

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Digital Performance Right in Sound
Recordings and Ephemeral Recordings

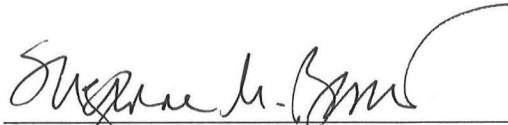
Docket No. 2005-1 CRB DTRA
(Webcasting II)

**ORDER FOLLOWING NOTICE OF INTENTION TO CONDUCT
PAPER PROCEEDING ON REMAND**

On January 10, 2014, the Copyright Royalty Judges (Judges) gave notice of their intention to proceed on remand with paper proceedings. That notice afforded all parties to the captioned proceeding an opportunity to comment on the Judges' intention.

The Judges received comments from Intercollegiate Broadcasting System, Inc. (IBS). In its comments, IBS repeated its opposition to conducting paper proceedings on remand, and interposed arguments that were substantively identical to those it made in support of its Motion for Rehearing in *Web III*. The Judges reject IBS's arguments for the reasons set forth in the Judges *Notice of Intent to Conduct Paper Proceedings on Remand* (January 10, 2014) and *Order Denying Motion for Rehearing*, Docket No. 2009-1 CRB (Webcasting III) (February 4, 2014).

The Copyright Act and the Judges' procedural regulations permit the Judges to conduct proceedings on the papers alone, without an evidentiary hearing. 17 U.S.C. § 803(b)(5); 37 C.F.R. § 351.3(c). In accordance with that authority, therefore, the Judges shall proceed with their consideration *de novo* on the existing record. The Judges will accept no further submissions.



Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: February 6, 2014