

From: [crb](#)
To: [Barnett, Suzanne](#); [Feder, Jesse](#); [Strasser, Richard](#); [Strickler, David](#); [Whittle, Kimberly](#)
Cc: [crb](#)
Subject: FW: Comments on Proposed Rules change regarding Filing of Claims
Date: Thursday, April 06, 2017 8:33:08 PM
Attachments: [ATT00001.htm](#)
[2017-05239.pdf](#)

From: Gaëlle Clark [mailto:gaelle@screenrights.org]
Sent: Thursday, April 06, 2017 8:29 PM
To: crb
Subject: Comments on Proposed Rules change regarding Filing of Claims

Dear Madam/Sir,

Following the publication of CRB's notice of regulation amendments (in attachment for reference), I am writing to submit our comments.

Screenrights International is a division of the Audio-Visual Copyright Society Pty Ltd trading as Screenrights the Australian based collecting society. Screenrights International acts as an agent on behalf of rightsholders with royalty claims in territories outside Australia and New Zealand including the United States. In this capacity, Screenrights International files joint claims with the CRB on behalf of more than one copyright owners.

Up until now, we were only required to provide one example of a secondary transmission of a single work.

We have reviewed the Copyright Board Regulations Notice of Proposed Rulemaking at Part 360 - Filing of claims to royalty fees collected under compulsory licence: Subpart A Cable and Satellite Claims. It appears to us that the proposed change set out at **section 360.4 (b) (2) (iii)** suggests that we will have to provide one example per rightsholder that we represent.

Specifically: *"A general statement of the nature of the copyright owners' works, identification of at least one secondary transmission of one work by each identified copyright owner that has been secondarily transmitted by a cable system or satellite carrier establishing a basis for the joint claim."*

To comply with such a requirement would represent an extensive amount of additional work as Screenrights International represents over 1,800 members in the US. This clearly would be unachievable given our limited resources. The application of further staff resources to the matter would not be justifiable given the relative value of royalties in question.

Could you please clarify if our interpretation is correct? If so, we note that there seems to be an exception for joint claims filed by a "performing rights organization" at **section 360.4(b)(2)** whereby such an organization is not required to list the name of each of its members or affiliates in the joint claim.

We would propose that any exception be extended to overseas collecting societies which perform a role as agent such as Screenrights International. We would seek to be exempt from any requirement to provide an example of a work for each copyright owner that has been secondarily transmitted.

We look forward to hearing your thoughts. Please do not hesitate to contact us if you have any questions.

Sincerely,

Gaëlle Clark
International Service Manager

Manage your membership at my.screenrights.org
Find out what we do: [watch this video](#)
Screenrights.org



Level 1, 140 Myrtle Street | Chippendale NSW 2008 | AUSTRALIA
PO Box 853 | Broadway NSW 2007 | AUSTRALIA
Main: +61 2 9904 0133 | Direct: +61 2 8038 1326 | Fax: +61 2 9904 0498

New Zealand
Freephone: 0800 44 2348 | Freefax: 0800 44 7006

screenrights.org | enhancetv.com.au | australasia-isan.org

Follow us:



Important: this email (including any attachments) is intended only for the addressee(s) and is confidential. It may also contain legally privileged information. If you are not the intended recipient, you are notified that any use, disclosure or dissemination is strictly prohibited. If you have received this email in error, please notify Screenrights immediately by telephone or email and delete all copies of this email.

Important: this email (including any attachments) is intended only for the addressee(s) and is confidential.

It may also contain legally privileged information. If you are not the intended recipient, you are notified that any use, disclosure or dissemination is strictly prohibited. If you have received this email in error, please notify Screenrights immediately by telephone or email and delete all copies of this email.
