

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of }  
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Distribution of the 2007 } Docket No. 2009-6 CRB CD 2007  
Cable Royalty Funds }  
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\_\_\_\_\_ }

ORDER GRANTING PHASE I CLAIMANTS' MOTION  
FOR PARTIAL DISTRIBUTION OF 2007 CABLE ROYALTY FUNDS

On September 9, 2009, 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 2007 cable royalty funds (“Motion”), dated August 12, 2009, 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.

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 or will be satisfied prior to distribution. 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);
  - (iii) file the agreement with the Copyright Royalty Judges;
- and

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<sup>1</sup> 74 FR 46468. 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.

(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 2007 cable royalty funds is reasonable and appropriate. In their motion, the Phase I Claimants represented that the amount of funds available for distribution totals approximately \$146,228,483, and that a 50% partial distribution would approximate \$73,114,241.<sup>2</sup> The Phase I Claimants request that the funds be distributed as follows:

NPR would first receive 0.18% of the entire amount to be distributed. The remaining amount to be distributed would 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%

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<sup>2</sup> Motion at 1.

Wherefore, **IT IS ORDERED** that the Motion of Phase I Claimants for Partial Distribution of the 2007 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 to the Copyright Office a signed agreement prepared by the Copyright Royalty Board no later than November 20, 2009, 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 November 27, 2009. The distribution shall take place on or after November 27, 2009.

**SO ORDERED.**



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

DATED: October 22, 2009