

CMU INSIGHTS

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TOP FIVE US COPYRIGHT QUIRKS

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QUIRK ONE:

No general performing right
for sound recordings

COPYRIGHT CONTROLS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

COPYRIGHT CONTROLS

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

PERFORMING OR NEIGHBOURING RIGHTS

COPYRIGHT CONTROLS - US SOUND RECORDING

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

NO GENERAL PERFORMING RIGHT - BUT...

COPYRIGHT CONTROLS - US SOUND RECORDING

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

DIGITAL PERFORMANCE CONTROL

ONLINE + SATELLITE SERVICES DO NEED A LICENCE

QUIRK TWO: The pre-1972 thing

WHERE DOES THE COPYRIGHT PROTECTION COME FROM?

← 1972 →

State-level
copyright

Federal-level
copyright

BUT WHAT ABOUT THE DIGITAL PERFORMING RIGHT?

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

DIGITAL PERFORMANCE CONTROL

ONLINE + SATELLITE SERVICES DO NEED A LICENCE

QUIRK THREE:

No society or blanket
for mechanical rights

COPYRIGHT CONTROLS

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

PERFORMING OR NEIGHBOURING RIGHTS

LICENSING MECHANICAL RIGHTS

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

sacem 



Can usually be licensed via the collective licensing system - this is good because licensees don't always know what songs are being exploited let alone who wrote them / who owns them.

LICENSING MECHANICAL RIGHTS IN THE US

REPRODUCTION OR MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

No collecting society for mechanicals in the US -
instead the licensee must find the rights owner and then provide
the paperwork and payment required by copyright law.

QUIRK FOUR: The consent decrees

REGULATING THE COLLECTIVE LICENSING SYSTEM

COPYRIGHT
LAW



COMPETITION
LAW

Competition law concerns about collective licensing are dealt with in different ways in different countries.

In US - BMI and ASCAP are regulated by consent decree - the most draconian regulation despite BMI and ASCAP having no exclusive rights.

QUIRK FIVE:
Rate Courts and
the Royalty Board

SETTING THE RATES

BMI / ASCAP
LICENCES

THE RATE
COURTS

COMPULSORY
LICENCES

COPYRIGHT
ROYALTY BOARD

Not unique to the US system - but rate courts and royalty board frequently set royalty rates below market value.

REFORMING THE QUIRKS

RECORDING
PERFORMING
RIGHT

PRE
1972
THING

MECHANICAL
RIGHT
LICENSING

BMI/ASCAP
CONSENT
DECREES

RATE COURTS
& ROYALTY
BOARD

FAIR PLAY
FAIR PAY
ACT

CLASSICS
ACT

MUSIC
MODERNIZATION
ACT

CONSENT
DECREE
REVIEW

RATE SETTING
CRITERIA
REVIEW

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