

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Digital Performance Right in Sound
Recordings and Ephemeral Recordings

Docket No. 2009-1
CRB Webcasting III

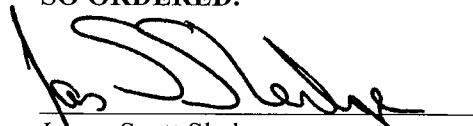
ORDER GRANTING JOINT MOTION TO ADOPT PROTECTIVE ORDER

On September 2, 2009, SoundExchange, Inc. and Real Networks, Inc. submitted a joint request for entry of their proposed protective order. The Copyright Royalty Judges hereby grant the request with the following modifications:

- (1) the proposed protective order is imposed only with respect to the discovery phase of the proceeding;¹
- (2) with respect to paragraph 2 of the proposed protective order, the Judges have excluded from the category of Protected Materials “quantitative information that was derived by aggregating quantitative information designated as Protected Materials”; nevertheless, the Judges are willing to review requests for confidential treatment of such information on a case-by-case basis; and
- (3) with respect to the definition of “Reviewing Party” in paragraph 3 of the proposed protective order, the Judges have excluded references to the Copyright Royalty Judges and any member of their staff to whom it is necessary to disclose the Protected Material for the purpose of assisting them in this proceeding, any reviewing court of competent jurisdiction, and stenographic employees or reporters recording or transcribing testimony related to the proceeding.

The proposed protective order is adopted in all other respects not inconsistent with this Order. The revised protective order is attached.²

SO ORDERED.



James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: September 23, 2009

¹ Parties may move for application of the Protective Order, where appropriate, in other phases of the proceeding.

² The Protective Order adopted herein is modeled closely on the one adopted in the proceeding to determine the distribution of the 2004 and 2005 cable royalty funds. See *Order Granting Expedited Entry of Protective Order* in Docket No. 2007-3 CRB CD 2004-2005 (July 8, 2009).