Refunds Under the Cable Statutory License  
Docket No. 2010-3

REPLY COMMENTS OF COPYRIGHT OWNERS  
ON NOTICE OF PROPOSED RULEMAKING

Pursuant to the Copyright Office’s (“Office”) Notice of Proposed Rulemaking, 75 FR 61116 (October 4, 2010) (as corrected by 75 FR 62488 (October 12, 2010)) (“NPRM”), the Joint Sports Claimants, Commercial Television Claimants, Devotional Claimants, Canadian Claimants and Music Claimants (collectively “Copyright Owners”) submit the following reply comments.

The NPRM raises the issue of whether, under the Satellite Television Extension and Localism Act of 2010 (“STELA”), Pub. L. No. 111-175, the Office may grant certain requests of cable operators to obtain refunds of royalties they paid pursuant to Section 111 of the Copyright Act -- where the cable operators failed to comply with the rules in effect prior to passage of STELA dealing with so-called “phantom signals.” The Program Suppliers filed comments in response to the NPRM in which they took no position on the issue raised by the NPRM but noted that certain refund requests were untimely and should be rejected on that basis alone.

Based upon information that the Office provided Copyright Owners, virtually all of the requests at issue were made outside the time period permitted by Office rules. See 37 C.F.R. § 201.17(m)(3)(i) (requiring refund requests to be made within sixty days following the filing of
relevant statement of account). Specifically, according to the statements of account provided by 
the Office, all but one of the amended statements requesting or implying the right to a refund 
were filed outside the sixty-day period specified in the rules.

Under these circumstances, and relying upon the information provided by the Copyright 
Office, Copyright Owners (like Program Suppliers) take no position on the issue raised in the 
NPRM. The Copyright Owners agree with Program Suppliers that each of the untimely refund 
requests should be denied solely on the basis that it is untimely and without regard to whether the 
request is inconsistent with STELA.

Respectfully submitted,

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Dated: December 3, 2010
CERTIFICATE OF SERVICE

I, Stephen K. Marsh, hereby certify that on this 3rd day of December, 2010, a copy of the foregoing Reply Comments of Copyright Owners on Notice of Proposed Rulemaking was sent by first-class U.S. mail to the individuals listed below:

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