

Class 17: Music Copyrights

Administrative

Next Time

473-501, Supp. 419-23, 430-32
(notes about Perfect 10); § 501(a)

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Last Time

Problems on Page 436

Video transmission cases

Redd Horne

Facts

Video store with 85 private booths

VCRs in stores' central area, run by employee

Held:

Reasoning

Cablevision, cableco, launched new service

Like TiVo, but shows stored remotely, on computer hard drives at the cableco.

All shows stored for 0.1 - 1.2 seconds in a "buffer" in case customer starts recording

Shows recorded to hard disk upon customer request

Facts

Three potential infringements

Shows sent back to viewer upon "playback" request.

Cartoon Network v. CSC

Key fact (a little buried): Each customer's saved show was specifically tailored just for him/her.

Placed on specially assigned hard drive

Not sent via "playback" to anyone else.

Very inefficient: hundred requests meant hundred separate copies made

Sued by content owners

"Transmit" half of 101 definition

Held

Reasoning

Variations

Supp, Page 418

a. Like Redd Horne, but videotapes handed to customers who watch in booths played in VCRs in each booth

b. Rentals from hotel front desk of DVDs for watching on DVD players in each guest's room on players in rooms

c. Rentals from hotel front desk of DVDs when player is at front desk

d. Rentals of DVD players and DVDs at airports

One more: Video on Demand service through your cable system

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Basics

Two types of copyright

Musical Works

Sound Recordings

MW without SR?

Sheet music

SR without MW?

Recordings of songs in public domain

Recordings of non-songs
(woodpecker example)

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Music Industry Players



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Music Industry Players

Lots of others

The rise of Digital

Agents

Band / Singer managers

Concert promoters

Lawyers



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Reproduction, Distribution, Derivative Work Rights

Public Performance Rights

106(1), (2), and (3) apply to both MW and SR

Section 115: Compulsory Licenses and Cover Versions

Section 114: No protection for sound-alikes

Section 114 and Sampling

Basic Idea: Recording artists can record "cover versions" of previously distributed songs

"Mechanical licenses"

Problems

Music Producer Christopher Stewart writes "Single Ladies (Put a Ring on It)"

In reality: Most covers are made with permission / license

Who owns and administers rights to MW?

The kids from Glee (Hiatus ends April 13!) learn of the song and, before anyone has ever recorded it, do their own cover

Beyonce records it with Stewart's permission

Beyonce releases it for sale in record stores

Now the Glee kids record it without asking for permission first

How much? <http://www.copyright.gov/carp/m200a.html>
\$0.091

Not many fall under this provision

Other covers

Pamplamoose

Chipettes

Kids in Milwaukee