

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)**

ORDER SOLICITING MOTION AND RESPONSE

The Copyright Royalty Judges (Judges) received an email enquiry from participant Copyright Owners in the captioned proceeding, relating to language in the Order Granting in Part and Denying in Part Motions for Rehearing (Order).¹ Copyright Owners raised two issues in the initial email, one of which related to a typographical oversight the Judges had earlier discovered in the Order. The second issue related to the use of the phrase “Limited Downloads” rather than “Limited Offerings” in one paragraph of the Order. Pandora, Amazon, Google, and Spotify responded jointly by email.

The Judges recognize that the parties’ statement of the second issue and the response thereto might have been truncated in the email format. The Judges, therefore, shall accept (but not require) briefing from any party on that issue.

More particularly, with regard to the language in the penultimate paragraph on page 12 of the Order (beginning with “Paid Locker Services and Limited ...”), the Judges request a motion with analysis from Copyright Owners, on or before Friday, December 14, 2018, and a response with analysis from any other parties on or before Thursday, December 20, 2018. The Services that were parties in the proceeding shall file a joint Response, unless their positions as to this issue are inconsistent.

The motion and response(s) shall not exceed 2,000 words each. The Judges will not receive or consider any reply papers.

SO ORDERED.

Suzanne M. Barnett
Copyright Royalty Judge

Dated: December 10, 2018.

¹ The Judges issued the Order in Restricted form on October 29, 2018, and in Public form on November 5, 2018.