

BEFORE  
THE COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS  
WASHINGTON, DC

Received  
FEB 19 2013  
Copyright Royalty Board

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In the Matter of: ) Docket No. 2012-9 CRB CD 2011  
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Distribution of the 2011 Cable )  
Royalty Funds )  
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\_\_\_\_\_)

**COMMENTS OF THE CANADIAN CLAIMANTS GROUP  
ON THE EXISTENCE OF CONTROVERSIES REGARDING DISTRIBUTION  
OF 2011 CABLE ROYALTIES**

By Federal Register notice dated January 18, 2013, 78 Fed. Reg. 4169, 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 2011 cable royalty funds to the Phase I parties, and (2) whether any Phase I or Phase II controversies exist affecting the distribution of the 2011 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 2011 cable royalty funds.

### **Fifty Percent of the 2011 Cable Royalty Funds Should Be Distributed**

The CCG has joined the other Phase I claimants in the joint motion filed December 12, 2012, requesting the distribution of 50 percent of the 2011 cable royalty funds. As set forth in that motion, nothing precludes the distribution of 50 percent of the 2011 cable royalty funds, even though all the 2011 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 2011 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 2011 cable royalty funds.

With respect to Phase II, the CCG is unaware of any controversy within its Phase I category for 2011. The CCG is aware that one of its members, the Canadian Broadcasting Corporation, has a Phase II claim for 2011 for a portion of the Phase I share awarded to National Public Radio.

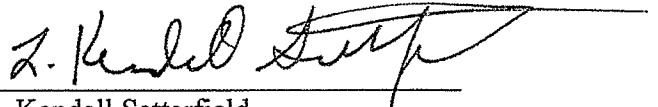
The CCG reserves the right to identify Phase II controversies or make additional Phase II claims in response to the rulings of the Copyright Royalty Board or the Copyright Royalty Judges, the outcomes of the 2011 Phase I distribution proceedings, or the evidence and filings submitted by other claimants.

Conclusion

At this time, the CCG requests that the Board distribute 50 percent of the 2011 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: February 19, 2013

Respectfully Submitted



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Counsel for Canadian Claimants Group

**CERTIFICATE OF SERVICE**


I hereby certify that on this 19th day of February 2013, a copy of the foregoing  
Comments of the Controversies Regarding Distribution of 2011 Cable Royalties was sent by  
Federal Express overnight mail to the individuals listed below:

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\_\_\_\_\_  
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## Keys, LaKeshia

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**From:** crb  
**Sent:** Tuesday, February 19, 2013 4:25 PM  
**To:** Barnett, Suzanne; Roberts, William; Strasser, Richard; Giuffreda, Gina  
**Cc:** Keys, LaKeshia; crb  
**Subject:** FW: Comments of the Canadian Claimants Group on the Existence of Controversies Regarding Distribution of 2011 Cable Royalties  
**Attachments:** Comments of the CCG on the Existence of Controversies Regarding Distribution of 2011 Cable Royalties.pdf

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**From:** Eugene J. Benick [<mailto:ebenick@finkelsteinthompson.com>]  
**Sent:** Tuesday, February 19, 2013 4:22 PM  
**To:** crb  
**Cc:** L. Kendall Satterfield  
**Subject:** Comments of the Canadian Claimants Group on the Existence of Controversies Regarding Distribution of 2011 Cable Royalties

Attached is a copy of the "Comments of the Canadian Claimants Group on the Existence of Controversies Regarding Distribution of 2011 Cable Royalties."

Please let me know if you have any difficulties opening the attached document.

Best Regards,

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