

**§ 76.94 Notification.**

(a) In order to exercise non-duplication rights pursuant to § 76.92, television stations shall notify each cable television system operator of the non-duplication sought in accordance with the requirements of this section. Except as otherwise provided in paragraph (b) of this section, non-duplication protection notices shall include the following information:

(1) The name and address of the party requesting non-duplication protection and the television broadcast station holding the non-duplication right;

(2) The name of the program or series (including specific episodes where necessary) for which protection is sought; and

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

(b) Broadcasters entering into contracts providing for network non-duplication protection shall notify affected cable systems within 60 calendar days of the signing of such a contract. In the event the broadcaster is unable based on the information contained in the contract, to furnish all the information required by paragraph (a) of this section at that time, the broadcaster must provide modified notices that contain the following information:

(1) The name of the network (or networks) which has (or have) extended non-duplication protection to the broadcaster;

(2) The time periods by time of day (local time) and by network (if more than one) for each day of the week that the broadcaster will be broadcasting programs from that network (or networks) and for which non-duplication protection is requested; and

(3) The duration and extent (e.g., simultaneous, same-day, seven-day, etc.) of the non-duplication protection which has been agreed upon by the network (or networks) and the broadcaster.

(c) Except as otherwise provided in paragraph (d) of this section, a broadcaster shall be entitled to non-duplication protection beginning on the later of:

(1) The date specified in its notice (as described in paragraphs (a) or (b) of this section, whichever is applicable) to the cable television system; or

(2) The first day of the calendar week (Sunday through Saturday) that begins 60 days after the cable television system receives notice from the broadcaster.

(d) A broadcaster shall provide the following information to the cable television system under the following circumstances:

(1) In the event the protection specified in the notices described in paragraphs (a) or (b) of this section has been limited or ended prior to the time specified in the notice, or in the event a time period, as identified to the cable system in a notice pursuant to paragraph (b) of this section, for which a broadcaster has obtained protection is shifted to another time of day or another day (but not expanded), the broadcaster shall, as soon as possible, inform each cable television system operator that has previously received the notice of all changes from the original notice. Notice to be furnished “as soon as possible” under this paragraph shall be furnished by telephone, telegraph, facsimile, overnight mail or other similar expedient means.

(2) In the event the protection specified in the modified notices described in paragraph (b) of this section has been expanded, the broadcaster shall, at least 60 calendar days prior to broadcast of a protected program entitled to such expanded protection, notify each cable system operator that has previously received notice of all changes from the original notice.

(e) In determining which programs must be deleted from a television signal, a cable television system operator may rely on information from any of the following sources published or otherwise made available:

(1) Newspapers or magazines of general circulation.

(2) A television station whose programs may be subject to deletion. If a cable television system asks a television station for information about its program schedule, the television station shall answer the request:

(i) Within ten business days following the television station’s receipt of the request; or

(ii) Sixty days before the program or programs mentioned in the request for

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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 oper-ator 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