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Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In re	)	
DISTRIBUTION OF CABLE ROYALTY FUNDS	)	**Docket No. 19-CRB-0010-CD (2018-2021)**
In re	)	
DISTRIBUTION OF SATELLITE ROYALTY FUNDS	)	**Docket No. 19-CRB-0011-SD (2018-2021)**

RESPONSE OF MUSIC CLAIMANTS BMI, ASCAP AND SESAC TO ORDER REGARDING PRESUMPTION OF VALIDITY OF CLAIMS

On March 25, 2026, the Copyright Royalty Judges ("Judges") issued Order 11 (2018-21 CD) and Order 6 (2018-21 SD) Regarding Presumption of Validity of Claims ("Order 11"), requiring all participants to respond in writing and to show cause why the Judges should not exercise their discretion to enter an Order or Orders in these proceedings for the disqualification of any participant as an agent to receive copyright royalty funds on behalf of any particular claimant or claimants where said participant is found not entitled to a presumption of the validity of filed claims in the captioned proceeding and also fails to sustain certain burdens of proof as elaborated in Order 11. Broadcast Music, Inc. ("BMI"), the American Society of Composers, Authors and Publishers ("ASCAP"), and SESAC Performing Rights, LLC ("SESAC") (collectively, "Music

Claimants"), participants in the 2018-21 Satellite Proceeding and in the Distribution Phase of the 2018-21 Cable Proceeding,[1] submit the following comments (the "Comments").[2]

A. Introduction

Music Claimants have no objection to the entry of the Judges' Proposed Order or Orders as applied to claimants generally, nor do Music Claimants object to any order that the Judges may enter in the Allocation Phase of the 2018-21 Cable Proceeding (from which Music Claimants have settled out). However, to the extent the Judges contemplate an order or orders beyond the 2018-21 Cable Allocation Phase Proceeding, Music Claimants request that the Judges recognize and honor the limited exception as applied to Music Claimants in distribution proceedings. As set forth more fully below, it has long been recognized that Music Claimants are differently situated regarding the filing of their claims and the necessity to provide proof or evidence underlying the validity of the claims and their individual representation of their respective affiliates and members on whose behalf each Music Claimant organization files claims pursuant to Section 111 and Section 119. The Judges should continue to apply that unique treatment in this instance.

To be sure, Music Claimants do not understand the Judges' proposed Order to necessarily undermine this. On its face, the additional requirements proposed by Order 11 would apply only if a participant "[i]s found not entitled to a presumption of the validity of filed claims in the captioned proceeding," which has never happened to any of these Music Claimants. Indeed, the authority of BMI, ASCAP, and SESAC to represent the musical works of their members and affiliates within these proceedings is well established and has never been challenged in a 40+-year history, and the

[1] The above-identified Music Claimants, together with Global Music Rights, LLC ("GMR"), settled their Allocation Phase controversies in the 2018-21 Cable Royalty proceeding. *See* Joint Notice of Settlement Regarding 2018-2021 Cable Royalty Claims of Music Claimants (2018-21 CD) (June 20, 2025).

[2] ASCAP, BMI and SESAC are not commenting on the presumption of validity of claims filed by other music category claimants.

Judges have long recognized the lawful authority of Music Claimants to receive copyright royalty funds on behalf of each of their respective members and affiliates. Even so, given their many hundreds of thousands of members, Music Claimants emphasize that posing production burdens or other evidentiary requirements on any of the Music Claimants would be unnecessary, grant no benefit, and would be extraordinarily burdensome to the Music Claimants.

B. Music Claimants

BMI, ASCAP and SESAC are each a performing rights society or organization ("PRO") and collectively represent millions of composer, lyricist, songwriter, and publisher members and affiliates with combined repertories of tens of millions of copyrighted musical works. On behalf of their members and affiliates, the PROs license the public performance rights granted to their respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI, ASCAP, and SESAC are also each affiliated with approximately ninety foreign performing rights societies around the world and license the repertories of those societies in the United States. The PROs have been participants, as Music Claimants, in all Cable and Satellite Allocation Phase proceedings under Sections 111 and 119 of the Copyright Act since the inception of each, commencing with the foundational 1978 Cable proceeding before the Copyright Royalty Tribunal, and each PRO has, in each of those proceeding, filed individually single joint claims on behalf of all of their respective songwriter and music publisher affiliates and members.

C. Unique Status and Treatment of the PROs

The Judges have previously recognized that Music is "unique" in comparison to the other claimants in that they "collectively represent[] more than one million claimants," as a result of which the Judges previously exempted Music Claimants from having to list all members and affiliates when submitting their annual claims to Section 111 and 119 royalties. *See* Order Exempting Performing Rights Organizations from Requirement to Identify Individual Claimants,

In re Distribution of Cable Royalty Funds and *In re Distribution of Satellite Royalty Funds*, Docket Nos. 14-CRB-0007 CD (2010-12) & 14-CRB-0008 SD (2010-12) (January 16, 2015) at 2 ("January 16 Order"). This recognition extends to regulatory requirements, which except the PROs from the same level detailed disclosure when filing claims. *See* 37 C.F.R. § 360.4(b)(2)(i) ("*With the exception of joint claims filed by a performing rights society on behalf of its members*, a list including the full legal name, address, and email address of each copyright owner whose claim(s) are included in the joint claim.") (emphasis added).[3] Indeed, the Copyright Act itself identifies these Music Claimants, by name, as performing rights societies that license the public performance of nondramatic musical works on behalf of their member copyright owners. 17 U.S.C. § 101.

Music Claimants' concerns regarding a potential requirement to verify their claims on behalf of their individual members and affiliates was the core issue in a discovery dispute that arose in the 2010-13 Cable and Satellite royalty proceedings in which a participant (Program Suppliers) sought to take discovery to "verify" Music Claimants' authority to represent each of their then-over one million members – even though Program Suppliers asserted no claim in the Music Claimants category and specified no reason to doubt the PROs' representation. Program Suppliers' discovery request prompted a motion to quash by Music Claimants, as well as supplemental briefing supported by detailed declarations submitted on behalf of each of BMI, ASCAP, and SESAC detailing the burden that would be imposed on the PROs by these requests. *See* Music Claimants' Motion to Quash Discovery, *In re* Distribution of Cable Royalty Funds and *In re* Distribution of Satellite Royalty Funds, Docket No. 14-CRB-0007 CD (2010-13) & 14-CRB-0008 SD (2010-13)

[3] In the rulemaking to determine the procedural regulations for the electronic filing of claims in eCRB, the Judges established regulations that matched the prior, longstanding regulations governing content of claims and continuing Music Claimants' exemption to the requirement of identifying all claimants represented by joint claims submitted by each of the PROs. *See* Final Rule, Docket No. 17-CRB-0012-RM, *Procedural Regulations for the Copyright Royalty Board Regarding Electronic Filing of Claims*, 82 Fed. Reg. 27016, 27019 (June 13, 2017).

(April 1, 2016); Music Claimants' Responsive Brief Pursuant to Order Dated April 12, 2016, *In re Distribution of Cable Royalty Funds* and *In re Distribution of Satellite Royalty Funds*, Docket Nos. 14-CRB-0007 CD (2010-13) & 14-CRB-0008 SD (2010-13) (May 18, 2016) (collectively "2010-13 Music Discovery Briefing"). The statements in the declarations of 2016 remain true today, as reflected by the Declarations in those filings. If anything, the burden has only increased as more and more members and affiliates join the PROs – currently considerably more than 2 million individual writers and publishers.

D. Conclusion

Music Claimants recognize the importance for the Judge's ability to exercise discretion with respect to the entry of claim disqualification Orders and support its application to those parties who have previously been found not entitled to presumption of validity. Nevertheless, Music Claimants ask that any Order provide requisite assurance that these PROs are entitled to a presumption of validity and that, as such, no additional production burdens or obligations as respects claim validity should be imposed upon them absent special leave of the Judges.

Respectfully submitted,

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Dated: April 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of April, 2026, a copy of the foregoing Response of Music Claimants BMI, ASCAP and SESAC to Order Regarding Presumption of Validity of Claims was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel and *pro se* participants who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Katlyn M. Moseley

Proof of Delivery

I hereby certify that on Tuesday, April 14, 2026, I provided a true and correct copy of the Response of Music Claimants to Order Regarding Presumption of Validity of Claims to the following:

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Commercial Television Claimants, represented by David J Ervin, served via E-Service at dervin@crowell.com

Devotional Claimants, represented by Matthew J MacLean, served via E-Service at matthew.maclean@pillsburylaw.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via E-Service at carly@oandzlaw.com

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

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Premier Lacrosse League, Inc., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

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Signed: /s/ Brian A Coleman