

**Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.20540**

In the Matter of)
)
) **Docket No. 2005-4 CRB CD 2003**
Distribution of the 2003)
Cable Royalty Fund)

**COMMENTS OF THE
CANADIAN CLAIMANTS GROUP**

The Canadian Claimants Group, by their attorneys, submits these comments in response to the request by the Copyright Royalty Judges (“CRJs”) for comments regarding the motion for further distribution of the 2003 cable royalty fund. See Distribution of the 2003 Cable Royalty Funds, 72 Fed. Reg. 46516 (August 20, 2007). (“Notice”)

The Notice requests comments on 1) the pending motion for further distribution of the 2003 royalty fund; 2) what conditions, if any, other than those required by section 801(b)(3)(C) of the Copyright Act, should the Copyright Royalty Judges impose on the claimants to whom the royalties are distributed, 3) the existence of Phase I or Phase II controversies; 4) whether additional phase I categories of claimants should be recognized; 5) whether a proceeding should be commenced at this time; 6) what action, if any, should be taken to provide timely receipt of pleadings prior to the commencement of a proceeding.

In an effort to limit duplicative comments in response to the Notice, the Canadian Claimants are joining and adopting certain portions of the Comments of the Program Suppliers being filed today. Specifically, the Canadian Claimants adopt and join those portions of the Program Suppliers Comments that are identified as roman numerals I, II, III.a., VI, and VII. The

joined sections address topics 1, 2, 4, and 6, in the proceeding paragraph in their entirety and addresses topic 3 regarding the existence of a Phase I controversy for the 2003 proceeding. In these comments the Canadian Claimants will separately address the existence of Phase II Controversies and the question whether a proceeding should be commenced at this time.

I. Existence of Phase II Controversies

No Phase II controversy exists within the Canadian Claimants Group. Furthermore, the Canadian Broadcasting Corporation, a member of the Canadian Claimants, has resolved its previously reported Phase II claim against National Public Radio.

II. Commencement of a Phase I Proceeding

The Canadian Claimants do not favor the immediate commencement of a Phase I proceeding. While the Canadian Claimants agree that a short delay to permit additional negotiations would be worthwhile, more importantly, the Canadian Claimants believe that the proceedings should be delayed so that the recently terminated 2000-2002 Cable Phase I proceedings can be commenced before the Copyright Royalty Judges and then be consolidated with the 2003 Royalty Proceeding.¹ As was disclosed in the June 8, 2007, Phase I Claimants' Notice of Partial Phase I Settlement and Motion for Further Distribution, the 2003 partial settlement was part of a four year global Phase I partial settlement that also applied to the 2000-

¹ As was noted in footnote 6 of the Notice, the Copyright Office terminated all pending distribution proceedings effective August 10, 2007, and new proceedings will have to be commenced before the Copyright Royalty Judges. See Notice, Docket Nos. 2001-8 CARP CD 98-99, 2002-8 CARP CD 2000, 2003-2 CARP CD 2001, 2004-5 CARP CD-2002, 2001-5 CARP SD 99, 2001-7 CARP SD 2000, and 99-4 CARP DPRA, 72 Fed. Reg. 45071 (Aug. 10, 2007).

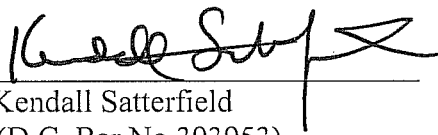
2002 cable Phase I proceedings. Consolidation of the four years would be appropriate because the identical dispute between the Canadian Claimants Group and the other Phase I claimant groups exists in each of the proceedings.

Conclusion

For the foregoing reasons, the Canadian Claimants Group request that the CRJs proceed with the proposed distribution of 2003 Cable Royalties and take such further action as requested above.

Respectfully submitted,

Dated September 19, 2007



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CERTIFICATE OF SERVICE

I, L. Kendall Satterfield, hereby certify that a copy of the foregoing "Comments of Canadian Claimants Group" was served via Federal Express, this 19th day of September, 2007, upon the following:

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