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These are my comments of the recent hearings on the proposed changes to the copyright law.

I am studying classical guitar. Imagine my surprise when I discovered, after taking weeks to learn a piece that I was not allowed to perform it. That was when I started researching copyright, limitations, terms, and fair use. Since I am not a lawyer, this has been intimidating. The restrictions on the use of copyrighted materials, the very limited performance exceptions, combined with the severity of the penalties along with the fact that I felt that my entire musical education should have been labeled “For personal, private, non-commercial use only”, have put a serious damper on my musical enthusiasm.

I agree with all the panelists on copyright term. It is plenty long and this length, along with not requiring re-registration, has created orphaned works. I fully support the proposal of requiring re-registration after the life of the author plus 50. If the copyright owner is interested, they will register. If not, then everyone else gets to use it. I think that this requirement should be effective retroactively to at least works created after 1978. I think it would be better if it could be effective back to 1923, as long as you do not take any works out of the public domain.

I think there should also be a provision saying that works cannot be taken out of the public domain. Users of public domain works need confidence that they can use the material without it being taken away.

The penalties for copyright infringement are large and burden of compliance is heavy. I find it frustrating that you can think you are in compliance, do everything right and still get in trouble. I was very alarmed by reading some of the court cases that were brought by ASCAP on behalf of their songwriters. The venues could have signs saying “Don’t play these songs.” and if a performer did, they venue was sued and lost. Why is there not allowance for “good faith”? Venues have gone out of business or stopped live music all together at their establishments. How is that helpful to anyone?

One thing that I did not see talked about was what is colloquially known as copyfraud, which is claiming copyright on something you should not. If there are stiff penalties for copyright infringement, then it should be balanced by stiff penalties for copyfraud. Of course, you should allow for good faith.

Please do not get rid of the compulsory license. That is the one thing I found that was easy. Go to the Harry Fox Agency, pay one-time registration fee, pay small royalty for every copy, and you are done. What could be easier?

Also, do not start royalties for recordings before 1972. The purpose of copyright is to encourage innovation. Right now, I really feel that it is doing the opposite and starting royalties for old recordings does not encourage innovation because they are already

made. I suppose you could make an argument if the author is still alive, but other than that, no.

If you make streaming a felony, please do not implicate the web surfer. The average web surfer is not a lawyer or someone who reads licenses. No one is going to stop and investigate every time they watch a video.

I also think that in order for something to be copyrighted, it needs to be published with the US Copyright notice and registered with the copyright office. The rule today of not requiring a copyright notice has belittled respect for copyright. In a day when it seems that everything is copyrighted, and rules and regulations are ubiquitous, people act as if nothing is copyrighted. When I visit my dad, sometimes he has the old Lone Ranger episodes on television. At the beginning, it would say "A Copyrighted Production of ..." (I can't remember exactly, but I remember the Copyright) It meant something. Require a copyright notice for copyrighted material and I think you will see a little more respect and fewer errors.