

Copyright law was written at a time when nearly all aspects of reuse of copyrighted material took place in a commercial context with the expectation that lawyers, CPAs, copyright clearance personal would be employed by commercial entities seeking to use the copyrighted material.

Certain uses have been identified as fair use or exempted for certain noncommercial entities.

Fair Use and exempted use needs to be expanded to include the following:

- 1) digital or mechanical production of a memento copy of a person's performance of copyrighted material when the reproductions are not offered for sale.
- 2) digital or mechanical production of rehearsal aids for learning individual parts of copyrighted material which are not offered for sale.

In the area of Mechanical Licensing:

- 1) Continue with the existing statutory amount per copy rather than requiring independent negotiation with all copyright holders of copyrighted material on a mechanical reproduction.
- 2) Require that copyright owners indicate fractional ownership of copyrighted material on ASCAP/BMI/Harry Fox and similar agents providing copyright ownership information.
- 3) Create a streamlined licensing process for commercial, one time, small count (under 200 copies) mechanical reproduction. A typical example of this kind of production would be a high school jazz ensemble producing a CD of their own performances for fund raising purposes. The total royalty cost for 200 copies of a sub 5 minute song is currently under \$20.00. Existing statutory requirements included certified mailed notifications, monthly statements, CPA certification of accounting in monthly statement. Added costs for certified mailings and CPA certifications don't benefit either the copyright holder or the payee. Further, anyone hoping for an "easy" route by using Harry Fox agency gets hit with a large premium that can dramatically increase the total copyright costs for a song when desired copy counts are low.