

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION AND ALLOCATION OF
INITIAL ADMINISTRATIVE ASSESSMENT TO
FUND MECHANICAL LICENSING
COLLECTIVE**

Docket No. 19-CRB-0009-AA

NOTICE OF PARTICIPANTS AND CASE SCHEDULING ORDER

By notice published in the *Federal Register*, the Copyright Royalty Judges (Judges) initiated this proceeding to determine the initial administrative assessment that digital music providers and any significant nonblanket licensees must pay to fund the operations of the Mechanical Licensing Collective (MLC). See [84 Fed. Reg. 32475](#) (Jul. 8, 2019). Participation in this proceeding is limited to parties in interest who filed a timely Petition to Participate. Attachment A to this order identifies parties that have filed Petitions to Participate in the captioned proceeding. By listing filers of Petitions to Participate, however, the Judges do not imply a finding that the filing party has a significant interest in the proceeding as required by 17 U.S.C. § 115(d)(7)(D)(iii)(II), (e)(14). Attachment B establishes specific dates and deadlines for actions in the proceeding.

First Negotiation Period

In accordance with 37 C.F.R. § 355.4(a), the first negotiation period commenced on July 8, 2019. All participants required to do so shall continue to engage directly or by counsel in good faith settlement negotiations to resolve any outstanding controversies regarding the initial administrative assessment. On the date specified in Attachment B, the MLC and the Digital Licensee Coordinator (DLC) shall file a Notice Regarding Settlement, notifying the Judges whether any of the parties have reached a settlement regarding any of the disputed issues in the proceeding. 37 C.F.R. § 355.4(c)¹ Unless all parties reach a settlement regarding all disputed issues, the Judges will proceed in accordance with the case schedule in Attachment B. Nothing in this Notice and Order shall limit the parties' ability to continue settlement negotiations.

Case Schedule

The case schedule in Attachment B denotes the order of events and the timeline for those events based upon applicable provisions of the Copyright Act, part 355 of the Judges' Rules, and the Judges' discretion. The Judges may supplement or alter the case schedule with additional or

¹ Parties may notify the Judges at any time during the proceeding of a settlement "in principle," but the Judges expect all parties to follow the case schedule until all terms of their settlement are documented and presented for publication, comment, and approval. Non-settling parties may comment on any settlement, and the MLC and DLC may respond to any such comments, by the dates specified in Attachment B.

different detail during the course of the proceeding. At any time, a participant may file a motion stating good cause to vary the schedule, within the dictates of the statute, or to add important proceeding dates not stated in Attachment B.²

Order

The Judges hereby **ORDER** that all participants adhere to the case schedule in Attachment B and refer to the foregoing narrative as needed for interpretation of the schedule.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: July 24, 2019.

² Filing using eCRB generates a notice to all other participants, which notice is a substitute for delivery. *See* 37 C.F.R. §§ 303.5, 303.6 (formerly §§ 350.5, 350.6). Unless the Judges order otherwise, all participants shall deliver and receive relevant documents electronically through eCRB.

ATTACHMENT A

Participant List

| Party | Contact | Firm | Address | Email and Phone Number |
|---|--------------------|-------------------|--|--|
| Circle God Network Inc. d/b/a David Powell | David Powell | | PO Box 010950 Miami, FL 33101 | davidpowell008@yahoo.com (305) 539-1755 |
| Digital Licensee Coordinator, Inc. | Allison Stillman | Mayer Brown LLP | 1221 Avenue of the Americas New York, NY 10020 | astillman@mayerbrown.com (212) 506-2209 |
| Mechanical Licensing Collective | Benjamin K. Semel | Pryor Cashman LLP | 7 Times Square New York, NY 10036 | bsemel@pryorcashman.com (212) 326-0131 |
| Songwriters Guild of America, Inc. | Charles J. Sanders | | Songwriters Guild of America, Inc. 210 Jamestown Park Road Suite 100 Brentwood, TN 37027 | csanderslaw@aol.com 914-366-6642 |

ATTACHMENT B

Case Schedule

| Case Event | Date |
|---|-----------------------------|
| Initiation (publication in Fed. Reg.) | July 8, 2019 |
| Petitions to Participate | July 23, 2019 |
| Notice of Participants | July 24, 2019 |
| Motion to Adopt Protective Order | August 8, 2019 |
| MLC Opening Submission/Written Disclosures | August 29, 2019 |
| DLC's Discovery Period Starts | August 30, 2019 |
| End of First Negotiation Period | September 6, 2019 |
| Joint Written Notification of MLC and DLC Regarding Results of Negotiation | September 6, 2019 |
| If Parties Have Settled: | |
| Comments on Proposed Settlement (if any) by Non-settling Participants | September 13, 2019 |
| Settling Parties' Reply to Comments on Proposed Settlement (if any) | September 20, 2019 |
| DLC's Discovery Period Ends | October 29, 2019 |
| Responsive Submissions/Written Disclosures from DLC and any other Participant | November 8, 2019 |
| MLC's Discovery Period Begins | November 12, 2019 |
| MLC's Discovery Period Ends | January 13, 2020 |
| Second Negotiation Period Begins | January 14, 2020 |
| MLC Reply Submission | January 23, 2020 |
| End of Second Negotiation Period | January 28, 2020 |
| Joint Written Notification of MLC and DLC Regarding Results of Negotiation | January 28, 2020 |
| Joint Prehearing Submission | February 3, 2020 |
| If Parties Have Settled: | |
| Comments on Proposed Settlement (if any) by Non-settling Participants | February 4, 2020 |
| Settling Parties' Reply to Comments on Proposed Settlement (if any) | February 11, 2020 |
| Commencement of Hearing | February 18, 2020 |
| Determination of Initial Administrative Assessment | Not later than July 8, 2020 |