

Copyright Royalty Board Panel Shake-Up

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On February 11, 2019, Librarian of Congress Carla Hayden announced that Judge Jesse Feder will serve as the new chief copyright royalty judge and head of the Copyright Royalty Board. The Copyright Royalty Board sets the royalty rates for statutory licenses under the Copyright Act and administrates distribution of royalties. Winston has represented participants in prior rate setting proceedings before the Board, successfully advocating for statutory rates and models consistent with client needs and interests.

Judge Feder was appointed to the panel in May 2013 by former Librarian James H. Billington, and served as the panel's statutorily-required Copyright expert—the statute also requires a chief judge and economics expert to round out the three-judge panel. Prior to his appointment, Judge Feder served as the director of international trade and intellectual property at the Business Software Alliance. Judge Feder also held several positions at the Copyright Office and in the Library of Congress over the course of his career.

The Librarian appointed Richard C. Strasser as an interim copyright royalty judge to fill the vacancy left by Judge Feder. Strasser has served as a senior staff attorney on the Copyright Royalty Board since its inception in 2007, and previously served as an interim copyright royalty judge in 2012. Strasser has a strong background in economics, including an M.B.A. from the University of Illinois, where he studied microeconomics, macroeconomics, and finance. He previously served as an attorney fellow at the Securities and Exchange Commission, concentrating on market structure and derivatives. Interim Judge Strasser's experience reflects a blend of economic and copyright experience.

The appointments follow the news of Chief Judge Suzanne Barnett's retirement, announced on February 7, and effective on February 16. Chief Judge Barnett served as the head of the panel for several rate-setting proceedings, including the recent split-decision in *Phonorecords III*, 16-CRB-0003-PR (2018-2022). The change may impact any outstanding proceedings, and comes at an interesting juncture as the Web V rate proceeding has just been initiated. We will continue to monitor the panel to gain insight into any early decisions from this new panel as well as follow to see who the Librarian taps to fill the vacancy on a permanent basis.

Per the Library of Congress website, the Library will post the position of Copyright Royalty Judge within the next few weeks. Judge Strasser is permitted to serve as interim judge for up to six months.

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