

Filing of Claims to            )  
Cable Royalty Fees            )  
                                  )

COMMENTS OF THE NATIONAL BASKETBALL ASSOCIATION

COMES NOW, the National Basketball Association (hereinafter sometimes "NBA") and files the instant Comments pursuant to a proceeding noted in the Proposed Rulemaking, issued by the Copyright Royalty tribunal. <sup>1/</sup>

On May 5, 1978, the Tribunal issued a Proposed Rulemaking <sup>2/</sup> raising as one issue much the same substantive ground as in the instant rulemaking. The instant proposal succinctly states:

...[T]he CRT will not require the submission of tangible fixations in whole or in part. Any ... controversy would be resolved on the basis of affidavits, other documentary evidence, and such oral testimony as may be necessary. <sup>3/</sup>

The NBA totally agrees with the Tribunal's position, as shown by the NBA filing of June 15, 1978, which is attached hereto and incorporated by reference in the instant Comments.

Respectfully submitted,

NATIONAL BASKETBALL ASSOCIATION

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<sup>1/</sup> 43 Fed. Reg. 32825 (July 28, 1978).

<sup>2/</sup> 43 Fed. Reg. 19423 (May 5, 1978).

<sup>3/</sup> Supra note 1, at 32825-16.