

Before the
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Copyright Royalty Board

In the Matter of

Digital Performance in Sound Recordings
and Ephemeral Recordings

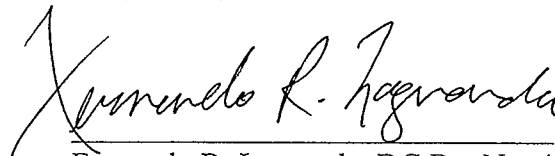
Docket No. 2009-1 CRB Webcasting III

PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and 74 Fed. Reg. 318, January 5, 2009, Apple Inc. ("Apple"), by its attorneys, files this petition stating its intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of an "eligible nonsubscription transmission" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

Apple has the required significant interest in the subject matter of this proceeding because of evolving businesses and opportunities, such that it may in the future utilize and perform sound recordings under the above-referenced licenses. As such, Apple intends to fully participate in the proceeding. Counsel hereby certifies that Apple has authorized and consented to being represented in this proceeding. The requisite \$150 filing fee is submitted herewith.

Respectfully submitted,



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February 4, 2009

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