

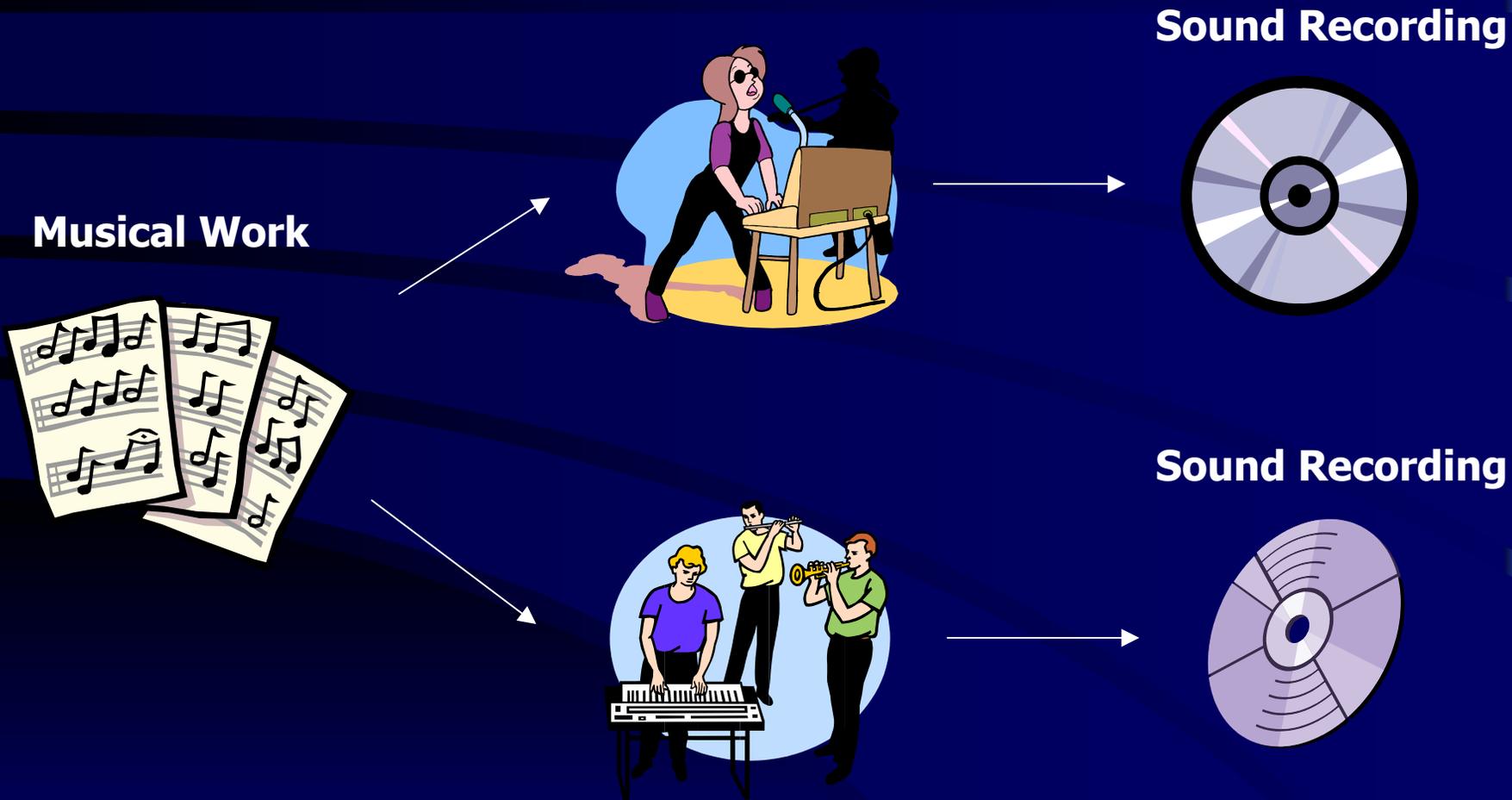
The Basics of Music Copyright

- Types of Works
 - Musical Work
 - Sound Recording
- Types of Rights
 - Performance Rights
 - Reproduction Rights
- Types of Owners
 - Individual/Corporate Owners
 - Licensing Bodies
- Types of Limitations
 - Exemptions
 - Statutory Licenses

Two Types of Copyrighted Works

- Musical Works
 - Sheet Music of “I Will Always Love You”
- Sound Recordings
 - Dolly Parton “Jolene” CD
 - Whitney Houston “Greatest Hits” CD

Musical Works and Sound Recordings: An Example



Rights Granted for Musical Works

- Right to Reproduce
- Right to Distribute
- Right to Create Derivative Works
- Right to Perform Publicly
- Right to Display Publicly
- Right to Perform by Means of Digital Audio Transmission

Rights Granted for Sound Recordings

- Right to Reproduce
- Right to Distribute
- Right to Create Derivative Works
- Right to Perform Publicly
- Right to Display Publicly
- Right to Perform by Means of Digital Audio Transmission

Musical Work Performance Right

- Broad Right to Perform Publicly
- Includes Broadcasts, Concerts, Cable Systems, and Jukeboxes
- Also includes digital transmission services under this broad right

Sound Recording Performance Right

- Narrow Right Only for Digital Transmission
- Does Not Include Broadcast, Concerts, Jukeboxes
- Includes Digital Services Like the Internet and Digital Cable

Musical Work Reproduction Rights

- Types of Reproductions:
 - Mechanical Reproductions -- CDs, Cassettes, LPs, computer files
 - Synchronizations -- movie soundtrack
 - Print -- sheet music, liner notes

Sound Recording Reproduction Rights

- Types of Reproductions
 - CDs, Cassettes, LPs
 - Digital Phonorecord Deliveries -- computer files
 - Synchronizations

Musical Work Copyright Owners

- Individual: Songwriter
- Corporate: Music Publisher

Sound Recording Copyright Owners

- Individual: Recording Artists, Producer
- Corporate: Record Company

Musical Work Licensing Bodies

- Performance Rights
 - ASCAP, BMI, SESAC
- Reproduction Rights
 - Harry Fox Agency (HFA)

Sound Recording Licensing Bodies

- Performance Rights
 - SoundExchange (Statutory License)
 - Individual Record Companies
- Reproduction Rights
 - Individual Record Companies
 - SoundExchange (Ephemeral Recordings)

Who Gets Paid?

The Broadcast Example

- When a CD is played by a radio station, who gets paid?
 - Musical Work -- ASCAP, BMI or SESAC collects payments for the songwriter and the music publisher.
 - Sound Recording -- No one.

Who Gets Paid? The CD Example

- When a record store sells CDs to the public, who gets paid?
 - Musical Work -- HFA collects payments for the songwriter and music publisher
 - Sound Recording -- Record company collects royalties that are shared with the recording artists

Who Gets Paid?

The Webcast Example

- When a CD is played by webcaster, who gets paid?
 - Musical Work -- ASCAP, BMI or SESAC collects payments for the songwriter and the music publisher.
 - Sound Recording -- SoundExchange collects royalties for artists and record companies.

Limitations on Copyright

- Exemptions: Different set for musical works and sound recordings.
- Statutory Licenses: Guarantee access to the works in exchange for payment of a established royalty fee.

Musical Work Statutory Licenses

- Mechanical Reproductions
- Performing Rights Consent Decrees
- Public Radio Statutory License

Sound Recording Statutory Licenses

- Section 114 Performance License
- Section 112 Reproduction Licenses

Section 114

Statutory Licenses

- DPRA Statutory License
 - Only Subscription Services
 - Policy-based Rate-Setting Standard
- DMCA Statutory License
 - Nonsubscription Services (Webcasters) and other services
 - “Willing Buyer/Willing Seller” Standard

Section 112

Statutory License

- Created by the DMCA
- Applies to multiple copies made by webcasters and business establishment services
- “Willing Buyer/Willing Seller” Standard