

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

In the Matter of:)	
)	Docket No. 2012-4 CRB CD 2010
)	
Distribution of the 2010 Cable)	
Royalty Funds)	
)	
)	

**COMMENTS OF THE CANADIAN CLAIMANTS GROUP
ON THE EXISTENCE OF CONTROVERSIES REGARDING DISTRIBUTION
OF 2010 CABLE ROYALTIES**

By Federal Register notice dated August 3, 2012, 77 Fed. Reg. 46527, 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 50 percent of the 2010 cable royalty funds to the Phase I parties, and (2) whether any Phase I or Phase II controversies exist affecting the distribution of the 2010 cable royalty funds that remain following distribution of 50 percent of the funds. The Canadian Claimants Group (“CCG”) 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 2010 cable royalty funds.

Fifty Percent of the 2010 Cable Royalty Funds Should Be Distributed

The CCG has joined the other Phase I claimants in the joint motion filed June 20, 2012, requesting the distribution of 50 percent of the 2010 cable royalty funds. As set forth in that motion, nothing precludes the distribution of 50 percent of the 2010 cable royalty funds, even though all the 2010 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 2010 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 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 2010 cable royalty funds.

With respect to Phase II, the CCG is unaware of any controversy within its Phase I category for 2010. The CCG is aware that one of its members, the Canadian Broadcasting Corporation, has a Phase II claim for 2010 for a portion of the Phase I share awarded to National Public Radio.

The CCG reserves its right to withdraw Phase II claims or make additional Phase II claims in response to the rulings of the Copyright Royalty Board or the Copyright Royalty Judges, the outcomes of the 2010 Phase I distribution proceedings, or the evidence and filings submitted by other claimants.

Conclusion

At this time, the CCG requests that the Board distribute 50 percent of the 2010 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: September 4, 2012

Respectfully Submitted



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CERTIFICATE OF SERVICE

I, Eugene J. Benick, hereby certify that on this 4th day of September, 2012, I caused copies of the foregoing “Comments of the Canadian Claimants Group on the Existence of Controversies Regarding Distribution of 2010 Cable Royalties” to be served by first class, postage pre-paid U.S. mail on the following parties:

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