

CMCNY

Council of Music Creators of New York

Issues of Importance: U. S. Copyright Law Revision

The U. S. Copyright law, last updated in 1976, is the blueprint that controls how creative, rights-oriented individuals and enterprises operate, including those in who write, record, and publish music.

The current music marketplace is in flux, partly because of new digital distribution models. Music providers (e.g. Pandora) and a/v platforms (e.g. Netflix) face a daunting task in assembling all the rights they need under the current Copyright law. Among other issues to be resolved are separate copyrights in musical compositions and sound recordings; the length of a term of Copyright; compensation for User Generated Content ("USG"); and the fact that digital music providers pay for performances of sound recordings, while terrestrial broadcasters do not.

The new Register of Copyrights, Maria Pallante, has made it clear that revision of the law is one of her highest priorities and that she intends to play a significant role in helping to devise the changes she recommends to Congress. As a result, interest groups are forming, positions are being taken, and hearings are being held. CMCNY believes that, by virtue of the fundamental role they play, music creators must have a seat at the table for all significant discussions of this crucial issue.

This promises to be a fight between giant entertainment companies (including their music publishing company divisions), who want to receive as much money as possible for the copyrights they control, and giant internet music companies, who want to pay as little as possible for the music they make available to consumers.

Music creators - those without whom there would be no copyrights to control and no music to offer - are often asked to lend their voice and credibility to music publishers, with whom they share many common interests. And yet, it is important for creators to note that those interests are not always perfectly aligned. Where they aren't, creators must be prepared to represent and defend their own. There is no situation in which what is good for music creators is bad for music publishers, but the opposite is not always true.

In the looming debate and battle over copyright, CMCNY believes that music creators must take their rightful place at the fulcrum between these two giants, positioning ourselves not only as those whose imagination, investment, and hard work produces the rights that are at the heart of the fight, but as those who will be most affected by the eventual outcome, speaking on these issues vital to our profession's present and future with a clear, united, and independent voice.