



6 APR RECD

American Society of Composers, Authors and Publishers
ASCAP Building—One Lincoln Plaza, New York, N.Y. 10023 Area Code (212) 595-3050

Bernard Korman
General Counsel

March 30, 1978

Honorable Thomas C. Brennan
Chairman
Copyright Royalty Tribunal
1111 20th Street, N.W.
Washington, D. C. 20036

Re: Filing of Claims to Cable Royalty Fees

Dear Mr. Chairman:

Because of the press of time regarding other matters involving ASCAP and the Copyright Royalty Tribunal, the Society was unable to submit comments on the Tribunal's Advance Notice of Proposed Rulemaking concerning filing of claims to cable royalty fees (43 FR 6263) by the date specified in the notice. However, the Society would like to comment briefly on the notice and the statements submitted by other interested parties.

ASCAP believes the most logical approach to the distribution of cable royalties is a procedure by which copyright owners or their representatives file claims each July for royalties covering the previous calendar year.

Such a procedure would result in commencement of the first distribution proceeding in July, 1979, for fees paid for calendar year 1978; no distribution proceeding in 1978 would be necessary. However, since the statute does call for filings every July, including July 1978, ASCAP believes any claimant for the period January-June 1978 should file a simple statement of claims with the Tribunal. Such a statement would name the claimant and, in general terms, identify the basis for the claim.

Honorable Thomas C. Brennan
Page Two
March 30, 1978

The Society believes the Tribunal should withhold promulgation of detailed regulations regarding distribution procedures at this time. Such regulations will best be promulgated after the parties gain experience under the cable compulsory license, data concerning compulsory license fees is amassed, and any voluntary agreements are made.

To the extent the statements already filed by other parties support these general propositions, ASCAP joins in those statements.

Respectfully,

A handwritten signature in blue ink, appearing to read "Bernard Korman", with a long horizontal flourish extending to the right.

Bernard Korman

BK:il