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Copyright Royalty Tribunal

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January 31, 1978

Philip R. Hochberg, Esq.
O'Connor & Hannan
1747 Pennsylvania Ave., N.W.
Washington, D. C. 20006

Dear Mr. Hochberg:

This is to acknowledge receipt of your letter of January 19 on behalf of several professional sports leagues inquiring as to my understanding of certain provisions of the Copyright Act. You ask whether copyright owners are required to satisfy the deposit requirements and make copyright registration in order to share in the distribution of compulsory license fees under Chapter 8 of the Copyright Act. You also ask if the copyright owners are required to retain and submit to the Copyright Royalty Tribunal copies of simultaneous fixations as a requirement of participation in the distribution.

The Copyright Royalty Tribunal will shortly give public notice of the start of proceedings to adopt regulations concerning the form of claims to be filed by the copyright owners of works used by cable television under the compulsory license of section 111. Meanwhile, we have considered the matters raised in your letter and understand why it is necessary that you receive an expression of our views at the present time.

In order to participate in the distribution proceedings, one must be a "copyright owner" whose work was the subject of a secondary transmission by a cable system. The Copyright Act does not require deposit or registration as a condition of copyright protection. Therefore, the Copyright Royalty Tribunal would have no authority to require deposit or registration as a condition of participating in the distribution

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of royalties. Likewise, we see no reason why the preservation and submission of simultaneous fixations is necessary for the CRT to perform its statutory functions concerning the distribution of royalty fees.

I hope this information is responsive to your inquiry.

Sincerely yours,

Thomas C. Brennan
Chairman.

TCB/nl

cc: James Fitzpatrick, Esq.