

Copyright proposals 2013

CS 275B/Mus 254
Stanford University



“Next Great Copyright Act”

- Talk by **Maria A. Pallante**, Register of Copyrights
- March 4, 2013
- Forthcoming in *Columbia Journal of Law and the Arts (Spring 2013)*
- *Goal: to harmonize “standards of...global copyright law with...principles... of American democracy”*

Brief history of previous US acts

- 1909: foundational law
- 1976: accommodations for photocopying
 - Exceptions for libraries, universities
 - Introduction of statutory damages (ref. 1790)
- 1998: Digital Millennium Act
 - Adaptations for internet
 - “notice-and-takedown procedure”
 - “safe harbor from liability”
- 2014???



Areas of concern related to music

- Exclusively related to music
 - Public performance of sound recordings
 - Licensing of musical works
 - Federal protection for pre-1972 sound recordings
- Sometimes related to music
 - Concept of digital first sale
 - Orphaned works
 - Termination provisions for pre-1978 contracts
 - Mass digitization



Mechanics of coverage

- Introduce nominal fee to retain protection >50 years
- Devise lower court jurisdiction for small claims



Enforcement of coverage

- Effective remedies for illegal streaming
 - Misdemeanor → felony
- Revision of statutory damages
 - Complaints: Too high, too low, too easy, too hard

Broader issues (lacking consensus)

- Decline of relevance of **physical copies** (on which all US copyright law is based)
- Evolution of **public performance** via the internet
- Respect for “**expressive capabilities of the internet**”
- Revision of “safe harbor” exemptions from liability
- Licensing: new **collective licensing** rights
 - “compulsory” licensing model now in use from 1909 (piano rolls)
 - 2006 proposal rejected
- More flexibility in **length of copyright term**
- More flexibility in the definition of “**author**”
- Reorg of the Copyright Office and registration process



Not addressed*

- Cumulative authorship
- Refinement of distance education exceptions (adopted 2002) for **online education**
- Mechanically generated works