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On January 15, 2009, the Corporation for Public Broadcasting (CPB) and SoundExchange announced that they had reached a settlement regarding the public performance royalties owed by certain non-commercial broadcasters streaming copyrighted works online. Such royalties are collected by SoundExchange on behalf of copyright holders of sound recordings when their works are streamed via the Internet.

This information is intended only as a general discussion of these issues and should not be regarded as legal advice.

For additional information or advice about a specific situation, please consult legal counsel.

Back in March 2007, the Copyright Royalty Board (CRB) issued a decision setting the rates for the period from January 1, 2006, through December 31, 2010. A number of parties appealed the CRB decision, including National Public Radio. The appeal is currently pending before the D.C. Circuit and oral arguments are scheduled for March 19, 2009.

In 2008, Congress passed the Webcaster Settlement Act authorizing interested parties to settle their dispute regarding the rates set. CPB entered into such negotiations on behalf of the following entities: CPB recipient stations, NPR, NPR members, National Federation of Community Broadcasters members, American Public Media, the Public Radio Exchange, and Public Radio International. The settlement reached by CPB provides that SoundExchange will be paid an upfront royalty payment of \$1.85 million for the period from 2005 through 2010, along with consolidated usage and playlist reporting reflecting the member entities playlists. In addition, NPR has agreed to withdraw its appeal of the 2007 CRB decision.

The CRB has recently initiated a new ratemaking proceeding to set the rates for the period from January 1, 2011 through December 31, 2015. The deadline to file a Petition to Participate in such ratemaking proceeding is [February 4, 2009](#). Petitions may be filed individually or, together with other parties with similar interests, jointly. Each petition must be accompanied by a \$150 filing fee. Once the pool of participants is established, the CRB will announce when participants may begin submitting comments and testimony. Similarly, parties may negotiate a separate settlement pursuant to the Webcaster Settlement Act if agreement is reached by February 15, 2009—the deadline set forth in the statute. Therefore, a Petition to Participate should be filed in the event such settlements are not finalized by the deadline.