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

Musical Work → Sound Recording

Sound Recording → Sound Recording
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