 1, 2023
Participants file JOINT exhibit and witness lists (including witness time estimates and order of presentation)	March 8, 2023
Hearing	commencing on March 13, 2023
Deadline to file Proposed Findings and Conclusions	TBD
Issuance of Determination	not later than December 15, 2023

² During this interval, the Judges may schedule a prehearing conference. *See* 37 C.F.R. § 351.8.