

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.

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In the Matter of: :
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Docket No. 16-CRB-0003-PR (2018-2022)
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DETERMINATION OF RATES :
:
AND TERMS FOR MAKING AND :
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DISTRIBUTING PHONORECORDS :
:
(PHONORECORDS III) :
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**COPYRIGHT OWNERS' MOTION FOR LEAVE TO RESPOND
TO THE COMMENTS AND OBJECTION OF
SONY MUSIC ENTERTAINMENT CONCERNING PROPOSED SETTLEMENT**

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The National Music Publishers' Association ("NMPA") and the Nashville Songwriters Association International ("NSAI") (together, the "Copyright Owners") respectfully submit this motion for leave to respond to the Comments and Objection of Sony Music Entertainment Concerning Proposed Settlement, submitted by Sony Music Entertainment ("SME") on August 24, 2016 (the "SME Comments").

Copyright Owners and other industry groups reached a partial settlement with Universal Music Group ("UMG") and Warner Music Group ("WMG") (the "Settlement") relating to rates and terms under Section 115 of the Copyright Act for physical phonorecords, permanent digital downloads and ringtones presently addressed in 37 C.F.R. Part 385 Subpart A. By their June 15, 2016 Motion to Adopt Settlement, the parties to the Settlement requested that the Judges publish the rates and terms described in the Settlement in the Federal Register for notice and comment in accordance with 17 U.S.C. § 801(b)(7)(A) and 37. The Judges published the rates and terms from the Settlement on July 25, 2016, and solicited comments and objections thereto, with a submission deadline for such comments and objections of August 24, 2016. 81 Fed. Reg. 48,371-72.

On the final day of the comments and objections period, SME filed the SME Comments. In the SME Comments, SME does not object to adopting the rates in the Settlement as the rates for all mechanical licenses to use musical compositions in physical phonorecords, permanent downloads, and ringtones, but instead purports to take issue with certain unspecified aspects of the Settlement's late fee provision.

On August 25, 2016, the day after SME submitted the SME Comments, counsel for the Copyright Owners spoke with the Copyright Royalty Board by telephone and informed the Board that the Copyright Owners intended to respond in writing to the SME Comments. The Board requested that the Copyright Owners make a motion for leave to submit the written response.

Accordingly, by this motion, Copyright Owners respectfully request that leave be granted to the Copyright Owners to respond to the SME Comments and that the Judges consider, and grant, the relief sought in the response. The Copyright Owners enclose their response as Exhibit A.

Dated: August 30, 2016

Respectfully submitted,

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