

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of }
 }
Adjustment of Rates and Terms for } Docket No. 2005-1 CRB DTRA
Digital Performance Right in }
Sound Recordings and Ephemeral Recordings }
_____ }

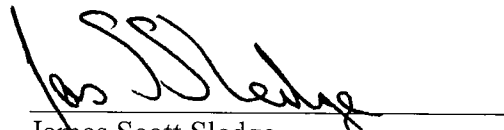
ORDER REGARDING CONDUCT AND SCHEDULING
OF THE REMAND PROCEEDING

The Copyright Royalty Judges, having received the proposals of Intercollegiate Broadcasting System, Inc. (“IBS”) and SoundExchange, Inc. (“SoundExchange”) pursuant to 37 C.F.R. § 351.15, set forth the next steps of the remand for the above-captioned proceeding. Commercial webcasters did not file a proposal. The United States Court of Appeals for the District of Columbia Circuit has affirmed all portions of the final determination, except it determined that the Judges erred with respect to the minimum fee for both noncommercial webcasters and commercial webcasters, vacated the minimum fee provisions and remanded for the Judges to reconsider these portions of their determination. Thus, this remand proceeding is necessary. *Intercollegiate Broadcasting System, Inc. v. Copyright Royalty Board*, 574 F.3d 748, 767, 772 (D.C. Cir. 2009) (*per curiam*).

To determine minimum fees for noncommercial webcasters and commercial webcasters, the Judges are establishing a 30-day time period for negotiations and submission of written agreements, if any. The settlement period shall commence on Monday, November 2, 2009, and shall conclude on Tuesday, December 2, 2009. Any written settlements must be submitted to the Judges no later than close of business on December 2, 2009.

If no settlements are reached, written direct statements must be submitted no later than Monday, January 11, 2010. All rules of the Judges for procedure and concerning the content and submission of written direct statements shall apply. The conduct and scheduling of discovery and further procedures shall be set forth in a subsequent order.

SO ORDERED.



James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: October 23, 2009