

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

DETERMINATION OF ROYALTY RATES AND TERMS FOR EPHEMERAL RECORDING AND DIGITAL PERFORMANCE OF SOUND RECORDINGS (*WEB VI*)

**Docket No. 23-CRB-0012-WR
(2026-2030)**

DETERMINATION OF RATES AND TERMS FOR DIGITAL PERFORMANCE OF SOUND RECORDINGS BY NEW SUBSCRIPTION SERVICES AND MAKING OF EPHEMERAL COPIES TO FACILITATE THOSE PERFORMANCES (*NSS V*)

**Docket No. 23-CRB-0013-NSR
(2026-2030)**

ORDER 3 FOR FURTHER PROCEEDINGS

On February 9 and February 12, 2024, the Copyright Royalty Judges (“Judges”) issued a *Notice of Participants, Commencement of Voluntary Negotiation Period, and Order 2 Setting Case Schedule* (“Notice and Order”) in each of the captioned proceedings. The Judges attached to each *Notice and Order* as “Exhibit B” a list of parties that had filed timely Petitions to Participate.¹ The Judges received notices of withdrawal of Petitions to Participate from Google LLC and TuneSat, LLC.

Pursuant to the *Notice and Order*, the Judges received a status of negotiations notice from Web VI participant SoundExchange, Inc. None of the named participants has reached a settlement within the voluntary negotiation period in either of the two proceedings.

Therefore, the Judges issue the following case schedule that includes a date for a unified hearing. Given the substantial similarity of issues in and parties to the two proceedings and in the interests of efficiency and judicial economy, both proceedings will follow the same schedule.

The Judges ORDER the remaining participants in the two proceedings to follow the attached schedule. Pursuant to Section 803(b)(5) of the Copyright Act, any participant may file a motion to proceed on a paper record only at any time, but no later than **September 2, 2024**.

¹ Subsequent to this order, additional parties who have filed petitions may withdraw from the proceedings. Consult eCRB (app.crb.gov) for an updated list of participants.

SO ORDERED.

DATED: May 16, 2024

David P. Shaw
Chief Copyright Royalty Judge

EXHIBIT A

**Web VI Proceeding Schedule
NSS V Proceeding Schedule**

Case event	Date
Order for Further Proceedings	On or about May 17, 2024
Begin Preliminary Disclosure and Discovery	May 17, 2024
End Preliminary Disclosure and Discovery	July 19, 2024
Non-Settling Parties File Written Direct Statements Commencement of Direct Case Discovery Period	September 2, 2024
Parties jointly file Discovery Motion Packets (Motion, Response, Proposed Orders)	October 11, 2024
End of Direct Case Discovery Period	November 1, 2024
Deadline to file Amended Written Direct Statements	November 15, 2024 ¹
Deadline for Written Rebuttal Statements	December 16, 2024
Commencement of Rebuttal Case Discovery Period	December 18, 2024
Settlement Conference Period	December 27, 2024 - January 17, 2025
IF PARTIES DO NOT SETTLE COMPLETELY	
Deadline for Joint Settlement Conference Report	January 18, 2025
Parties jointly file Discovery Motion Packets (Motion, Response, Proposed Orders)	January 27, 2025
End of Rebuttal Case Discovery Period	February 17, 2025
Deadline for Motions in Limine	February 24, 2025
Deadline for Responses to Motions in Limine	March 5, 2025
Unified Hearing	commencing on March 24, 2025
Post-hearing Briefs (including joint outline of issues)	TBD
Proposed Findings and Conclusions	TBD
Responsive Findings and Conclusions	TBD
Closing Arguments	June 9, 2025
Determination	Not later than December 16, 2025