

Hugh's notes on Copyright

NGO industry Practice on Copyright and informing NGO staff

Date Contacted	Organization	Policy	Result	Information given to Staff	Impact on Newletters

Check emails from Greg Parsons
Contact Jwills

Contact Brian Flageres

These are the concerns of anyone trying to use or copy recordings.

*copyright of the work embedded

*copyright of public performance -

*copyright of sound recordings - (P)

*Digital Performance Right in Sound Recordings Act of 1995

*exceptions: TEACH ACT (distant education)

* Compulsory Licensing (Harry Fox Agency.)

Copyright courses can be had here: <http://www.copyrightlaws.com/>

Lesley Ellen Harris who heads this group has written a book; a new edition will come out this year.

First published in 2002, with the second edition in 2009, **Licensing Digital Content/** has proven to be a popular one-stop, plain language resource demystifying the process of digital licensing for librarians. Although aimed at librarians, this book is helpful for anyone who needs to become familiar with the ins and outs of negotiating digital licenses.

She has spent over 25 years consulting with people and organizations on copyright, licensing and digital property management issues. In these same areas, Lesley has written 9 books, and teaches a variety of online courses in Canada, the U.S. and around the world, through Copyrightlaws.com and with the Special Libraries Association, and the American Library Association.

From the copyright office definitions:

Sound recording:

A sound recording is a work that results from the fixation of a series of musical, spoken, or other sounds, regardless of the nature of the material objects in which they are embodied. A sound recording does not include the sounds accompanying a motion picture or other audiovisual work. Copyright in a sound recording protects the particular series of sounds embodied in the sound recording. Copyright registration for a sound recording alone is not the same as registration for the musical, dramatic, or literary work recorded. The underlying work may be registered in its own right apart from any recording of the performance.

(P)

The "sound recording copyright symbol", represented by the graphic symbol (a circled capital letter P <https://en.wikipedia.org/wiki/P>), is the copyright symbol https://en.wikipedia.org/wiki/Copyright_symbol used to provide notice of copyright <https://en.wikipedia.org/wiki/Copyright> in a sound recording (phonogram) embodied in a phonorecord <https://en.wikipedia.org/wiki/Phonorecord> (LPs https://en.wikipedia.org/wiki/LP_record, audiotapes https://en.wikipedia.org/wiki/Tape_recorder, cassettes https://en.wikipedia.org/wiki/Compact_Cassette, compact discs https://en.wikipedia.org/wiki/Compact_disc, etc.).^[1] https://en.wikipedia.org/wiki/Sound_recording_copyright_symbol#cite_note-1 Present in Europe since at least the mid-1960s, the use of the symbol in United States copyright law https://en.wikipedia.org/wiki/Copyright_Law_of_the_United_States^[2] https://en.wikipedia.org/wiki/Sound_recording_copyright_symbol#cite_note-notice-2 after 1971 was codified at 17 U.S.C. https://en.wikipedia.org/wiki/17_U.S.C. and is specified internationally in the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms https://en.wikipedia.org/wiki/Geneva_Phonograms_Convention.^[3] https://en.wikipedia.org/wiki/Sound_recording_copyright_symbol#cite_note-3

Performance copyright -statement of Register of Copyrights Marybeth Peters; In 1995 Congress passed the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA")² https://www.copyright.gov/docs/regstat070509.html#_ftn2 which, for the first time, granted to copyright owners of sound recordings a limited public performance right. While this was a good first step toward recognizing a public performance right for sound recordings, the scope of this right is not nearly as extensive as the scope of the public performance right we offer to literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works. Our treatment of the public performance right for sound recordings falls short of prevailing international norms as well.

In the section on Limitations and exceptions to performance rights there is mention of the TEACH ACT regarding educational entities for distance learning (streaming and downloading for copying.) Check out here. https://en.wikipedia.org/wiki/Performing_rights

There is also the issue of Compulsory licensing. Use of recorded sound for copying. This is known in the industry as a MECHANICAL LICENSE. The Harry Fox Agency handles this. Bands and orchestras can make copies of their public performances and sell them by paying a standard fee via HFA, or by paying a set amount, usually \$25 to each of the publishers of the music involved in order to record their performances and sell the short runs of discs. One can learn more at their site: https://www.harryfox.com/license_music/what_is_mechanical_license.html