

**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
LIBRARY OF CONGRESS**

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)**

ORDER 65 REQUESTING ADDITIONAL BRIEFING FROM PARTICIPANTS

The Copyright Royalty Judges (Judges) recently published final regulations that set rates and terms applicable during the period from January 1, 2023, through December 31, 2027, for the statutory license for making and distributing phonorecords of nondramatic musical works. 87 Fed. Reg. 80448 (Dec. 30, 2022). The regulations are based on a settlement reached among several participants in this proceeding.¹ The Judges observed that George Johnson, a participant who was not part of the settlement, appears to have requested a rate setting for activity that may not be addressed in the settlement, which he describes as an “unlimited limited download.” The Judges stated their intention to request additional briefing from the participants as to whether and how this proceeding may address such activity. *Id.* at 80453 n.22.

The Judges now ORDER the participants to submit the aforementioned briefing within ten (10) days from the issuance of this order, and to submit any reply briefing no later than five (5) days thereafter.

SO ORDERED.

Dated: January 5, 2023

David P. Shaw
Chief Copyright Royalty Judge

¹ The settling participants are the National Music Publishers’ Association (NMPA), the Nashville Songwriters Association International (NSAI), Amazon.com Services LLC, Apple Inc., Google LLC, Pandora Media, LLC, and Spotify USA Inc. The NMPA and NSAI have often been referred to, collectively, as the Copyright Owners, while the other settling participants have often been referred to, collectively, as the Services.