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April 17, 1979

Chairman
Copyright Royalty Tribunal
4th Floor
1111 20th Street, N.W.
Washington, D.C. 20036

Re: Supplemental Rule With Respect to
Filing of Claims to Cable Royalty Fees

Dear Sirs:

As counsel to a number of individuals and organizations who may have claims under 17 U.S.C. 111 for copyright royalties, we respectfully submit the following comments relative to your proposed Supplemental Rule With Respect to Filing of Claims to Cable Royalty Fees.

Requiring a claimant to state a figure or percentage of the fees he feels entitled to places an unreasonable burden upon a claimant. There are hundreds of cable systems throughout the United States. If a claimant must state and justify a figure, you place upon him the burden of investigating and policing the rebroadcast of his works. It would seem that this burden is better placed upon the cable owner since it is safe to assume he will be far better able to afford compliance with complex and complete reporting requirements. In addition, any estimate of a fee will be extremely unreliable. Presumably, the claimant would have to use a multiple of reported airings of reported broadcasts.

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If the proposed rule is adopted, it would seem advisable to permit the claimant to change his estimates and to specifically state that any prior estimate will not estop a larger claim.

The legislative history of the statutory provision would seem to support the conclusion that the smaller, i.e., non-network producers, were to be the beneficiaries of the new royalty provision. Many of these producers are small, regional, and limited financially. By placing still further requirements upon them, your new proposed rule would seem to be contrary to the legislative intent.

Thank you for your cooperation and should you have any questions, please do not hesitate to contact me.

Very truly yours,

HALL, DICKLER, LAWLER, KENT
& HOWLEY

By 

Douglas J. Wood

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