

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In re

**DISTRIBUTION OF CABLE ROYALTY
FUNDS**

**CONSOLIDATED DOCKET NUMBER
16-CRB-0009 CD (2014-17)**

**COMMENTS OF MUSIC CLAIMANTS BMI, ASCAP, AND SESAC
ON THE EXISTENCE OF CONTROVERSIES**

The Copyright Royalty Judges (“Judges”) have requested comments pursuant to their notice of November 5, 2018 as to whether controversies exist among claimants to the 2014 through 2017 Cable royalty funds regarding the distribution of such funds. 83 Fed. Reg. 56,106 (November 9, 2018). Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC, Inc. (“SESAC”)¹ (“Music Claimants”) submit these comments to report on the status of Allocation Phase and Distribution Phase controversies in the music claimant category with regard to the 2014 through 2017 Cable royalty funds.

ALLOCATION PHASE

Music Claimants have not reached a settlement with any other Allocation Phase claimant group regarding the distribution of any portion of the 2014 through 2017 Cable royalty funds.

¹ BMI, ASCAP and SESAC collectively represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP, and SESAC license the public performance rights granted to their respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI and ASCAP are also affiliated with about ninety foreign performing rights societies around the world and license the repertoires of those societies in the United States. BMI, ASCAP and SESAC have historically been known as the “Music Claimants” and are referred to herein as such.

Accordingly, an Allocation Phase controversy exists regarding the allocation of such funds to the music claimant category.

DISTRIBUTION PHASE

Music Claimants have executed confidential settlement agreements among themselves with regard to the 2014 through 2016 Cable royalties. Additionally, BMI and ASCAP have executed a confidential settlement agreement with regard to the 2017 Cable royalties.

Accordingly, a Distribution Phase controversy regarding the distribution of 2017 Cable royalty funds currently exists between BMI and ASCAP, on the one hand, and SESAC, on the other. If a Distribution Phase claim to any of the 2014 through 2017 Cable royalty funds is made by any other party in the music claimant category, a Distribution Phase controversy would exist with regards to the claim(s) filed by such party.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2018, a copy of the foregoing Comments of Music Claimants BMI, ASCAP, and SESAC on the Existence of Controversies was served through the eCRB system on the parties listed below.

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