

**Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
LIBRARY OF CONGRESS  
Washington, D.C.**

*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 18 REQUIRING PARTIES TO SUBMIT PROPOSAL FOR VIRTUAL  
HEARING BY JANUARY 31, 2025**

**I. Background and Directions**

The evidentiary hearing in the above-captioned matter is to be held virtually, and is scheduled to commence on April 7, 2025. Although efforts are underway to provide space to accommodate a hearing, including the creation of a new hearing room for proceedings before the Judges, the new hearing room will not be available by April 7, 2025 for the start of the proceedings. Given the absence of a physical space for the Web VI hearing, and given the complexity of rate-setting proceedings, it is necessary for the parties to have protocols for a virtual hearing in place well in advance of the hearing for this proceeding.

Participants filed Participants' Joint Proposal Regarding Virtual Hearing (Joint Proposal) (eCRB no. 43763) on September 27, 2024, and stated that they had formed a Technology Working Group to consult with the CRB staff. *See* eCRB no. 43763. In the Joint Proposal, they stated that they would "propose that stipulations concerning matters relevant to a virtual hearing be submitted to the Judges by January 31, 2025." *Id.*

To allow sufficient time to allow the Virtual Hearing proceeding to commence on April 7, 2025, the Copyright Royalty Judges ("Judges") need agreed-upon procedures to be provided to them no later than January 31, 2025. *See* Order 11 Concerning the Hearing, (eCRB no. 43732).

The Participants, through their Technology Working Group, shall refer for guidance in developing their procedures to the most recent evidentiary hearing held virtually by the Judges in the 2014-2017 cable distribution proceeding.<sup>1</sup> Plans for these proceedings were based in part on procedures proposed by the parties (or otherwise adopted by the Judges) in *Web V*, e.g.,

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<sup>1</sup> Docket no. 16-CRB-0009-CD (2014-17).

beginning with the formation of a Technology Working Group. Plans for a virtual evidentiary hearing in a rate-setting proceeding were also proposed in the Phonorecords IV proceeding, although the evidentiary hearing did not go forward due to settlement.<sup>2</sup> The Technology Working Group shall consult the virtual hearing procedures proposed in all three proceedings for guidance in this proceeding.

## **II. ORDER**

The Judges **ORDER** the Technology Working Group to follow the Directions set forth above and to submit virtual hearing procedures which include technical procedures and logistics. The proposal should set forth a legal services provider that will provide services including a software platform, real-time transcripts, and virtual access for participants, as well as all services necessary to conduct the virtual hearing.

The Judges further **ORDER** that the proposal provide for a common electronic system accessible to all Parties for storing and sharing exhibits, and for the entire hearing to be recorded in real-time, and that such recordings will be available to the Judges to review during the hearing or their deliberations.

The Judges further **ORDER** the Technology Working Group to coordinate with CRB staff, including Copyright Royalty Board Supervisory Attorney Mary Ann McGrail and paralegal Paul Painter in developing procedures for the virtual hearing.

The Judges further **ORDER** that the Participants shall submit the fully detailed proposal to the Judges **no later than January 31, 2025**.<sup>3</sup>

**SO ORDERED.**

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David P. Shaw  
Chief Copyright Royalty Judge

Dated: November 25, 2024

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<sup>2</sup> Docket no. 21-CRB-0001-PR (2023-2027).

<sup>3</sup> The Judges retain the right to modify or reject, in whole or in part, the Participants' Proposal.