



Publications

Copyright Primer for the Small Studio Client

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These are a few of the common copyright situations that many clients of jFX Studio and other similar smaller studios may face. Such clients may be those doing demos, those seeking to be signed, those who self-promote, those self-funding albums to sell at concerts, etc. Corporate clients may often face the same situations as they record voiceover material and use pre-existing music for a variety of presentations and meetings or shows.

Take this publication and read it over for your education. The Web sites at the end of this publication will take you in a direction where you can get much more in-depth into the area of copyright. This is by no means an exhaustive discussion!

Enjoy.

— *Joe Nottoli*

Copyright Ownership of Your Work

When you create and record your work, you own it. The U.S. Copyright office recognizes it as “created” when it is recorded in a “fixed medium.” That could be something like hard drive, audio file, tape, CD, lyrics on paper. You do not need to register your work with the Copyright Office in order for your copyright to exist. However, registering your work (including paying the registration fee) may be a good idea. It’s like “staking a claim” with the government. You would still need to defend your copyright in cases of infringement — there is no magic bullet.

You also want to establish the date of copyright, so that if you have to defend it, you can say ‘I got there first.’ Fill out your Copyright Office forms with the proper date. Date your lyric sheets (which should be similar to the creation date of the Microsoft Word file you typed them into). Keep your dated studio invoices and have the studio note the song titles in writing. Actually list the copyright date on your replicated CDs: “©2004 by Me.” or “Copyright 2004 by Me.” Either will suffice. Enough said — I direct you to the U.S. Copyright Office (Web site at the end of this publication) for (much) more information.

Covers

When you record a cover version of someone else’s song, you need to get a mechanical license authorizing you to reproduce their composition. You can find out who owns the copyright by contacting ASCAP, BMI, or SESAC, and then contact that party directly and negotiate your own rate. Or, you can contact the Harry Fox Agency, who is authorized to issue compulsory licenses at the current statutory rate of 8.5¢ per song, per copy up to five minutes. Songs over five minutes are 1.65¢ per minute or fraction thereof over 5 minutes. Applications for less than 2,500 copies can be made entirely online at www.songfile.com. If the rights to the recordings and musical compositions on your master belong to someone else, the owners of these rights should be credited on your artwork. The statutory rates change from time to time, so consult the Web sites at the end of this publication for more information.



Sampling

If you are including any samples on your record, you need to obtain sample clearances from the publisher of the musical composition being sampled *and* the record label that owns the master being sampled. Do this as early as possible, as there will be some instances in which either the publisher or label will not be willing to issue a license, or the licensing fee which they require may not be affordable.

Samples can include TV shows and movies, commercial sound bites, and music clips of any kind. A sample, regardless of length, must be authorized by the owner of the sound master and the underlying material, such as the song, TV show, or film. You will need to go through the same steps to obtain a Sound Master License for sampling as you would to get a license for the entire song.

If you want instrumental samples, many fine libraries are available. Grab a copy of *MIX* magazine, or surf www.mixonline.com, for the ads. Read the library's licensing agreement and check the file format before you buy.

Spoken Word

Generally speaking (some pun intended), when you say it, it's yours — if you thought of it, that is. There isn't a problem in saying "Call us 24 hours a day at: (555)555-5555.", or "Buy my XYZ Company's products." When you start voicing the latest John Grisham novel to make and sell a book-on-tape — big problem! Those words belong to him (and/or his publisher). You need to secure the rights.

jFX Studio and other small studios like us will usually get the corporate multi-media presentations, messages-on-hold, phone menus, local radio commercials, and the like. Company representatives or their agents will be in here doing work on their own behalf. The biggest hurdle they may face is making sure all of the departments (including legal) agree on a version of a script that can be recorded. Clear your script with your marketing and legal departments, etc. to ensure that it's the message your company wishes to present.

Stock Music

Another issue many corporate clients may face is using inexpensive music to enhance their presentations, or to use as a meeting theme, etc. They or their hired talent may voice the company's message over such a music bed. Be sure you understand the licensing agreement before you buy the music. Any company should let you read the licensing agreement first. Some conditions may not allow you to use the music in any manner you like. Some songs may be more expensive depending on the audience numbers you will reach. Look for Open or Royalty-free music for the least expensive route. Such music may be fine for your needs, but it may not be the best, or it may have been used in a lot of others' presentations.

Resist the urge to use a commercial CD and say 'it's for the meeting — no one will know.' Unethical and potentially dangerous! A large corporation that will remain nameless used a wildly popular hit in a major sales presentation/kick-off. Some legal entity got wind of it and... lawsuit. That was the *expensive* way to do it.

Consider having musicians compose custom music for your company. A piece for "Salesapaloosa 2004" (a one-time deal) will usually be cheaper than a new corporate theme song that will be used for everything (or a riff, a lá Intel). jFX Studio would be happy to write some music for you, using some mighty fine musicians!



Some Web Resources on Copyright

ASCAP

(800)95-ASCAP

www.ascap.com

BMI

(212)586-2000

www.bmi.com

SESAC

Nashville Headquarters

(615)320-0055

www.sesac.com

Harry Fox Agency

(212)370-5330

www.nmpa.org/hfa.php

U.S. Copyright Office

(202)707-3000

www.copyright.gov

One source for this publication was Discmakers. We strongly suggest that you visit Discmakers for their summary information on copyright (www.discmakers.com/music/copyrights.php), and for their excellent replication services (www.discmakers.com).

NOTICE TO JFX STUDIO CLIENTS: The above information is offered as general information only. jFX Studio does not and cannot provide bona fide legal advice. You are cautioned to seek the advice of your own attorney concerning the principles of copyright law that apply to you.

