



In the Matter of

Distribution of 1990, 1991,
and 1992 Cable Royalty Funds

Docket No. 94-3 CARP-CD 90-92

DISTRIBUTION ORDER

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Background

On May 3, 1996, the National Association of Broadcasters, Program Suppliers, Joint Sports Claimants, Devotional Claimants, Public Television Claimants, and Canadian Claimants (hereinafter referred to as the "Royalty Claimants"), filed a Stipulation of Partial Settlement of Controversy and Joint Motion for Partial Distribution of Royalties (hereinafter referred to as "Joint Motion"). The Joint Motion informs the Copyright Office that the Royalty Claimants have reached a settlement in the aggregate amount of \$91,500.00 from the 1990, 1991 and 1992 cable funds and that such amount is no longer in controversy. The Royalty Claimants request immediate distribution to their designated agent and further request that the \$91,500.00 be apportioned among the royalty funds as follows:

1990 Fund: \$30,500.00
1991 Fund: \$30,500.00
1992 Fund: \$30,500.00

Discussion

The Royalty Claimants are currently engaged in a distribution proceeding before a copyright arbitration royalty panel (CARP) for the 1990, 1991 and 1992 cable compulsory license royalty funds. 60 FR 58680 (November 28, 1995). In order to participate in this proceeding, the Royalty Claimants are required to compensate the arbitrators for their costs in accordance with the procedures established in 37 CFR §§251.38 and 251.54. Unfortunately, the Copyright Office and the Library of Congress do not have statutory authority to pay the arbitrators directly from the royalty funds subject to a distribution proceeding, and the claimants to those funds must make their own arrangements for payment of the arbitrators. See 59 FR 23964, 23977 (May 9, 1994). The Copyright Office corresponded with the Royalty Claimants prior to the commencement of this distribution proceeding on the matter of how to pay the

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arbitrators. After reviewing several proposals, the Office agreed to a procedure whereby the Royalty Claimants would inform the Office of a settlement as to an amount of royalty funds equal to the arbitrators' monthly costs, and would request distribution of that amount to a designated agent for subsequent payment to the arbitrators. The total amount necessary to satisfy the arbitrators' charges would be apportioned equally among the 1990, 1991 and 1992 cable funds. This procedure is to be repeated in accordance with the monthly billing cycle of the arbitrators.

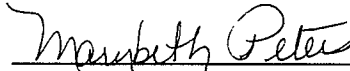
The Copyright Office determines that the request for distribution made in the Joint Motion complies with the Copyright Act and the regulations of 37 CFR Part 251.

Distribution

Accordingly, IT IS ORDERED that \$91,500.00 SHALL BE DISTRIBUTED to the Royalty Claimants according to the following apportionment:

1990 Fund: \$30,500.00
1991 Fund: \$30,500.00
1992 Fund: \$30,500.00

Date: May 6, 1996



Marybeth Peters,
Register of Copyrights.