



Broadcast Music, Inc.

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May 15, 1978

MEMORANDUM

TO: Copyright Royalty Tribunal
FROM: Broadcast Music, Inc.
RE: Proposed Rule Making Relating to Filing of Claims to
Cable Royalty Fees

In our prior filing relating to cable (on March 10, 1978) BMI stated that the Tribunal should "determine a distribution share for each performing rights organization and allow each organization to further distribute these royalties using its own, proven system." It was pointed out that such an approach was consistent with Section 111 (d) (5) (A) of the Copyright Law of 1976 where it is provided that "claimants...may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf."

One clarification to the above approach, however, is to make certain that the implementing language of the regulations does not provide, either expressly or by implication, that performing rights societies be required to obtain from their affiliates separate authorizations, apart from their standard affiliation agreements, to provide for distributions. Similarly, it should not be required that claims include lists of the affiliates to whom distributions would be made by performing rights organizations. If required, such separate authorizations and listings would defeat the purpose of the simplified, efficient, and inexpensive method of distribution envisioned by the BMI proposal.

We hereby also repeat the earlier comments contained in our filing dated March 10, 1978.