



**In the Matter of**

**Distribution of the 1994  
Cable Royalty Fund**

**Docket No. 96 CARP-CD94**

## **DISTRIBUTION ORDER**

### **Background**

LIBRARY  
OF  
CONGRESS

On September 5, 1996, the Office received a motion from certain Phase I Parties for partial distribution in the amount of seventy-five percent of the 1994 cable royalty fund. These Phase I Parties are the Music Claimants (ASCAP, BMI and SESAC), Canadian Claimants, Joint Sports Claimants, National Public Radio, Public Television Claimants, and the National Association of Broadcasters. Program Suppliers and the Devotional Claimants did not join the motion, but have informed the moving Phase I Parties that they will not oppose the motion. See Motion at 1 n.1. On September 12, 1996, Multimedia Entertainment, Inc. ("Multimedia") filed comments stating that it also does not oppose the early distribution of these funds.

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The moving Phase I Parties request a distribution in accordance with the 1991 and 1992 royalty percentages recently promulgated by the Copyright Arbitration Royalty Panel (CARP) in the 1990-92 cable royalty distribution proceeding, see Report in Docket No. 94-3 CARP-CD90-92, with one exception in the Program Suppliers category.<sup>1</sup> In its comments, Multimedia requests a further modification of this exception to reflect a

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<sup>1</sup> The motion requests that 0.355, 0.378 and 0.645 percent in the basic, 3.75% and syndex funds, respectively, of the Program Suppliers award from the CARP be distributed to the National Association of Broadcasters.

direct distribution to Multimedia of 0.825% of the Program Suppliers' award, noting that its "percentage ... has remained unchanged in recent years and was the subject of a settlement in the 1990-1992 proceeding."<sup>2</sup> Multimedia comment at 1.

### **Discussion**

Heretofore, the Library has only made partial distributions where all the claimant groups have been identified and have supported the distribution. See, e.g., Order in Docket Nos. 94 CARP (92-CD) and 94 CARP (93-CD), dated September 26, 1996. Most of the claimants in this proceeding are already known to the Office; moreover, the Office has published a Notice of Ascertainment and expects to have any additional claimants identified before the requested distribution is made. 61 FR 49799 (September 23, 1996). As indicated earlier, those parties known to the Office who did not join the Motion for Partial Distribution have indicated that they do not oppose the request for partial distribution.

As noted above, the Phase I Parties filing the motion have asked that the distribution be in accordance with the royalty percentages promulgated by the Copyright Arbitration Royalty Panel for the years 1991 and 1992 in the 1990-1992 Cable Royalty Distribution Proceeding with one exception. The Office, however, will make this distribution in accordance with the 1991 and 1992 figures announced in the Library of Congress's order concerning the determination of the distribution of the 1990, 1991, and 1992 cable royalties; and in accordance with the settlement provisions for the distribution

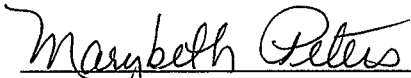
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<sup>2</sup> The Copyright Office has received no notice of a settlement concerning the distribution of Multimedia's share of Program Suppliers award for 1990-1992. Nevertheless, the Office recognizes that the amount currently requested by Multimedia has not changed since the Phase II settlement in the 1989 proceeding.

of Program Suppliers' award filed in the 1989 cable distribution proceeding before the former Copyright Royalty Tribunal. See Joint Statement Regarding Distribution of Program Suppliers Royalties, CRT Docket No. 91-2-89CD, dated February 28, 1992.

Since final percentages for the distribution of the 1994 funds are unknown, each Party who is to receive a partial distribution shall sign an agreement in advance thereof stating that any overpayment that results from the partial distribution shall be repaid to the Copyright Office with interest according to the amount that would have accrued if the principal had remained in the fund. These partial distributions are made pursuant to the Librarian's authority to distribute funds not in controversy during the pendency of a CARP proceeding. 17 U.S.C. 111(d)(4). Furthermore, these partial distributions are made without prejudice concerning the final distribution percentages that shall be determined at a future time.

Wherefore, **IT IS ORDERED** that the motion for partial distribution of the 1994 cable royalty fund **IS GRANTED IN PART AND DENIED IN PART**. The Copyright Office shall make a distribution of seventy-five percent of the 1994 cable royalties on October 31, 1996.

  
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Marybeth Peters,  
Register of Copyrights.

DATED: October 23, 1996