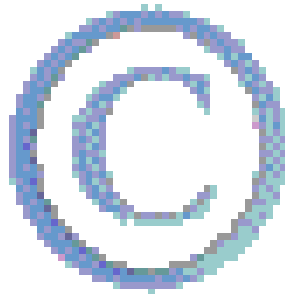


Copyrights

Business of Music
Mrs. Deady



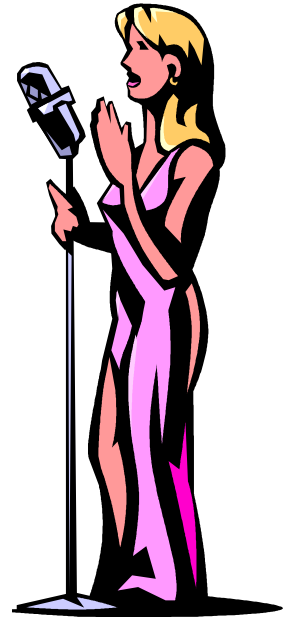
When do you have a Copyright?

- ❑ Written down, sung or played into a recorder
- ❑ Technically, you do not need to register the work to get copyrighted – it just helps



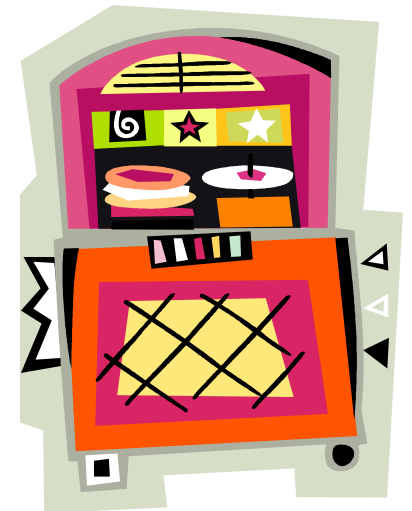
Exclusive Rights

- ❑ Reproduce the work (manufacture the CD)
- ❑ Distribute copies of the work
- ❑ Perform the work publicly
- ❑ Make a derivative work
 - Creation based upon another work
 - Parody that constitutes new work
- ❑ Display the work publicly (which technically does not apply to music, but to paintings and statues)



Exceptions – Compulsory Licenses

- Cable Television Rebroadcast – requires local broadcasters to allow cable companies to rebroadcast signals in exchange for a payment of fees.
- Public Broadcasting System (PBS) – copyright owners required to license work at a reduced rate
- Jukebox – also a reduced rate for license fees (until 1976 they paid nothing)

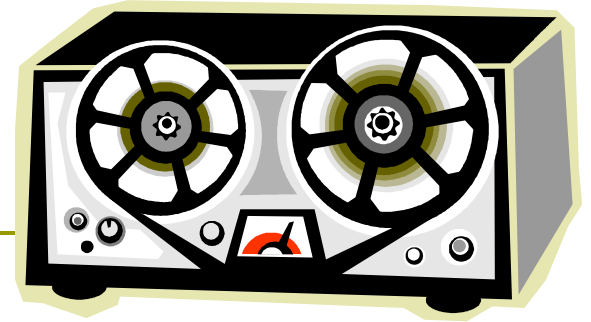


Compulsory License, cont'd

- Digital Performance of Records (1995 and 1998) requires owners to allow performances on digital radio including webcasting
- Digital Distribution of Records covers downloading over Internet, telephone lines, satellites



Compulsory License, cont'd



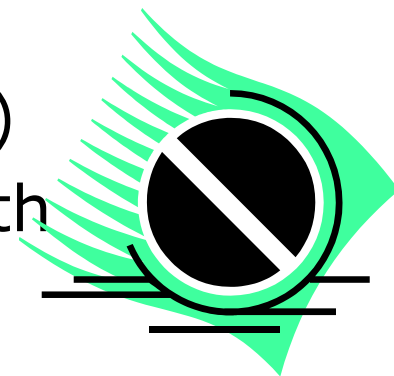
6. Compulsory Mechanical License (1909) requires payment of services to mechanically produce sound.

ONCE A WORK IS RECORDED, THE PUBLISHER IS REQUIRED TO LICENSE IT TO ANYONE ELSE WHO WANTS TO USE IT IN RECORDS (for a fee).

The Rights to reproduce songs in records are known as Mechanical Rights and money received are Mechanical Royalties.

Restrictions on Compulsory License

1. Song is in a non-dramatic musical work (a dramatic song is probably one that helps tell the story, *My Fair Lady*, e.g.)
2. Song has been previously recorded with its FIRST recording authorized by the copyright owner.
3. Previous recording distributed publicly
4. Use is in phonorecords only – does not include DVDs or VHS movies.



Public Performances Copyright

Permits songs to be played on radio, in nightclubs and amusement parks.

How does this work?

ASCAP and BMI are considered agencies, Performing Rights Societies. They go to each publisher to get the job to collect the fees from radio stations, nightclubs and amusement parks in order to use all of their songs, then pass back their share of fees to publishers.



Infringement Lawsuits

- ❑ Must begin within 3 years of the infringement
- ❑ Record companies make the artists and producers bear the FULL responsibility of unlicensed sampling.

