

November 10, 1994

Dear Mr. West:



The claim you filed on behalf of WSPA-TV for 1993 cable copyright royalties was filed after the filing period. As a result, your claim is dismissed as untimely filed. This dismissal is without prejudice to your filing a claim for cable royalties next year.

17 U.S.C. 111 states that cable claims are to be filed with the Copyright Office during the month of July. By regulation, the Copyright Office has established that this requirement can be met if: (1) the claim is received at the Copyright Office in July, or (2) the claim is properly addressed to the Copyright Office and mailed with the United States Postal Service during July and bears a July U.S. postmark. 37 C.F.R. 252.4(a).

The claim you sent to the Copyright Office was mailed August 9, 1994 and received August 15, 1994. As a result, your claim was filed too late to meet the statutory requirement.

We note that included with your August 9th claim was another envelope, showing that you made an attempt to send your claim during the month of July to the Copyright Royalty Tribunal at 1111 20th Street, N.W., Suite 450, Washington, D.C. However, the Copyright Royalty Tribunal was abolished by the Copyright Royalty Tribunal Reform Act of 1993, P.L. 103-198, on December 17, 1993. The act transferred the location where all claims are to be sent from the Tribunal to the Copyright Office.

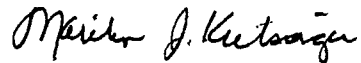
We realized at the beginning of this year that some claimants might not be aware that the place of filing was changed, and therefore, we determined that those persons who filed claims with the former Tribunal properly during the month of July would receive credit this year only for having filed a timely claim. However, to be the beneficiary of this waiver of the rules, it was necessary to have sent the claim properly to the former Tribunal. That means sending it to the location where the Tribunal was when it was abolished: 1825 Connecticut Avenue, N.W. You sent the claim to 1111 20th Street, a location the Tribunal left in 1991. Even if the Tribunal was not abolished, your claim would have not been acceptably filed, because it was not properly addressed. As a result, we are unable to waive the rules and your claim is rejected as untimely filed.

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Enclosed please find a fact sheet that explains how and where to send your claim for cable royalties so that you will be able to file a timely claim next year.

Sincerely,



Marilyn J. Kretsinger
Acting General Counsel

Enclosure: Cable royalty fact sheet

Mr. Jack West
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cc: Ben Ivins, NAB