

Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress
Washington, D.C.

_____)
In the Matter of)
)
Notice of Inquiry Regarding)
Categorization of Claims for Cable or) **Docket No. 19-CRB-0014-RM**
Satellite Royalty Funds and Treatment of)
Ineligible Claims)
_____)

COMMENTS OF MAJOR LEAGUE SOCCER, L.L.C.

Pursuant to the Notice of Inquiry published at 84 Fed. Reg. 71852 (December 30, 2019) (“Notice”), Major League Soccer, L.L.C. (“MLS”) submits its comments in the above-referenced rulemaking proceeding related to claims categorization for cable or satellite royalty funds and treatment of royalties associated with invalid claims.

I. Background.

MLS has participated in Copyright Royalty Board (“CRB”) proceedings since the CRB’s inception in 2005. MLS expresses its gratitude to the Copyright Royalty Judges (“Judges”) for their efforts to protect the integrity of the CRB’s rules, and its intent to treat and protect all copyright holders equitably.

MLS produces significant quantities of syndicated and sports programming annually in English and Spanish for free-to-air broadcast television. Like other professional team sports leagues, MLS is a claimant within two different category representatives’ groups. MLS’s live soccer telecasts meet the Judges’ “Joint Sports Claimants” (“JSC”) current description of agreed

categories of claimants.¹ MLS provides live telecasts of professional teams' sports broadcast by U.S. and Canadian television stations, exclusive of programs in the Canadian Claimants' category. MLS is a member of the Program Suppliers. In addition to live telecasts of its league's professional team soccer matches, MLS produces pre- and post-match syndicated programming that falls within the current Program Suppliers category definition.²

As an individual claimant and not an Allocation Phase category representative like JSC or Program Suppliers, MLS offers no proposed regulatory language at this time, but concurs with the JSC comments filed today in this proceeding. To assist the Judges, MLS offers the following comments on the proposed inquiry in the Notice. If provided the opportunity by the Judges to file reply comments in this proceeding, then MLS may respond to the other category representatives' comments and address the best comments from one party or a combination of selections from various commenting parties.

I. Notice of Inquiry Subjects.

A. Identification of the Allocation Phase Categories.

MLS favors a rule that would (1) continue to define all similar, qualified, live telecasts of professional teams' sports as part of the same claimant group or Allocation Phase category; and (2) require any group or category claiming to represent the category members' interests to include and to represent fairly the interests of all qualified, defined members in it. MLS would oppose any language that excludes unfairly any other eligible, professional league that broadcasts live team sports. The benefits of a new regulation and/or category definition should apply to all who fall into the appropriate Allocation Phase category. To promulgate a rule and

¹ See *Distribution of 1998-199 Cable Royalty Funds*, Docket No. 2001-8 CARP CD 98-99, 69 Fed. Reg. 3606, 3607 (Jan. 26, 2004).

² *Id.*

definition that excludes a qualified claimant from a defined category or that hinders or eliminates an eligible copyright holder from receiving its royalties would be inequitable.

B. Identification of Invalid Claims.

MLS asserts that comments related to proposed approaches to the identification and treatment of invalid claims are better suited for the participants seeking to represent a particular Allocation Phase category, not an individual claimant. However, if the issues of invalid claims and/or unclaimed funds is addressed differently than they are currently, it is possible that more disputes could be raised during the Allocation Phases, further delaying initial royalty distributions to the Allocation Phase parties.

MLS welcomes this opportunity to provide these comments and hopefully reply comments to the Judges in response to this Notice.

Respectfully submitted,

MAJOR LEAGUE SOCCER, L.L.C.

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March 16, 2020

CERTIFICATE OF SERVICE

I certify that on March 16, 2020, I caused the foregoing to be served on all parties appearing in this docket by filing through the eCRB system.

/s/ Edward S. Hammerman
Edward S. Hammerman