
Cable and Satellite Royalty Claims Due to be filed with Copyright Royalty Board by August 2, 2010

by Richard R. Zaragoza, Lauren Lynch Flick and Christine A. Reilly

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 which provided service to at least one viewer outside the station's local service area during 2009. Such stations are eligible to file royalty claims for compensation with the United States Copyright Royalty Board in Washington, DC. These filings are due by Monday, August 2, 2010 at 5pm (EDT) because the customary deadline of July 31 falls on a weekend.¹

In order to file a cable royalty claim, the television station(s) in question must have locally-produced programming and have had its signal(s) carried as a distant signal, that is, outside of its local service area by at least one cable system in 2009. Similarly, television stations with locally-produced programming whose signals were carried as a "distant signal" by at least one satellite carrier for home viewing in 2009 are also eligible to file royalty claims. Generally, a station's "local service area" is its DMA, although it also includes areas in which the station was a "must carry" under FCC Rules in effect on April 15, 1976. Therefore, a station's distant signal status should be evaluated/confirmed by communications counsel.

Both the cable and satellite claim forms may be filed electronically. The electronic forms are available online at <http://www.loc.gov/crb/claims/>. To submit online, follow the instructions on the forms available

¹ Online or hand-delivered claims must be submitted by 5pm (EDT). Claims delivered by a local Washington, DC commercial courier must arrive by 4pm (EDT). Hand delivered claims must be delivered to the Copyright Office Public Information Office in the James Madison Memorial Building, Room LM-401, 101 Independence Ave., SE, Washington, DC 20559-6000 in an envelope addressed to the Copyright Royalty Board, Library of Congress, James Madison Memorial Building, 101 Independence Ave., SE, Washington, DC 20559-6000. Courier delivered claims go to the same address, but to Room LM-403. Overnight delivery services such as Federal Express, United Parcel Service and similar overnight delivery services may not be used for the filing of claims. A claim sent by means of United States Postal Service (a certified mail receipt is the only acceptable proof of mailing) must carry sufficient postage and bear a postmark no later than August 2, 2010. It should be addressed to Copyright Royalty Board, PO Box 70977, Southwest Station, Washington, DC 20024-0977. All envelopes must be marked "Royalty Claim."

at that site. You will be required to supply the name and address information 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 and other station-produced programming), and submit at least one example of a secondary retransmission. For cable claims, you will also be required to supply the name of the program; the station, city and state of license, date in 2009 of a transmission that was carried as a distant signal; and the name and location of a cable system that retransmitted the station on a distant signal basis. For each satellite secondary transmission you identify, you will need to supply the name of the program; the station, city and state of license, and date in 2009 on which the program was retransmitted; and the name of a satellite carrier that retransmitted it to subscribers on a distant signal basis. Keep copies of all submissions and confirmations of delivery, including certified mail receipts.

Under the federal Copyright Act, cable systems and satellite operators must pay “compulsory license” royalties to carry TV distant 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 2009.

Please contact any of the group’s attorneys for assistance in determining whether your station qualifies as a distant signal and in filing your claim.

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