

02 THE FOUR ROLES

Songwriter

§106 Exclusive rights in copyrighted works under Form PA ©

(1) To reproduce the work



(2) To prepare derivative works



(3) To distribute & sell copies



(4) To perform publicly



(5) To display publicly



(6) Digital Audio Transmission (for ® only)



Duration for new works created after 1/1/78:

Protection lasts for the life of author + 70 years

Copyright begins when work is "fixed" by author

Only author or those claiming rights through author can claim ©

"Work-for-Hire" Employer owns © if:

- Work was created by an employee within scope of employment
- or Work was commissioned by written contract prior to creation

Transfer:

All © transfers must be in writing, signed by author or owner of rights

After 35 years, author (or widow & heirs) can terminate assignment of © to others

Registration of Copyright:

Creates a public record prior to infringement suit

Prima Facie evidence in court

If registered w/in 3 months after publication, or before

infringement, author can sue for damages + attorney fees

Mechanism to receive compulsory license royalties

Music Publisher

Standard Publishing Agreement:

Songwriter transfers © to Publisher in exchange for the Publisher's promise to pay a portion of income to the writer.

Publisher protects the work:

Holds the PA © §106 rights by assignment from the songwriter

Sues infringers

Exploits the right to perform and make copies of the song

Authorizes derivatives, translations & arrangements

Income:

Radio, TV, concert, & night club performances

ASCAP, BMI, SESAC (songwriters paid directly)

§115 Mechanical license fees

9.1¢ per copy of the composition

or 1.75¢ per minute (whichever is greater)

Synchronization licenses for movies & TV programs

Advertising and parody uses of the composition

Sales of sheet music copies

Foreign Publishing:

Publishers may license sub-publishers to administer and collect royalties earned by the composition in foreign territories

Co-Publishing:

2 or more publishing companies (one of which is owned by a composer) share in the copyright to the work and the composer gets a larger percentage of the income

Publishing deal:

Composer 50¢

Publisher 50¢ (100% of ©)

Co-Publishing deal:

Composer 50¢

Composer's Publishing Company 25¢ (owns ½ of ©)

Publisher 25¢ (owns ½ of ©)

Recording Artist

Artists sell their recorded performance to Label for a percentage of record sales

Income from Recording Contract:

- Record Label advances (pre-paid royalties recouped against sales)
- Percentage of album sales after recoupment

Expenses in Recording Contract:

- Repay Label's advance from record royalties
- Repay recoupable expenses from record royalties

Other Income:

- Personal appearances
- Merchandising
- Controlled Composition royalties if Artist is also the Songwriter

Other Expenses:

- Cost of touring
- Fees to Management
- Fees to Booking Agents

MANAGER

- advises Artist on career development

BOOKING AGENT

- obtains dates for live performances

MERCHANDISING COMPANY

- exploits the Artist's name & likeness on T-shirts etc.

PRODUCER

- oversees the recording process at the studio

Record Label

Creates & sells sound recordings of performances by Artist

Owns “Work-for-Hire” sound recording copyright Form SR (P)

for 95 years from publication or 120 years from creation (whichever is shorter)

Presses CDs

Distributes & sells phonorecords in all formats

Re-mixes the sound recording

Licenses master tapes to TV & movie producers

3 Sources of Income:

Album sales & digital downloads

Master Use licenses

compilations

sync licenses for TV, movies, advertising

Digital Audio Transmission §106.6

Expenses:

Recoupable from Artist's percentage of record sales

Advances (pre-paid royalties) to Artist

Recording costs, equipment rental, tape

Studio & musicians engineering & mixing

Album artwork

Independent promotion if allowed by contract

Non Recoupable (paid by Label)

Pressing, warehouse & distribution costs

§115 Mechanical royalties paid to publishers

Independent promotion if not allowed by contract

Office expenses & salaries