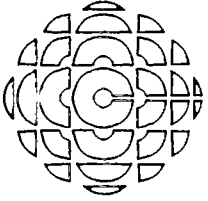


MAY 23 1980

22 May 80



Honorable Mary Lou Burg
Chairman
Copyright Royalty Tribunal
1111 20th Street NW
Washington, D.C.

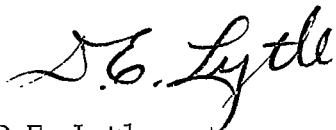
Dear Madam Chairman:

The Canadian Broadcasting Corporation (CBC) offers the following rebuttal comments on subject matter considered by the Copyright Royalty Tribunal during Phase I.

1. CBC is not a joint claimant with any other party; its claim stands on its own.
2. CBC's statement of its direct case has been fully set out in its submission to the Tribunal dated 14 March, 1980. In that document CBC proposed a distribution method for the Tribunal's consideration. In CBC's opinion, any method adopted by the Tribunal should meet the following criteria:
 - (a) It must take the total royalty fees into account.
 - (b) It must be able to respond to the claims of individual owners (17 USC 111 (d) (4)), as well as to those of joint claimants (111 (d) (5)).
 - (c) Its validity and accuracy should be verifiable by auditors.
 - (d) It should be flexible enough to stand in the long term without major changes.

3. There appears to be a conflicting claim in the exhibits filed by the joint sports claimants. For example, the documents of this group list NHL Hockey, the Toronto Blue Jays and the Montreal Expos. With the exception mentioned in CBC's submission to the Tribunal of 14 November, 1979, CBC is the copyright owner of the CBC broadcasts of the Canadian games of these clubs, as well as of a number of Canadian collegiate sports games. The total number of broadcast hours in question would be about 200 per year.
4. With respect to the MPAA assertion that CBC is incorrectly claiming U.S. produced programs such as "Mary Tyler Moore" as "locally originated programs", the basis of CBC's assertion is clearly set out in the document of 14 March, 1980, a copy of which was sent to MPAA's representative after the March 24 deadline.
5. CBC does not intend to offer witnesses or to file exhibits during the rebuttal portion of Phase I of the distribution proceeding.

Yours truly,



D.E. Lytle
Director
Corporate Program Services

P.O. Box 8478
Ottawa, Ontario K1G 3J5
CANADA

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CBC WSH

DECA TOP
MAY 23, 1989

CBC WASHINGTON DC

JACQUELINE COMPEAU
CANADIAN BROADCASTING CORPORATION
ROOM 565
NATIONAL PRESS BUILDING
WASHINGTON D C

FOR TRANSMITTAL TO THE HONOURABLE GARY LOU BURG
CHAIRMAN OF THE UNITED STATES COPYRIGHT ROYALTY TRIBUNAL

THE HONOURABLE GARY LOU BURG
CHAIRMAN
COPYRIGHT ROYALTY TRIBUNAL
1117 20TH STREET NW
WASHINGTON DC
20036
USA

DEAR HONORABLE CHAIRMAN

THE ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY (TVONTARIO)
WISHES TO SUPPORT THE SUBMISSIONS MADE BY THE CANADIAN
BROADCASTING CORPORATION IN ITS LETTER OF MAY 23, 1989 ADDRESSED
TO YOU, MORE SPECIFICALLY THE FOLLOWING POINTS:

1. TVONTARIO'S CLAIM LIKE CBC'S DOES NOT MAKE IT A JOINT
CLAIMANT WITH ANY OTHER PARTY AND ITS CLAIM STANDS ON
ITS OWN.
2. TVONTARIO'S STATEMENT OF ITS DIRECT CASE HAS BEEN FULLY SET
OUT IN ITS SUBMISSION TO THE TRIBUNAL DATED MARCH 13, 1989.
IN THAT DOCUMENT TVONTARIO SUPPORTED THE CBC'S DISTRIBUTION
METHOD OR FORMULA FOR THE ROYALTY FUND AND FURTHER LENDS ITS
SUPPORT TO THE FOLLOWING DISTRIBUTION CRITERIA:
 - A) SUCH FORMULA MUST TAKE THE TOTAL ROYALTY FUND
INTO ACCOUNT
 - B) IT MUST RELATE TO REFERENCE TO THE CLAIMS OF
INDIVIDUAL OWNERS (I/ 100 III (D)(4)), AS WELL
AS TO SUBS OF JOINT CLAIMANTS III(D)(5).
 - C) ITS VALIDITY AND ACCURACY SHOULD BE VERIFIABLE
BY AUDITORS
 - D) IT SHOULD BE FLEXIBLE ENOUGH TO STAND ON ITS
OWN WITHOUT MAJOR CHANGES.

TVONTARIO DOES NOT INTEND TO OFFER WITNESSES OR TO FILE EXHIBITS
DURING THE REBUTTAL PORTION OF PHASE I OF THE DISTRIBUTION
PROCEEDING.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

JOHN P. PELLETIER
LEGAL SERVICES
TVONTARIO
2132 YONGE STREET