Copyright and the Music Marketplace:

Existing Licensing Framework





Copyright and the Music Marketplace: **Proposed Licensing Framework**





Copyright and the Music Marketplace:

Existing Ratesetting Framework





Copyright and the Music Marketplace: Proposed Ratesetting Framework





Regulatory Overview



	Sound recording	Musical work
Reproduction/ distribution	Freely negotiated	Regulated – CRB
Digital interactive performance	Freely negotiated	Regulated – rate courts (ASCAP & BMI)
		Freely negotiated (other PROs)
Digital noninteractive performance	Regulated – CRB	Regulated – rate courts (ASCAP & BMI)
		Freely negotiated (other PROs)
Terrestrial performance (<i>e.g.</i> , AM/FM radio)	No right	Regulated – rate courts (ASCAP & BMI)
		Freely negotiated (other PROs)
Synch	Freely negotiated	Freely negotiated

Ratesetting Standards



Use	Ratesetting body	Authority	Standard
§115 mechanical	Copyright	§801(b)(1)	Multifactor policy-
(musical works)	Royalty Board		oriented approach
§114 satellite radio	Copyright	§801(b)(1)	Multifactor policy-
(sound recordings)	Royalty Board		oriented approach
§114 internet radio	Copyright	§114(f)	"Willing buyer/
(sound recordings)	Royalty Board		willing seller"
ASCAP/BMI public performance (musical works)	Federal "rate courts" in New York	Consent decrees	"Reasonable fee" (or "fair market value" considering antitrust concerns)