



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

Deadline: TV Station Copyright Royalty Claims Due July 29, 2016

Don't leave money on the table. When a television station's copyrighted programming is retransmitted by cable or satellite as a "distant" signal, the station may be entitled to receive payment of copyright royalties. A television station is considered the copyright owner of its locally produced programming, such as news and public affairs coverage. The United States Copyright Royalty Board collects copyright royalties from cable systems and satellite carriers and then distributes them to the copyright holders.

Television station copyright royalty claims for 2015 must be filed **no later than 5:00 p.m. on July 29, 2016**. (The deadline is typically July 31; this year July 31 falls on a Sunday. Normally, when a deadline falls on a weekend, the deadline becomes the next business day. For this filing, where thousands of dollars and more are at stake for each station, July 29 should be treated as the filing deadline.) Meeting the deadline is serious business: A copyright owner once lost \$10 million in copyright fees because the claim for copyright royalties was filed late.

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 digital noise limited service) contour, **and** (4) in a county 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. In order for television stations to receive their 2015 copyright royalties for distant carriage, stations must file a claim with the Copyright Royalty Board by the deadline referenced above. If a station can claim both cable and satellite royalties, the station must file a separate claim for each type of distant carriage.

Stations may wish to confer with their communications counsel for information about how to timely complete and file their claim(s).

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

Stephen Hartzell, Editor

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