
Cable and Satellite Royalty Claims Due to the Copyright Royalty Board by July 31, 2012

by Scott R. Flick and Lauren Lynch Flick

This advisory is directed to television stations with locally-produced programming whose signals were carried by at least one cable system located outside the station's local service area or by a satellite provider that provided service to at least one viewer outside the station's local service area during 2011.

These stations may be eligible to file royalty claims for compensation with the United States Copyright Royalty Board. These filings are due by Tuesday, July 31, 2012 at 5:00pm (EDT).

Under the federal Copyright Act, cable systems and satellite operators must pay license royalties to carry distant TV signals on their systems. Ultimately, the Copyright Royalty Board divides the royalties among those copyright owners who claim shares of the royalty fund. Stations that do not file claims by the deadline will not be able to collect royalties for carriage of their signals during 2011.

In order to file a cable royalty claim, the television station must have aired locally-produced programming and had its signal carried outside of its local service area by at least one cable system in 2011. A station's local service area is typically its DMA, but it also includes areas in which the station would be considered entitled to carriage under FCC rules that were in effect on April 15, 1976. A station's distant signal status should be evaluated and confirmed by Communications counsel. Similarly, television stations with locally-produced programming whose signals were delivered to subscribers located outside the station's DMA in 2011 by a satellite carrier are also eligible to file royalty claims.

Both the cable and satellite claim forms may be filed electronically or in paper form. Electronic versions of these forms are available online at <http://www.loc.gov/crb/claims/>. To submit claims, you will be required to supply the name and address for the claimant and the copyright owner, provide a general statement as to the nature of the copyrighted work (i.e. local news, sports broadcasts, specials, or other station-produced programming), and submit at least one example of retransmission as a distant signal. For cable claims, you will also be required to supply the name of the program, the station's city and state of license, a date in 2011 when retransmission as a distant signal occurred, and the name and location of a cable system that retransmitted the station to subscribers on a distant signal basis. For each satellite retransmission you identify, you will need to supply the name of the program, the station's city and state

of license, a date in 2011 when retransmission as a distant signal occurred, and the name of a satellite carrier that retransmitted the station to subscribers on a distant signal basis. Claimants should keep copies of all submissions and confirmations of delivery, including certified mail receipts.

Claims can also be submitted in paper form. Detailed rules as to how the claims must be addressed and delivered apply. Claims that are hand-delivered by a local Washington, DC courier must be filed one hour earlier, by 4:00 pm. Claims may be sent by certified mail if they are properly addressed, postmarked by July 31, 2012, and include sufficient postage. Overnight delivery services such as Federal Express cannot be used. Stations filing paper claims should verify the proper procedures with Communications counsel.

Please contact any of the group's attorneys for assistance in determining whether your station qualifies to make a claim and in filing the claim itself.

If you have any questions about the content of this advisory, please contact the Pillsbury attorney with whom you regularly work, or the authors of this advisory.

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