

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF CABLE ROYALTY
FUNDS**

**DOCKET NO. 21-CRB-0008 CD
(2020)**

**ORDER 02 GRANTING MOVING PARTIES' MOTION
FOR PARTIAL DISTRIBUTION OF 2020 CABLE ROYALTIES**

On December 30, 2022, representatives of certain groups of claimants (Moving Parties)¹ filed with the Copyright Royalty Judges (Judges) a Motion for Partial Distribution of 2020 cable royalties deposited with the United States Copyright Office (Motion) (eCRB no. 27409). Specifically, the Moving Parties seek a distribution of 40% of the royalties deposited by cable system operators for the compulsory license described in section 111, title 17, United States Code (Copyright Act).

The Judges published notice of the Motion in the Federal Register in accordance with section 801(b)(3)(C) of the Copyright Act seeking comment on the requested partial distribution.² The Judges received no comments on the proposal.

Statutory Authorization for Partial Distributions of Funds in Controversy

Section 801(b)(3)(C) of the Copyright Act (Act) grants the Judges authority to authorize partial distributions of deposited royalties on the motion of an interested claimant at any time after claims are filed. That subparagraph provides:

Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—

- (i) agree to the partial distribution;
- (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);
- (iii) file the agreement with the Copyright Royalty Judges; and

¹ The Moving Parties, which refer to themselves in the Motion as the Allocation Phase Parties are: Program Suppliers; Joint Sports Claimants; Public Television Claimants; Commercial Television Claimants; American Society of Composers, Authors and Publishers; Broadcast Music, Inc.; SESAC Performing Rights, LLC; Canadian Claimants Group; Devotional Claimants; and National Public Radio.

² 88 Fed. Reg. 17272 (Mar. 22, 2023) (eCRB no. 27847).

(iv) agree that such funds are available for distribution.

17 U.S.C. § 801(b)(3)(C).

The deadline for filing claims for 2020 cable royalties has passed. The Moving Parties represent that they are willing to sign a disgorgement agreement and file it with the Judges. Motion at 2-3. The Moving Parties also represent that in prior proceedings the Judges have made partial distributions of 40% or more of deposited royalty funds and that the remaining funds on deposit have been sufficient in those proceedings to make appropriate final distributions after resolution of any controversies. *See* Motion at 3-5.

In light of the Moving Parties' representation that they agree to comply with all stipulations regarding a partial distribution ordered pursuant to Section 801(b)(3)(C), the Judges determine that distribution of 40% of the 2020 cable royalty funds to the Moving Parties is reasonable and appropriate. Therefore, the Judges **GRANT** the Motion.

The Judges **ORDER** that 40% of the royalties held in the 2020 cable royalty fund be distributed to the Office of the Commissioner of Baseball, which has agreed to serve as the common agent for the distribution of royalties among individual Moving Parties pursuant to a confidential agreement reached among the Moving Parties. *See* Motion at 5-6.

The Copyright Office shall make the distribution *expeditiously* **PROVIDED THAT** each of the parties receiving a share of these funds provides to the Judges, with a copy to the Copyright Office, a signed agreement in the form required by the Copyright Office stating that the recipient shall repay to the Copyright Office any overpayment that results from the distribution of these funds, together with interest according to the amount that would have accrued if the principal had remained in the fund. The Judges understand that the funds will be distributed *without delay* upon the execution of a repayment agreement by the parties and the Copyright Office and the submission by the parties to the Copyright Office of all pertinent information to effect the prompt transfer of funds.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

Dated: December 7, 2023.