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August 1, 2018



## VIA HAND DELIVERY

The Honorable Copyright Royalty Judges  
Copyright Royalty Board  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Ave. SE  
Washington, DC 20557-6400

RE: Docket No. 17-CRB-0017 CD (2016)

Dear Chief Judge Barnett, Judge Feder, and Judge Strickler:

On behalf of the Devotional Claimants, attached is the original, executed Royalty Repayment Agreement facilitating the partial release of 2016 Cable Royalties.

Please note that a copy of the signed Royalty Repayment Agreement has also been sent via hand delivery and email to the Copyright Licensing Division.

Sincerely,

A handwritten signature in blue ink that reads "Arnold P. Lutzker by BSI".

Arnold P. Lutzker

*Counsel for the Devotional Claimants*

**ROYALTY REPAYMENT AGREEMENT (CABLE)**

This Royalty Repayment Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ and between the following "Allocation Phase" Participants:



- Program Suppliers
- Joint Sports Claimants
- Public Television Claimants
- Commercial Television Claimants
- American Society of Composers, Authors and Publishers (ASCAP)
- SESAC, Inc.
- Broadcast Music, Inc. (BMI)
- Canadian Claimants Group
- National Public Radio
- Devotional Claimants

as the designated agents (Agents) for cable royalty recipients (Claimants), and the Library of Congress, Copyright Office, Washington, D.C. (Copyright Office).

**This Agreement is made with reference to the following facts.**

The Agents represent Claimants in several categories in the distribution proceeding before the Copyright Royalty Judges bearing docket number of 17-CRB-0017 CD (2016).

Under the provisions of 17 U.S.C. § 111(d)(2), funds designated for royalty claimants are deposited with the Copyright Office for administration and investment pending later distribution by the Librarian of Congress upon authorization by the Copyright Royalty Judges (Judges).

Pursuant to 17 U.S.C. § 801(b)(3)(C), at any time after the filing of claims to royalties under 17 U.S.C. § 111, agents acting on behalf of one or more claimants may file a motion for partial distribution of deposited royalties. After publication in the Federal Register of a request for responses to the motion from interested claimants, the Judges may authorize a partial distribution of deposited royalty fees, *provided*, based upon all responses received during the 30-day response period, the Judges conclude that no claimant entitled to receive any portion of the deposited fees has stated a reasonable objection to the partial distribution.

As a condition precedent to the requested partial distribution of deposited fees, all Claimants entitled to receive distribution of the fees must, by and through the Agents, (1) agree to the partial distribution; (2) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination of the distribution of fees made under 17 U.S.C. § 801(b)(3)(B); (3) file the agreement with the Judges; and (4) agree that the deposited funds are available for distribution; and

The Claimants, by and through the Agents, made a motion for partial distribution (50 percent) of the 2016 cable royalty funds, and the Judges published a request for responses to the motion in the Federal Register.

The Judges concluded in their July 30, 2018 *Order Granting Motion for Partial Distribution*, Docket No. 17-CRB-0017 CD (2016) (Partial Distribution Order), that no Claimant entitled to any portion of the deposited funds has stated a reasonable objection to the proposed partial distribution.

**The Claimants and the Copyright Office agree as follows:**

- (1) The Claimants by and through the Agents agree to the proposed partial distribution and represent that the deposited funds are available for distribution.
- (2) The Claimants, as represented by the Agents, intend to and will return any excess amounts (including interest equal to the amount that would have accrued if the principal had remained on deposit with the Copyright Office) to the extent necessary to comply with a Final Determination regarding distribution of the subject fees made under 17 U.S.C. § 801(b)(3)(B).
- (3) The Copyright Office will, on or after August 9, 2018, and upon receipt of this signed Agreement make a partial distribution of 50 percent of the 2016 cable royalty funds to the Agents to the common agent for the Claimants, The Office of the Commissioner of Baseball.
- (4) The Agents will promptly distribute funds to the Claimants according to the confidential allocated amounts agreed to by the Claimants.
- (5) The Copyright Office will maintain, administer, and invest the remaining 2016 Cable Royalty Funds to settle all outstanding Allocation Phase and Distribution Phase claims.
- (6) The Claimants will repay royalties in the event the Final Determination results in a distribution order requiring reallocation of the funds distributed pursuant to the Partial Distribution Order, including any award or awards to a claimant or claimants made by competent authority (*i.e.*, the Judges, the United States Court of Appeals for the District of Columbia Circuit, or the Supreme Court of the United States).
- (7) The Claimants, by and through the Agents, agree to remit, and bind any successor(s) in interest or distributee(s) of the Agents or any Claimant to remit, to the Copyright Office, within 30 days of the date the Copyright Office gives notice, the amount specified in the notice to enable the Copyright Office to make the distribution required by the Final Determination.

**Signatures:**

This Royalty Repayment Agreement may be signed in counterparts, each of which is binding upon the Agent signing it and all of which, taken together, constitute one and the same original document.

**Agents**

The undersigned Agents certify that they are the Agents or the duly authorized representatives of the Agents for the Claimants and have the express authority to enter into this Royalty Repayment

Agreement on behalf of the Claimants. Penalties for fraud and false statements are set forth in 18 U.S.C. § 1001 et seq.

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Program Suppliers**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Joint Sports Claimants**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Public Television Claimants**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Commercial Television Claimants**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **American Society of Composers, Authors and Publishers (ASCAP)**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **SESAC, Inc.**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Broadcast Music, Inc. (BMI)**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **Canadian Claimants Group**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of "Allocation Phase" participant group: **National Public Radio (NPR)**

Address: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature: *Arnold P. Lutzker by BSS*

Typed or printed name: *Arnold P. Lutzker*

Title: Counsel - Devotional Claimants  
Name of "Allocation Phase" participant group: **Devotional Claimants**  
Address: Lutzker + Lutzker LLP  
1233 20<sup>th</sup> Street, NW, Suite 703  
Washington, DC 20036  
Date: August 1, 2018

**Copyright Office**

The undersigned certifies that he or she is a Library Officer who has authority to enter into this Royalty Repayment Agreement on behalf of the Library of Congress.

Library Officer Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
James B. Enzinna  
Chief, Licensing Division

**Delivery of Agreement:**

Each Agent must return an original signed Royalty Repayment Agreement by August 2, 2018, by delivering it to:

Copyright Royalty Board  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Ave. SE  
Washington, DC 20557-6400

The Agents must simultaneously provide a copy of the signed Royalty Repayment Agreement to:

Copyright Licensing Division  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Ave. SE  
Washington, DC 20557-6400