

Federal Communications Commission

§ 76.105

information will be broadcast; which-ever comes later.

(3) The broadcaster requesting exclu-sivity.

(f) A broadcaster exercising exclu-sivity pursuant to § 76.92 shall provide to the cable system, upon request, an exact copy of those portions of the con-tracts, such portions to be signed by both the network and the broadcaster, setting forth in full the provisions per-tinent to the duration, nature, and ex-tent of the non-duplication terms con-cerning broadcast signal exhibition to which the parties have agreed.

§ 76.95 Exceptions.

(a) The provisions of §§ 76.92 through 76.94 shall not apply to a cable system serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, the op-erator of each such system shall file a notice to that effect with the Commis-sion, and serve a copy of that notice on every television station that would be entitled to exercise network non-dupli-cation protection against it.

(b) Network non-duplication protec-tion need not be extended to a higher priority station for one hour following the scheduled time of completion of the broadcast of a live sports event by that station or by a lower priority sta-tion against which a cable community unit would otherwise be required to provide non-duplication protection fol-lowing the scheduled time of comple-tion.

§ 76.101 Cable syndicated program ex-clusivity: extent of protection.

Upon receiving notification pursuant to § 76.105, a cable community unit lo-cated in whole or in part within the ge-ographic zone for a syndicated pro-gram, the syndicated exclusivity rights to which are held by a commercial tel-evision station licensed by the Com-mission, shall not carry that program as broadcast by any other television signal, except as otherwise provided below.

NOTE: With respect to each syndicated pro-gram, the geographic zone within which the television station is entitled to enforce syn-dicated exclusivity rights shall be that geo-graphic area agreed upon between the non-network program supplier, producer or dis-

tributor and the television station. In no event shall such zone exceed the area within which the television station has acquired broadcast territorial exclusivity rights as defined in § 73.658(m) of this Chapter. To the extent rights are obtained for any hyphen-ated market named in § 76.51, such rights shall not exceed those permitted under § 73.658(m) of this Chapter for each named community in that market.

§ 76.103 Parties entitled to syndicated exclusivity.

(a) Television broadcast station li-censees shall be entitled to exercise ex-clusivity rights pursuant to § 76.101 in accordance with the contractual provi-sions of their syndicated program li-cense agreements, consistent with § 76.109.

(b) Distributors of syndicated pro-gramming shall be entitled to exercise exclusive rights pursuant to § 76.101 for a period of one year from the initial broadcast syndication licensing of such programming anywhere in the United States; provided, however, that dis-tributors shall not be entitled to exer-cise such rights in areas in which the programming has already been li-censed.

§ 76.105 Notification.

(a) In order to exercise exclusivity rights pursuant to § 76.101, distributors or television stations shall notify each cable television system operator of the exclusivity sought in accordance with the requirements of this section. Syn-dicated program exclusivity notices shall include the following informa-tion:

(1) The name and address of the party requesting exclusivity and the tele-vision broadcast station or other party holding the exclusive right;

(2) The name of the program or series (including specific episodes where nec-essary) for which exclusivity is sought;

(3) The dates on which exclusivity is to begin and end.

(b) Broadcasters entering into con-tracts on or after August 18, 1988, which contain syndicated exclusivity protection shall notify affected cable systems within sixty calendar days of the signing of such a contract. Broad-casters who have entered into con-tracts prior to August 18, 1988, and who comply with the requirements specified