

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)**

ORDER 11 CONCERNING THE HEARING

The evidentiary hearing in the immediately preceding webcasting rates proceeding, *Web V*, commenced on August 4, 2020, and concluded on September 9, 2020. Closing arguments were held on November 19, 2020. Those events occurred during the COVID pandemic, and thus were conducted virtually. That hearing was the first virtual hearing held by the Copyright Royalty Judges (Judges).¹

The evidentiary hearing in this proceeding is scheduled to commence on April 7, 2025. *See* Order 6 Modifying Case Schedule Ex. A (eCRB no. 42927). The hearing room used by the Judges for hearings in webcasting proceedings before the pandemic is not now available, but efforts are underway to provide space to accommodate a hearing, including the creation of a new hearing room for proceedings before the Judges. But given the absence of a present physical space for the *Web VI* hearing, and given the complexity of rate-setting proceedings, the Judges find it prudent for the parties to have protocols for a virtual hearing in place well in advance of the hearing for this proceeding.

The most recent plans for a virtual evidentiary hearing in a rate-setting proceeding occurred in the *Phonorecords IV* proceeding, although the evidentiary hearing did not go forward due to settlement.² The most recent evidentiary hearing was held virtually by the Judges in the 2014-2017 cable distribution proceeding.³ The plans for those virtual hearings were based in part on procedures proposed by the parties (or otherwise adopted by the Judges) in *Web V*, e.g., the formation of a Technology Working Group.

¹ See Final Determination at 3 and Order Setting Virtual Hearing and Addressing Other Hearing-Related Matters at 1, *Web V*, Docket no. 19-CRB-0005-WR (2021-2025) (eCRB nos. 25678 and 22316).

² Docket no. 21-CRB-0001-PR (2023-2027).

³ Docket no. 16-CRB-0009-CD (2014-17).

To prepare for the possible necessity of a virtual hearing in this proceeding, the Judges hereby **ORDER** the parties to confer and, by noon on Friday, September 27, 2024, to file a joint proposal that covers the formation of a working group (that can on occasion consult with CRB staff) and a date by which the parties shall file stipulations concerning matters relevant to the virtual nature of a hearing, such as the use of third-party audiovisual or other litigation support services.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

DATED: September 20, 2024