

COPYRIGHT ROYALTY CLAIM INSTRUCTIONS

Colleges, universities, and collegiate conferences whose team sports events (i.e., football and/or basketball games) have been telecast “live” over the air during calendar year 2013 may qualify to receive money that certain cable and satellite TV providers have paid to the U.S. government in exchange for the right to distribute those sporting events. Your institution may qualify for these proceeds—referred to as statutory copyright royalties—by providing the NCAA the information listed on the form found online at www.NCAA.org.

The information requested in the online form is needed to include an institution or conference in one or both of the joint claims for the statutory royalties (one claim for royalties paid by cable providers, and another claim for royalties paid by satellite providers). Once your institution’s information is submitted online, the NCAA, on behalf of itself and as agent for the participating institutions, will file the copyright claims with the designated federal agency responsible for distributing the royalties – the Copyright Royalty Board (“CRB”). Millions of dollars become available for distribution to qualifying institutions and conferences each year, and you are encouraged to take the simple steps outlined below if any of your athletic events were qualifying telecasts in 2013 (as described further below).

A Brief Explanation of the Statutory Copyright Royalty System

The Copyright Act requires cable television systems and satellite carriers to pay copyright royalty fees in exchange for the right they have been given (by federal law) to retransmit sporting events that are televised “over-the-air” on broadcast television. The requirements for cable systems and satellite carriers are different. In general, cable systems pay royalties for the right to retransmit sporting events distributed on a non-network channel (*i.e.*, on a channel other than ABC, CBS, FOX and NBC) telecasts. But satellite carriers pay royalties for the right to retransmit sporting events that are distributed on both non-network stations and network stations.

Cable and satellite providers pay these fees to the U.S. Copyright Office in two installments each year. The collected fees then form two pools that are available for distribution to those claimants whose qualifying programming was retransmitted by a cable or satellite provider during that calendar year. Claims for a given year must be filed the following year. For example, claims filed in 2014 would be related to telecasts that occurred in 2013.

Distribution of the fees is determined by a panel of judges, usually on the basis of settlements among the entities who claim the royalties. Due to the possibility of disputes, distributions tend to be irregular, and sometimes occur years after the year in which they were paid. In some cases, advance partial distributions may be made to the claimants while a final distribution is pending. Royalty funds accumulate interest while they are held by the Copyright Office. .

Claims for 2013 Telecasts

It is now time to collect the information needed to submit royalty claims for telecasts of calendar year 2013 football, men’s basketball, and women’s basketball events that may qualify for

statutory royalty fee distributions. As a service to its membership, the NCAA collects its members' royalty claims information and submits it to the Copyright Royalty Board for consideration. Consequently, any institution or conference that would like the NCAA to file on its behalf should submit this information. As in the past, the NCAA office will collect and organize the data, and with its Washington, D.C.-based legal counsel, file the formal claims on behalf of all participating institutions and conferences.

Do You Have Qualifying Events?

A. For Royalties Paid by Satellite Providers

(1) The following is a list of telecasts that **would** qualify for satellite royalties:

- Games originated by national broadcast networks (ABC, CBS, Fox, or NBC).
- Games originated by non-network broadcast stations or by a syndicator (e.g., Jefferson-Pilot, Raycom, ESPN Regional) and shown on any local over-the-air stations.
- Games originated by a local over-the-air station and shown by a cable service. For example, if you have a football game that was originated by an over-the-air station (e.g., WRTV) but was also shown on a regional cable network (e.g., Fox Sports Midwest), this would be a qualifying event.

(2) The following is a list of televised events that **would not** qualify for satellite royalties:

- Games originated by and shown only on ESPN, ESPN2, ESPNU, CST or Versus.
- Games originated by and shown only on Turner, TNT, TBS or WGN.
- Games originated by a regional cable network (e.g., MSG, FSN, Comcast Sports Net, Altitude, etc.), regardless whether the game was also carried on an over-the-air station.
- Games originated by low power stations (stations with numbers and letters other than "W" or "K").

B. For Royalties Paid by Cable Providers

(1) The following is a list of telecasts that **would** qualify for cable royalties:

- The games listed in A(1) above, but excluding games originated by national broadcast networks (ABC, CBS, Fox, or NBC).

(2) The following is a list of televised events that **would not** qualify for cable royalties:

- Games originated by national broadcast networks (ABC, CBS, Fox, NBC).
- Any of the games listed in A(2), above with the exception of games originated by low power stations (those games would be eligible for cable royalties, even though they are not eligible for satellite royalties).

For further instructions please reference the online form.

- 1) If you have qualifying events, please complete the authorization letter printed on your institution or conference's letterhead. A draft authorization letter is included when you click the submit button at the bottom of the online form. The completed authorization letter should be sent to the NCAA to the attention of Keith Martin, Managing Director of Marketing and Broadcast Alliances, by **May 30, 2014**. A draft authorization letter also is included on the next page for your reference.
- 2) If you do not have any qualifying events, please choose that option on the online form. It is not necessary to complete an authorization letter if you do not have qualifying events.
- 3) The completed log of non-network telecasts should be submitted to the NCAA national office via the online form by **May 30, 2014**. PLEASE DO NOT SEND A COPY OF THE FORM TO THE NATIONAL OFFICE.

For questions, please contact Andrea Worlock at aworlock@ncaa.org or 317/ 917-6253.