

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF DIGITAL AUDIO
RECORDING TECHNOLOGY MUSICAL
WORKS ROYALTY FUNDS**

**DOCKET NO. 2013-6 CRB DD 2009-
2011 (MW)**

**ORDER GRANTING CLAIMANTS' REQUEST FOR PARTIAL DISTRIBUTION OF
2009 THROUGH 2011 DART MUSICAL WORKS FUNDS ROYALTIES**

On October 25, 2013, the Copyright Royalty Judges published in the *Federal Register* a notice soliciting comments on a request by certain claimants for distribution of 95% of DART Musical Works Royalty Funds for 2009 through 2011.¹ The claimants submitted their request pursuant to section 801(b)(3)(C) of the Copyright Act, 17 U.S.C. § 801(b)(3)(C). That section authorizes the Judges to order a partial distribution of royalties, after publication in the *Federal Register*, notwithstanding the fact that there may be a controversy, if the Judges find that no claimant entitled to receive such fees has stated a reasonable objection to the requested partial distribution and the claimants requesting the distribution agree to represent, among other things, that they will sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the funds.

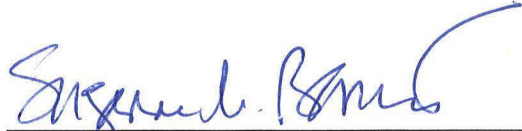
The Judges received one comment on the notice, that of the requesting claimants. The requesting claimants support their proposal and state that they are willing to make the representations required by section 801(b)(3)(C) of the Copyright Act. Given that the proposal was unopposed, the Judges find that no claimant entitled to receive the royalties at issue has stated a reasonable objection to the proposed partial distribution.

Therefore, **IT IS ORDERED** that 95% of the royalties from the 2009, 2010, and 2011 DART Musical Works Funds (both the Music Publishers Subfund and Writers Subfund) be distributed to a common agent for the requesting claimants for further distribution pursuant to the confidential settlements that those claimants reference in their September 6, 2013 *Motion for Partial Distribution*, provided that each of the claimants receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty Board stating that any overpayment that results from the distribution of these funds shall be repaid to the Copyright Office with interest according to the amount that would have accrued if the principal had remained in the fund. All pertinent information to effect the transfer of funds must

¹ 78 FR 64023. The requesting claimants are Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, Inc.

be provided to the Licensing Division of the Copyright Office no later than February 13, 2014.
The distribution shall take place on or after February 20, 2014.

SO ORDERED.



Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: February 4, 2014