

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of 2005-2008 DART
Musical Works Funds Royalties

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} Docket No. 2010-8 CRB DD 2005-2008 (MW)
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**ORDER GRANTING CLAIMANTS' REQUEST FOR PARTIAL DISTRIBUTION OF
2005 THROUGH 2008 DART MUSICAL WORKS FUNDS ROYALTIES**

On March 1, 2011, the Copyright Royalty Judges published in the *Federal Register* a notice soliciting comments on a request by certain Claimants for distribution of 95% of DART Musical Works Royalty Funds for 2005 through 2008.¹ The Claimants submitted their request pursuant to section 801(b)(3)(A) of the Copyright Act, which authorizes the Judges to make a distribution of royalties under section 1007 of that Act to the extent that the Judges find that the distribution of such fees is not subject to controversy. The Judges did not find that the requested distribution satisfied the requirement for distributions under section 801(b)(3)(A) because the Claimants did not represent that the requested fees were not subject to controversy. Nevertheless, in the notice the Judges solicited comments on, among other things, whether the Claimants were prepared to make the necessary representations for a distribution under section 801(b)(3)(C) of the Copyright Act. 17 U.S.C. § 801(b)(3)(C). That section authorizes the Judges to order a partial distribution, after publication in the *Federal Register*, notwithstanding the fact that there may be a controversy, if the Judges find that no claimant entitled to receive such fees has stated a reasonable objection to the requested partial distribution and the claimants requesting the distribution agree to represent, among other things, that they will sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the funds.

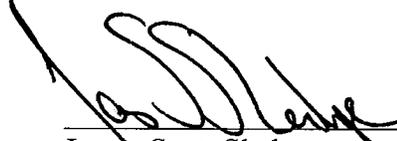
We received only one comment on the notice, that of the Claimants. The Claimants support their proposal and represent that they are willing to make the representations required by section 801(b)(3)(C) of the Copyright Act. Given that the proposal was unopposed, the Judges find that no claimant entitled to receive the royalties at issue has stated a reasonable objection to the proposed partial distribution.

Therefore, **IT IS ORDERED** that 95% of the royalties from the 2005, 2006, 2007, and 2008 DART Musical Works Funds (both the Music Publishers Subfund and Writers Subfund) be distributed to a common agent for the Claimants for further distribution pursuant to the confidential settlements that the Claimants reference in their April 8, 2010 Motion for Partial Distribution on or after May 26, 2011, provided that each of the parties receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty

¹ 76 FR 11287. The requesting claimants are Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, Inc.

Board stating that any overpayment that results from the distribution of these funds shall be repaid to the Copyright Office with interest according to the amount that would have accrued if the principal had remained in the fund.

SO ORDERED.



James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: April 14, 2011