

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of }  
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Distribution of the 2006 } Docket No. 2008-4 CRB CD 2006  
Cable Royalty Funds }  
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ORDER GRANTING PHASE I CLAIMANTS' MOTION  
FOR PARTIAL DISTRIBUTION OF 2006 CABLE ROYALTY FUNDS

On October 15, 2008, the Copyright Royalty Judges (“Judges”) published in the **Federal Register** a Notice<sup>1</sup> soliciting comments on a Motion of Phase I Claimants for Partial Distribution of the 2006 cable royalty funds, dated August 27, 2008, seeking a partial distribution of 50 percent of those funds. In response to the publication, the Judges received a single comment from the Phase I Claimants supporting their motion.<sup>2</sup>

In support of their Motion, the Phase I Claimants assert that all of the preconditions of section 801(b)(3)(C) of the Copyright Act have been satisfied. That section provides that:

[T]he [J]udges, at any time after the filing of claims under section 111...may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants –

- (i) agree to the partial distribution;
- (ii) 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 fees made under subparagraph (B);

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<sup>1</sup> 73 FR 61172. The Phase I Claimants are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, the National Association of Broadcasters, the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc.), Canadian Claimants, National Public Radio, and the Devotional Claimants.

<sup>2</sup> A comment was filed by the Independent Producers Group (“IPG”) seven days after the November 14, 2008 filing deadline for comments. No motion to accept the late-filed comment was submitted, and therefore it was not accepted. In any event, IPG did not oppose the partial distribution.

(iii) file the agreement with the Copyright Royalty Judges; and

(iv) agree that such funds are available for distribution.

17 U.S.C. § 801(b)(3)(C).

Having received no objections, the Judges determine that a partial distribution of 50 percent of the 2006 cable royalty funds is reasonable and appropriate.


The Phase I Claimants requested in their Motion that the partial distribution be divided in the percentage shares established in the 1999 cable royalty distribution proceeding. *See*, 69 FR 3606, 3620 (January 26, 2004). However, as they did in their request for a partial distribution of the 2004 and 2005 cable royalty funds, the Phase I Claimants supplied distribution percentages that add up to more than 100 percent. *See Order Granting Phase I Claimants' Motion for Partial Distribution of 2004 and 2005 Cable Royalty Funds*, Docket No. 2007-3 CRB CD 2004-2005, at 2 (April 10, 2008) (“[W]e note that the proposed distribution percentages for the Cable Basic Funds and the Cable 3.75% Funds add up to 100.00002% of the remaining amount to be distributed to all other beneficiaries after subtracting the NPR 0.18% proposed share.”). The same error for the same percentages was made in the current motion. As we did in the April 10 Order, we are adjusting slightly (prorating) the distribution percentages in this Order to remove the discrepancies. The correct distribution is as follows:

NPR will first receive 0.18% of the entire amount to be distributed. The remaining amount to be distributed shall be divided as follows:

<u>CLAIMANT GROUP</u>	<u>ROYALTY FUND</u>		
	<u>BASIC</u>	<u>3.75</u>	<u>SYNDEX</u>
Program Suppliers	36.00036%	39.13976%	96.00000%
Joint Sports Claimants	37.62757%	40.47417%	0.00000%
U.S. Commercial TV (NAB)	13.77736%	15.12731%	0.00000%
Public Television	5.49125%	0.00000%	0.00000%
Music Claimants	4.00000%	4.00000%	4.00000%
Devotional Claimants	1.19375%	0.90725%	0.00000%
Canadian Claimants	1.90971%	0.35151%	0.00000%

Wherefore, **IT IS ORDERED** that the Motion of Phase I Claimants for Partial Distribution of the 2006 cable royalty funds **IS GRANTED** and the distribution shall be made in accordance with the above-described percentages. The Copyright Office shall make such a distribution **PROVIDED THAT** each of the parties receiving a share of these funds provides a signed agreement prepared by the Copyright Royalty Board no later than December 11, 2008, 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. In addition, all pertinent information to effect the transfer of funds must be provided to the Licensing Division of the Copyright Office no later than December 11, 2008. The distribution shall take place on or after December 18, 2008.

**SO ORDERED.**



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James Scott Sledge  
Chief, U.S. Copyright Royalty Judge

DATED: December 2, 2008