

Cable and Satellite Royalty Claims Due to the Copyright Royalty Board by July 31, 2015

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 2014. These stations may be eligible to file royalty claims for compensation with the United States Copyright Royalty Board. These filings are due by Friday, July 31, 2015 at 5:00 pm (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 2014.

In order to file a cable royalty claim, a television station must have aired locally-produced programming of its own and had its signal carried outside of its local service area by at least one cable system in 2014. Television stations with locally-produced programming whose signals were delivered to subscribers located outside the station's Designated Market Area ("DMA") in 2014 by a satellite provider are also eligible to file royalty claims. A station's distant signal status should be evaluated and confirmed by communications counsel.

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, stations are 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 (e.g., 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, stations will also be required to supply the name of the program, the station's city and state of license, a date in 2014 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 identified, stations will need to supply the name of the program, the station's city and state

of license, a date in 2014 when retransmission as a distant signal occurred, and the name of a satellite provider 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, D.C. 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, 2015**, 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 questions regarding the content of this Advisory, please contact the Pillsbury attorney with whom you regularly work or the authors:

Scott R. Flick **(bio)**
Washington DC
+1.202.663.8167
scott.flick@pillsburylaw.com

Lauren Lynch Flick **(bio)**
Washington DC
+1.202.663.8166
lauren.lynch.flick@pillsburylaw.com

About Pillsbury Winthrop Shaw Pittman LLP

Pillsbury is a full-service law firm with an industry focus on energy & natural resources, media, financial services including financial institutions, real estate & construction, and technology. Based in the world's major financial, technology and energy centers, Pillsbury counsels clients on global business, regulatory and litigation matters. We work in multidisciplinary teams that allow us to understand our clients' objectives, anticipate trends, and bring a 360-degree perspective to complex business and legal issues—helping clients to take greater advantage of new opportunities, meet and exceed their objectives, and better mitigate risk. This collaborative work style helps produce the results our clients seek.

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.

© 2015 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.