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COPYRIGHT ROYALTY TRIBUNAL

Room 538  
2033 K Street, Northwest  
Washington, D.C.

Friday, May 18, 1979

The Tribunal convened at 9:58 a.m., pursuant to  
notice:

PRESENT:

DOUGLAS E. COULTER, Chairman

THOMAS C. BRENNAN, Commissioner

MARY LOU BURG, Commissioner

CLARENCE L. JAMES, JR., Commissioner

FRANCES GARCIA, Commissioner

ORIGINAL

*Accurate Reporting Co., Inc.*

(202) 726-3801

P R O C E E D I N G S

CHAIRMAN COULTER: The meeting will come to order.

The notice and agenda for this meeting appeared in the Federal Register of Friday, May 11th, and I direct that the notice be inserted at this point in the record.

(INSERT)

1                   The item on the agenda is Proposed Supplementary  
2 Rule with respect to the filing of claims for Cable Royalty  
3 fees. The proposed rule was announced in the Federal Register  
4 of April 4, 1979, and parties were invited to submit written  
5 comments on or before April 25th. Reply comments were  
6 permitted on or before May 9th. A total of nine comments were  
7 received and four reply comments. I direct that the Rule be  
8 made a part of the record.

9                   (ININSERT)

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1           Just to briefly run down some of the comments and  
2 my personal feelings on them, I would like to say that the  
3 National Basketball Association, the Commissioner of Baseball  
4 and the National Hockey League asked that more detailed  
5 information be demanded for in the Rule than I feel was the  
6 purpose of the proposed Rule, and that purpose was simply to  
7 establish simply and expeditiously if there is a controversy.

8           The Rule as it is currently proposed, in my opinion,  
9 does not preclude claimants from presenting other causes of  
10 controversy, such as disputes of a program ownership.

11           The CBS and PBS proposed that distribution formulas  
12 be required by the proposed Rule rather than what we proposed,  
13 and my feeling is that if a claimant wishes to propose a  
14 distribution formula, they can use that distribution formula  
15 to arrive at a percentage of dollar figure and then use the  
16 distribution formula as a justification.

17           The Motion Picture Association of America and the  
18 NAB were concerned that if events necessitated that there be  
19 some waiver of the Rule, the Rule as it's currently proposed in  
20 my opinion does not exclude us subsequently waiving it if it is  
21 shown that the public interest requires that.

22           We will add some clarifying language concerning the  
23 definition of percentage in the language that proceeds the  
24 Rule itself. What we meant by percentage was a percentage of  
25 the total fees deposited to the Copyright Office. We did not

1 mean a percentage relating to any subcategory.

2 That concludes my remarks. Does any Commissioner  
3 desire the floor at this time for debate or to offer an  
4 amendment?

5 COMMISSIONER BURG: I would like to move an  
6 amendment.

7 CHAIRMAN COULTER: All right.

8 COMMISSIONER BURG: I move that the following  
9 sentence be added to Sections 302.5B and to 302.6: "A joint  
10 claim shall include a concise statement of the authorization for  
11 the filing of the joint claim."

12 CHAIRMAN COULTER: Is there any debate on the  
13 amendment? Is there a second?

14 COMMISSIONER BRENNAN: I support the amendment.

15 CHAIRMAN COULTER: Any debate?

16 (No response.)

17 If there is not, all those in favor of the amendment,  
18 please say "aye."

19 (Chorus of ayes.)

20 Opposed?

21 (No response.)

22 The amendment is adopted.

23 The question is now on the proposed Rule itself as  
24 amended and we shall have a recorded vote on the adoption of  
25 the final Rule as amended.

1 Commissioner Brennan?  
2 COMMISSIONER BRENNAN: Yes.  
3 CHAIRMAN COULTER: Commissioner Burg?  
4 COMMISSIONER BURG: Yes.  
5 CHAIRMAN COULTER: Commissioner James?  
6 COMMISSIONER JAMES: Yes.  
7 CHAIRMAN COULTER: Commissioner Garcia?  
8 COMMISSIONER GARCIA: Yes.  
9 CHAIRMAN COULTER: The Chair votes yes.  
10 On this vote the yeas are five the nays are zero.  
11 The Rule is adopted.  
12 Is there any other further business before this  
13 meeting?  
14 (No response.)  
15 If not, we shall stand in recess at the call of the  
16 Chair, and I thank you for being present.  
17 (Whereupon, at 10:03 a.m., the meeting  
18 was adjourned.)  
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