

**BEFORE
THE COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
WASHINGTON, DC**

In the Matter of:)	
)	Docket No. 14-CRB-0007-CD (2010-2012)
)	
Distribution of the 2012 Cable)	
Royalty Funds)	
)	
)	

**COMMENTS OF THE CANADIAN CLAIMANTS GROUP
ON THE EXISTENCE OF CONTROVERSIES REGARDING DISTRIBUTION
OF 2012 CABLE ROYALTIES**

By Federal Register notice dated October 1, 2014, 79 Fed. Reg. 59306, the Copyright Royalty Board (“Board”) sought comments from all interested claimants to royalty fees collected under the Section 111 cable statutory license as to (1) whether any claimant entitled to receive such royalty fees has a reasonable objection to the proposed distribution that would preclude distribution of 60 percent of the 2012 cable royalty funds to the Phase I parties, and (2) whether any Phase I or Phase II controversies exist affecting the distribution of the 2012 cable royalty funds that remain following distribution of 60 percent of the funds. The Canadian Claimants Group (“CCG”), represented by the Canadian Broadcasting Corporation, hereby submits its comments, and also states its intent to participate fully on behalf of itself in any proceedings, whether for Phase I or Phase II, concerning the 2012 cable royalty funds.¹

¹ Each Phase I Party will represent the claimants of the programs defined as being within its respective category, which definitions are not fully captured in the shorthand references to program categories referred to in Footnote 1 of the Judges’ Notice. See 79 Fed. Reg. 59306 n.1 (October 1, 2014). The CCG claims on behalf of Canadian television stations and copyright owners of all programs broadcast on Canadian television stations, except (1) live

Sixty Percent of the 2012 Cable Royalty Funds Should Be Distributed

The CCG has joined the other Phase I claimants in the joint motion filed July 25, 2014, requesting the distribution of 60 percent of the 2012 cable royalty funds. As set forth in that motion, nothing precludes the distribution of 60 percent of the 2012 cable royalty funds, even though all the 2012 cable royalty funds remain in dispute at this time. The joint motion has fully addressed the grounds upon which the request for distribution should be granted.

Existence of Phase I and Phase II Controversies

With respect to Phase I of the 2012 cable royalty distribution proceeding, the share of funds to be allocated to the CCG and the other Phase I claimant groups is still in controversy. While the CCG seeks to resolve this matter through settlement, the Board should note that given the absence of a settlement to date there presently exists a controversy with respect to the CCG Phase I share of the 2012 cable royalty funds.

With respect to Phase II, the CCG is unaware of any controversy within its Phase I category for 2012. The CCG is aware that one of its members, the Canadian Broadcasting Corporation, has a Phase II claim for 2012 for a portion of the Phase I share awarded to National Public Radio.

The CCG reserves the right to identify Phase II controversies or make additional Phase II claims in response to the rulings of the Copyright Royalty Board, the outcomes of the 2012 Phase I distribution proceedings, or the evidence and filings submitted by other claimants.

telecasts of Major League Baseball, National Hockey League, and U.S. college team sports, and (2) other programs owned by U.S. copyright owners.

Conclusion

At this time, the CCG requests that the Board distribute 60 percent of the 2012 Section 111 copyright royalties for the reasons set forth in the joint motion and states that it sees no reasonable objection to such a distribution.

Dated: October 31, 2014

Respectfully Submitted



Eugene J. Benick
DC Bar No. 979246
L. Kendall Satterfield
DC Bar No. 393953
FINKELSTEIN THOMPSON LLP
1077 30th Street NW
Suite 150
Washington, DC 20007
Telephone (202) 337 8000
Fax (202) 337-8090
ebenick@finkelsteinthompson.com
ksatterfield@finkelsteinthompson.com

Victor J. Cosentino
LARSON & GASTON, LLP
CA Bar No. 163672
200 S. Los Robles Ave, Suite 530
Pasadena, CA 91101
Telephone: (626) 795-6001
Fax: (626) 795-0016
victor.cosentino@larsonlaw.net


Counsel for Canadian Claimants Group

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October 2014, a copy of the foregoing Comments of the Canadian Claimants Group on the Existence of Controversies Regarding Distribution of 2012 Cable Royalties was sent by Federal Express overnight mail to the individuals listed below:

INDEPENDENT PRODUCERS GROUP

Brian D. Boydston
PICK & BOYDSTON LLP
10786 Le Conte Ave
Los Angeles, CA 90024



Eugene J. Benick