

**Before the  
COPYRIGHT ROYALTY JUDGES  
The Library of Congress**

*In re*

**DISTRIBUTION OF CABLE ROYALTY  
FUNDS**

**DOCKET NO. 16-CRB-0009 CD  
(2014-17)**

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**ORDER 23 GRANTING JOINT MOTION FOR FINAL DISTRIBUTION OF 2014 AND  
2015 CABLE ROYALTY FUNDS TO BMI, ASCAP, AND SESAC (eCRB No. 26927)**

On June 29, 2022, all of the active parties to the above-captioned proceeding filed a Joint Notice of Settlement Regarding 2014-2017 Royalty Claims of Music Claimants and Motion for Final Distribution of 2014 and 2015 Royalties to Music Claimants BMI, ASCAP, and SESAC (“Notice and Motion”).<sup>1</sup> The parties represent that they all “stipulate and agree” that Music Claimants shall receive a royalty share equal to 3.525% of the total funds (“Funds”) for each of the Basic Fund, 3.75% Fund, and Syndex Fund for each of the 2014, 2015, 2016, and 2017 cable royalty years (such percentages, “Music Claimants’ Shares”). Notice and Motion at 2. The parties also stipulate and agree that Music Claimants’ Shares of the 2014 through 2017 cable royalty funds are net of the final distribution previously awarded to NPR, *e.g.*, “Music Claimants’

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<sup>1</sup> The parties are: the Motion Picture Association, Inc.; the Joint Sports Claimants; the National Association of Broadcasters and the Commercial Television Claimants; the Music Claimants (Broadcast Music, Inc. (“BMI”), American Society of Composers, Authors and Publishers (“ASCAP”), SESAC Performing Rights, LLC (“SESAC”), and, for purposes of this submission, Global Music Rights, LLC (“GMR”)); the Canadian Claimants Group; Settling Devotional Claimants; National Public Radio, Inc. (“NPR”); Public Broadcasting Service and the Public Television Claimants; Multigroup Claimants; and Major League Soccer, L.L.C. Notice and Motion at 1. NPR was granted its final distribution and is no longer an active participant in the proceeding. The Judges dismissed David Powell, the only other claimant to have submitted a petition to participate in the proceeding. *Id.* at n.2.

Shares are to be calculated ‘off the top’ of the total royalties included in [sic] applicable year of the Funds after the distribution to NPR of its share of the Funds for the applicable year.” *Id.*<sup>2</sup>

According to the parties, BMI, ASCAP, and SESAC are the only claimants that submitted petitions to participate in the proceeding with respect to the Music Claimants category of Funds for the years 2014 and 2015. Notice and Motion at 2. The parties note that the Music Claimants have previously reported to the Judges that there is no controversy within the Music Claimants category for the years 2014 and 2015. *Id.*, citing Music Claimants' Notice of Controversies Relating to the 2014-2017 Cable Royalty Funds, *In Re Distribution of Cable Royalty Funds*, Docket No. 16-CRB-0009-CD (2014-2017) (July 19, 2021) (submitted by BMI, ASCAP, and SESAC).<sup>3</sup> The parties request that the Judges order a final distribution of royalties to Music Claimants BMI, ASCAP, and SESAC for the years 2014 and 2015 equal to the Music Claimants’ Shares, minus the dollar value of the partial distributions that Music Claimants have received to date from the 2014 and 2015 Funds.<sup>4</sup> *Id.* at 3. The parties propose that the Music Claimants’ Shares of the 2014 and 2015 Funds be calculated based on the total Funds available for 2014 and 2015, respectively, as of the date of the final distribution to BMI, ASCAP, and SESAC. *Id.*

The parties stipulate and agree that the proposed distribution of the balance of the Music Claimants’ Shares of the 2014 and 2015 Funds, as set forth in the Notice and Motion, is not subject to controversy, and, once distributed, should be deemed a final distribution pursuant to

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<sup>2</sup> It is Music Claimants' understanding that NPR's 0.16% final distribution share for each of the 2014 and 2015 Funds has already been distributed to NPR. Notice and Motion at 2 n.3.

<sup>3</sup> The parties represent that GMR submitted claims and filed a petition to participate in the proceeding solely as to 2016 and 2017 cable royalties. Notice and Motion at 3 n.4. The parties state that a motion regarding final distribution of the 2016 and 2017 Funds to all four Music Claimants (*i.e.*, BMI, ASCAP, SESAC, and GMR) will be submitted at a later date.

<sup>4</sup> The parties assert that, to date, Music Claimants have received the following amounts pursuant to public partial distributions: \$5,316,291.15 for the 2014 Funds (distributed in September 2016) and \$4,856,791.85 for the 2015 Funds (distributed in July 2017). Notice and Motion at 3 n. 5.

Section 801(b)(3)(A) of the Copyright Act. As such, the sums comprising Music Claimants' Shares of the 2014 and 2015 Funds in the proposed final distribution, once distributed, should be deemed not subject to repayment by any Music Claimants and no additional sums should be distributed to any Music Claimants in the future with respect to the 2014 or 2015 Funds. Notice and Motion at 3-4. The Motion was unopposed. The parties note that the terms set forth in the Notice and Motion represent a compromise and settlement and apply only to the proceeding and that no party shall be deemed to have accepted as precedent Music Claimants' Shares, nor to have admitted to any principle underlying, or which may be asserted to underlie, Music Claimants' Shares of the settlement. *Id.* at 4.

In light of the parties' stipulation and agreement regarding the Music Claimants' Shares of cable royalties to be received by Music Claimants and the absence of any controversy within the Music Claimants category for the years 2014 and 2015, the Judges find, pursuant to Section 801(b)(3)(A) of the Copyright Act, that the requested distribution to Music Claimants BMI, ASCAP, and SESAC is not subject to controversy and therefore **GRANT** the Motion.

The Judges hereby **ORDER** a final distribution of 2014 and 2015 cable royalties to Music Claimants BMI, ASCAP, and SESAC equal to the value of Music Claimants' Shares percentages, minus the dollar value of the partial distributions Music Claimants have received for the 2014 and 2015 Funds as specified in footnote 5 of the Notice and Motion and restated in footnote 4 of this order. Music Claimants' Shares of the 2014 and 2015 Funds are to be calculated based on the total Funds available for 2014 and 2015, respectively, as of the date of the final distribution to Music Claimants BMI, ASCAP, and SESAC, and are net of the final distributions previously awarded to NPR. Consistent with the parties' agreement, the sums comprising Music Claimants' Shares of the 2014 and 2015 Funds in this final distribution, once distributed, shall not be subject

to repayment by any Music Claimants and no additional sums shall be distributed to any Music Claimants in the future with respect to the 2014 or 2015 Funds.

The Copyright Office shall make such distribution on or after January 20, 2023, provided that Music Claimants BMI, ASCAP, and SESAC submit all pertinent information to effect the transfer of such funds no later than seven business days before the date of distribution.

**SO ORDERED.**

Dated: December 27, 2022

David P. Shaw  
Chief Copyright Royalty Judge