

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
LIBRARY OF CONGRESS
Washington, D.C.

**In the Matter of:
DETERMINATION OF ROYALTY
RATES AND TERMS FOR MAKING
AND DISTRIBUTING
PHONORECORDS
(*PHONORECORDS IV*)**

**Docket No. 21-CRB-0001-PR
(2023-2027)**

**JOINT EMERGENCY MOTION FOR STAY OF PROCEEDINGS
PENDING RESOLUTION OF MOTION TO ADOPT SETTLEMENT**

The National Music Publishers' Association ("NMPA") and Nashville Songwriters Association International ("NSAI," and collectively with NMPA, the "Copyright Owners") on the one hand, and Amazon.com Services LLC, Apple Inc., Google LLC, Pandora Media, LLC and Spotify USA Inc. (collectively, the "Service Participants") on the other hand, hereby move to stay the above-captioned proceeding (the "Proceeding"), including the hearing set to begin on September 7, 2022 (the "Hearing") and all other deadlines (including any set by any Order of the Judges or by the Judges' regulations) pending resolution of the Parties' Motion to Adopt Settlement of Statutory Royalty Rates and Terms for Subpart C & D Configurations ("Settlement Motion").

On August 31, 2022, the Copyright Owners and the Service Participants reached agreement on a settlement (the "Settlement") in the Proceeding as to the royalty rates and terms that shall be applicable under Section 115 of the U.S. Copyright Act for Licensed Activity (as defined in 37 C.F.R. Part 385 Subpart A) presently addressed in Subparts C and D of 37 C.F.R. Part 385 (the "Subpart C & D Configurations"), together with certain regulations of general

application (e.g., definitions and late fee provisions) applicable to the Subpart C & D Configurations presently addressed in 37 C.F.R. Part 385 Subpart A (collectively, the “Subpart C & D Configuration Rates and Terms”), for the full time period addressed by the Proceeding.

17 U.S.C. § 801(b)(7)(A) and 37 C.F.R. § 351.2(b)(2) require publication of the Settlement in the *Federal Register* for notice and comment before the Judges may adopt the language. It would be inefficient and impractical to proceed with conducting the Hearing on pre-Settlement rate proposals in parallel with the notice and comment period addressing the Settlement, particularly where the Copyright Owners and the Service Participants would not be advancing their pre-Settlement rate proposals (or evidence in support thereof) at the Hearing. To the extent interested parties not joining the Settlement choose to articulate any objections, the notice and comment period is the statutorily-prescribed mechanism for expressing objections to the Settlement, rendering the hearing an unnecessary use of the Copyright Royalty Board’s resources. A stay is also consistent with the original scheduling order in this proceeding, which provided that “all participants shall follow the case schedule until all terms of their settlement are documented and presented for publication, comment, and approval.” Notice and Order re Participants, Negotiation Period, and Case Schedule, at 2 n.2, dated February 9, 2021. While there have been subsequent modifications to this order, none provided for a different procedure in the event of settlement.

For the reasons set forth above, the Copyright Owners and the Service Participants request that the Judges order that the Proceeding, including the Hearing and all other deadlines (including any set by any Order of the Judges or by the Judges’ regulations), be stayed pending resolution of the Settlement Motion.

Dated: August 31, 2022

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Proof of Delivery

I hereby certify that on Wednesday, August 31, 2022, I provided a true and correct copy of the Emergency Motion for Stay of Proceedings to the following:

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

Google LLC, represented by Gary R Greenstein, served via E-Service at
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