



Virginia Association of Broadcasters Legal Review



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FILING REMINDER

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July 25, 2012

TELEVISION STATION COPYRIGHT ROYALTY CLAIMS DUE AT COPYRIGHT OFFICE BY JULY 31

It is time for television stations to file claims for copyright royalties for “distant” carriage of locally produced programming on cable and/or satellite systems during the year 2011.

A television station is considered the copyright owner of its locally produced programming, such as news, public affairs, etc. When a television station’s copyrighted programming is retransmitted by cable or satellite as a “distant” signal, the station is entitled to receive payment of copyright royalties.

Copyright law generally defines “distant” carriage as follows:

Cable Systems: With respect to cable systems, a station’s programming is considered “distant” if it is carried on a system that is (1) outside of the station’s DMA, (2) at least 35 miles from the station’s community of license, (3) outside the station’s predicted Grade B (now noise limited service) contour, **and** (4) in a community where the station is not “significantly viewed.”

Satellite Carriers: With respect to satellite carriers, a station is considered

“distant” if it is provided by the satellite carrier to subscribers located outside of the station’s DMA.

To claim copyright royalties, a station’s locally produced programming must satisfy at least one of the above definitions. If a station can claim both cable and satellite royalties, the station must file a separate claim for each. Further information is available at the following website: <http://www.loc.gov/crb/claims>.

The government collects copyright royalties from cable systems and satellite carriers and then distributes them to the copyright holders. In order for television stations to receive their 2010 copyright royalties for distant carriage, stations must file a claim (or claims, in the case of both cable and satellite carriage) with the copyright office by 5:00 p.m., July 31, 2012. It is critically important that stations meet the filing deadline—a federal court has upheld the copyright office’s denial of claims that were filed late, resulting in a copyright owner’s loss of \$10 million in copyright fees.

Stations may wish to confer with their communications counsel for information about how to complete and file their claims.

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If you should have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

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