

## **COPYRIGHT ROYALTY CLAIM INSTRUCTIONS**

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**IT IS IMPORTANT THAT THE INDIVIDUAL(S) RESPONSIBLE FOR OVERSIGHT OF YOUR INSTITUTION'S BROADCAST AND MEDIA RIGHTS REVIEW THESE INSTRUCTIONS. YOUR ACTION MAY BE NECESSARY FOR YOUR INSTITUTION TO RECEIVE ROYALTY PAYMENTS TO WHICH IT MAY BE ENTITLED.**

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Colleges, universities, and collegiate athletic conferences whose team sports events have been telecast live, over-the-air during calendar year 2023 may qualify to receive money that cable, and satellite TV providers have paid into a U.S. government-managed fund in exchange for the right to retransmit those sporting event telecasts. "Team sports events" include, but are not limited to, football, men's and women's basketball, baseball, softball, men's and women's lacrosse, and men's and women's soccer, but not sports, such as track & field, swimming, and fencing, in which there are individual winners and therefore are not considered "team sports events" for this particular purpose. To receive this money – statutory licensing royalties -- the **owner** of copyright to the event telecast, or other authorized party, must file a claim with the federal agency responsible for distributing the royalties – the Copyright Royalty Board ("CRB"). Administrative judges appointed by the Librarian of Congress set the royalty rates and determine the distribution of royalties to copyright owners.

As a service to its members, each year the NCAA files and pursues joint claims for these licensing royalties on behalf of its member institutions and conferences that so request. In doing so, the NCAA participates in CRB royalty distribution proceedings and settlements then distributes among the participating members the royalties received. **These settlements are unpredictable in amount and timing, please do not budget for the CRB distribution.**

However, to file such claims and distribute the royalties, the NCAA must receive telecast information from its member institutions and conferences. **Your institution or conference may only receive CRB royalties through the joint claims if you provide the NCAA the required telecast information.** The NCAA requests this information via a proprietary application available online. Submission of your institution's information through that application authorizes the NCAA to include it in a joint claim and the NCAA, on behalf of itself and the participating institutions/conferences, will file the appropriate copyright claims with the CRB.

## **A Brief Explanation of the Statutory Copyright Royalty System**

The Copyright Act requires cable television systems and satellite carriers to pay statutory copyright royalty fees in exchange for the right—given to them by federal law—to retransmit sporting events and other programs that are televised “over-the-air” on broadcast television without individually negotiating retransmission rights. “Over-the-air” means the broadcast would be viewable on TV using an antenna in the location of the telecast, without the need for any cable or satellite subscription. The requirements for cable systems and satellite carriers are different. In general, cable systems pay royalties for the right to retransmit TV programming distributed over-the-air on any non- “Big Three” network channel (*i.e.*, on a channel other than ABC, CBS, and NBC, but including broadcasts on Fox). In contrast, satellite carriers pay royalties for the right to retransmit all sporting event and other program broadcasts that are distributed over-the-air, including on both non-network stations and Fox and network stations (including ABC, CBS, and NBC).

Cable and satellite providers pay these fees to the U.S. Copyright Office in two installments each year. The collected fees then form a pool that is 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 before August the following year. For example, claims filed in 2024 would be related to telecasts that occurred in 2023.

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

## **How Do You Submit Claims Information to the NCAA?**

For your institution or conference to receive its share of eligible CRB royalties for calendar year 2023, if and when they are released for distribution, you must provide the NCAA with information necessary to submit royalty claims for telecasted games. Please ensure the sports event telecast is of a team sport as discussed above. Contests against non-NCAA members can be included in your claim, such as NAIA institutions. You may provide that information via the NCAA’s Copyright Royalty Board application, which is available on [ncaa.org](http://ncaa.org) under My Apps (Single Source Sign-on) or by clicking [HERE](#). If you do not have access to the CRB application in your My Apps section, contact your institution’s Single Source Sign-on administrator to request that you be added as a user. If you are having trouble viewing the application, please try a different internet browser, such as Chrome or Firefox.

Once you access the CRB application, you will be presented with a landing page from which you can access either (i) instructions for completing the CRB form or (ii) the CRB form. Upon selecting the CRB form, please follow the technical instructions provided there.

### **What Information Should You Submit?**

The NCAA directs you to identify and claim all games that were broadcast over-the-air on television, for which your institution owns the copyright (or the right to make CRB claims). Specifically, you will:

1. Choose the applicable live sporting event (as discussed above, it should be a team sport);
2. Claim each game (a) that was televised on broadcast television and (b) for which your institution owns the copyright (or the right to make CRB claims);
3. Indicate whether the broadcast was televised on a “Big Three” national network (i.e., on ABC, CBS, or NBC) or on Fox; and
4. If the game was not televised on a national network or Fox, identify the broadcast call sign(s) of stations that carried the game.

There is no need for you or your institution to determine whether each game broadcast may in fact qualify for CRB royalties (but see below “What Broadcasts Will Qualify for CRB Royalties” for more information about that). Rather, you need only identify each game that was shown on broadcast television, where your institution is the copyright owner (or has the right to make CRB claims).

The CRB system is set-up to pull games from the NCAA schedule/stats system. This action is to help ease the burden of data entry; however, it can list games that are not copyrighted by the reviewer (e.g., NCAA BB Tournament Games). For those institutions and conferences that unintentionally claim NCAA Championship games, the national office will be in contact as the NCAA claims those games annually.

After the NCAA collects the broadcast information, it will assess which broadcasts may be eligible for CRB royalties. As in the past, the NCAA national office will collect and organize the data and, with the aid of legal counsel, file claims with the CRB on behalf of all participating schools and conferences.

### **What Broadcasts Qualify for CRB Royalties?**

As described above, your institution need not make any determination about which broadcasts might qualify for CRB royalties. The NCAA will perform that function. However, your institution should be aware that broadcasts that are not retransmitted by a cable system or satellite carrier will not qualify for CRB royalties, and your institution may not be entitled to receive any royalties, even though many of its athletic contests are shown on television.

Moreover, cable and satellite operators are only required to pay royalties for programming that they retransmit as a “distant signal” – a broadcast signal that cannot be received over-the-air in a market because the origination of the broadcast (i.e., broadcast antenna) is too far away. Generally, a signal is “distant” if it is being retransmitted in a market that is more than 40-60 miles away from the originating broadcast antenna.

#### A. For Royalties Paid by Satellite Carriers

(1) The following list of telecasts that **would** qualify for CRB royalties paid by satellite carriers:

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

(2) The following list of televised events that **would not** qualify for CRB royalties paid by satellite carriers:

- Games originated by and shown only on ESPN, ESPN2, ESPNU, CST or Versus (*i.e.*, not shown on any over-the-air broadcast station).
- Games originated by and shown only on Turner, TNT, TBS or WGN (*i.e.*, not shown on any over-the-air broadcast station).
- Games originated by and shown only on a regional cable network (e.g., MSG, FSN, Comcast Sports Net, Altitude, etc.) or other cable network (*i.e.*, not shown on any over-the-air broadcast station).

#### B. For Royalties Paid by Cable Systems

(1) The following list of telecasts that **would** qualify for CRB royalties paid by cable systems:

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

(2) The following list of televised events that **would not** qualify for CRB royalties paid by cable providers:

- Games broadcast by national broadcast networks (ABC, CBS, or NBC).
- Any of the games listed in A (2) above.

### **What Should You Do Next?**

- 1) If you do not have any games that were broadcast over-the-air (e.g., all of your games were distributed exclusively by ESPN or another cable channel), you need not submit any telecast information. Simply submit a blank CRB claimant form.
- 2) If you do have games that were broadcast over-the-air, and you own the copyright (or the right to submit CRB claims for them), you should submit them to the NCAA via the CRB application by **June 28, 2024**. Technical instructions for submitting claims are set forth on the form. The CRB application will open Monday, May 20, 2024.

### **Note:**

Claimants: Settlements are unpredictable in amount and timing, please **do not** budget for the CRB distribution.

Conferences: If you are submitting claims on behalf of your conference members with their permission, or as part of the conference television contracts by owning the copyright royalties for the conference and members, please notify conference members to ensure errors do not occur during the submission process.

Questions regarding the Copyright Royalty Board Information Request should be directed to Andrea Worlock, assistant director of accounting, at the NCAA national office at [aworlock@ncaa.org](mailto:aworlock@ncaa.org) or 317-917-6253.