

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 12 DENYING, WITHOUT PREJUDICE, SOUNDEXCHANGE JOINT
PETITIONERS' UNOPPOSED MOTION TO ACCEPT LATE-FILED
WRITTEN DIRECT STATEMENT**

On September 16, 2024, SoundExchange, Inc., the American Association of Independent Music, the American Federation of Musicians of the United States and Canada, Screen Actors Guild-American Federation of Television and Radio Artists, Secretly Group, Sony Music Entertainment, UMG Recordings, Inc., and Warner Music Group Corp. (collectively, the SoundExchange Joint Petitioners) filed SoundExchange Joint Petitioners' Unopposed Motion to Accept Late-Filed Written Direct Statement (eCRB no. 43705) (Unopposed Motion). Upon consideration of the Unopposed Motion, the Copyright Royalty Judges (Judges) find that SoundExchange Joint Petitioners failed to meet the applicable requirements of 37 CFR § 303.5(m) and 303.7(b). The Judges hereby **DENY, WITHOUT PREJUDICE**, the Unopposed Motion.

The Unopposed Motion offers no specifics as to the actual technical issues which caused the delay in submitting the filing. Participants simply state, "SoundExchange Joint Petitioners experienced a technical error with their Microsoft Word software prior to the midnight filing deadline" (Unopposed Motion at 2). In addition, the Judges note that there was an approximately 3.5-hour delay between the submission of SoundExchange Joint Petitioner's

Volume II containing witness testimonies and the other volumes of its WDS which were all submitted shortly after midnight.

Given these discrepancies, the Judges require SoundExchange Joint Petitioners to disclose, in the form of one or more declarations, executed by a person (or persons) with first-hand knowledge, the following facts: (1) a full and detailed description of the technical problems which caused the delay in the submission, (2) a full explanation and detailing of any and all modifications made to each of SoundExchange Joint Petitioners' submissions, for which relief is sought, after receipt by them (via any method) of other parties' filings, (3) a full and detailed explanation for the gap in submission time for Volume II, and (4) a full and detailed explanation as to why SoundExchange Joint Petitioners' eCRB submissions were not made in sequential volume order.

Accordingly, Sound Exchange Joint Petitioners are hereby **ORDERED** to submit, no later than September 26, 2024, a declaration or declarations of the facts described above, which shall be accompanied with a new motion for leave to extend time to file.

SO ORDERED.

Dated: September 20, 2024

David P. Shaw
Chief Copyright Royalty Judge