

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of 2009 Digital Audio
Recording Royalty Funds

Docket No. 2010-5 CRB DD 2009

ORDER GRANTING AARC'S REQUEST FOR PARTIAL DISTRIBUTION OF 2009 DART
SOUND RECORDINGS FUND FEATURED ARTISTS
AND COPYRIGHT OWNERS SUBFUND ROYALTIES

On September 1, 2010, the Alliance of Artists and Recording Companies and certain claimants with which it has reached agreement (collectively the "Settling Parties"), filed a *Notice of Settlement and Request for Partial Distribution of the 2009 Sound Recordings Fund Featured Artists and Copyright Owners Subfund Royalties*. The Settling Parties submitted their request pursuant to 17 U.S.C. § 801(b)(3)(A), which authorizes the Copyright Royalty Judges to make a distribution of royalties under section 1007 of the Copyright Act to the extent that the Judges find that the distribution of such fees is not subject to controversy.

The Settling Parties state that they represent all claimants to the 2009 Featured Artists Subfund, except Herman Kelly. In addition, the Settling Parties state that they represent all claimants to the 2009 Copyright Owners Subfund, except Mr. Kelly (and two other claimants with which Mr. Kelly is affiliated (*i.e.*, Afterschool Publishing and Musiranma Comedy Play)), Eric N. Burns, and Marcus Labron Washington. The Settling Parties assert that they are entitled to 98% of the applicable royalties because, they contend, SoundScan data indicates that only Mr. Kelly and his affiliate, Afterschool Publishing, had sales in the applicable period and those sales (2,183 units) represented less than 1% of the total units sold for 2009.

AARC's motion was unopposed. Accordingly, the Judges find that no controversy exists with respect to 98% of the royalties in the 2009 DART Sound Recordings Fund Featured Artists Subfund and Copyright Owners Subfund. Therefore, AARC's motion **IS GRANTED**.

IT IS ORDERED that 98% of the royalties from the 2009 Sound Recordings Fund Featured Artists Subfund and Copyright Owners Subfund be distributed to AARC as a common agent for all Settling Parties for further distribution to the Settling Parties on or after November 18, 2010, provided that the Licensing Division of the Copyright Office receives all pertinent information to effect the transfer of funds no later than 7 business days before the date of distribution.

SO ORDERED.


James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: November 2, 2010