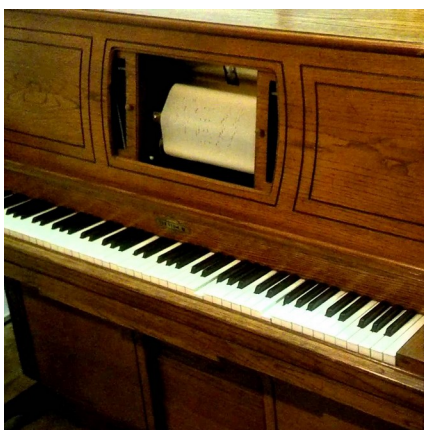


Moving Past Player Pianos?

April 27, 2018 – The TMCA

by Brad Hattenbach



As we promised in our [prior post](#), we have an update on the “Music Modernization Act” (MMA) that promises to advance copyright law governing digital transmissions of sound recordings into the 21st Century.

In a rare act of bipartisanship, the U.S. House of Representatives approved the MMA (H.R. 5447) by a vote of 415-0 on Wednesday, April 25th. The final legislation combined three separate bills that address three different issues concerning music copyright. The issues addressed include the

following:

First, blanket licenses to music streaming services for all public performances would be provided through a newly created clearinghouse organization that would also collect and distribute royalties to copyright owners. As we previously noted, presently such streaming services must seek permission from individual copyright owners to stream songs, which is a significant burden, especially when information about some copyright owners is not readily available.

Second, royalty rights for owners of copyrights in pre-1972 recordings are provided. To date, the Copyright Act has never provided rights for sound recordings made before February 15, 1972. This is a significant change and benefit to untold numbers of recording artists, or at least their estates, as it is likely that many have long since passed.

Third, the bill would provide royalties to sound engineers, mixers, and music producers, to the extent they were considered part of the creative process of producing the sound recording, for digital transmission performances of recordings on which they worked. Provision of such royalty payments would be contingent on a written contract or other

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proof that the engineers/mixers/producers were entitled to such by an agreement with a record label, publisher, or otherwise that they should participate in the revenue generated from the public performance of the sound recording.

The Senate Judiciary Committee presently has a hearing scheduled on the legislation later this spring. Presuming the Senate similarly passes the legislation, long unfilled holes in the Copyright Act regarding compensation for musical performance rights will finally be filled.