

REPORT:

The Current Status of the Copyright Revision Bill

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ALTHOUGH IT IS UNLIKELY THAT THE PRESENT CONGRESS WILL ACT ON THE new copyright bill, significant progress has been made this session towards the bill's completion and ultimate passage. The Sub-Committee of the House Judiciary Committee has now completed its work and made its report to the full Judiciary Committee, which in turn has approved the report. If a bill were written and introduced in the House this session, however, the Senate would not have time to consider a companion bill at the same time; moreover, in addition to reading the House report, the Senate may wish to hold its own hearings on the subject. Thus, since without Senate action the House would have to reintroduce the bill next session in any case, it will probably refrain from acting this session.

The Senate notwithstanding, it is questionable whether the House could resolve certain controversial issues with sufficient speed to allow presentation of the final bill this session. In fact, only one portion of the bill seems to have been completely settled at the present moment: it is reasonably certain that Congress will extend the present copyright term to include the life of the author plus fifty years thereafter. The problems of copying, duplication, storage, and retrieval with computer and photo-copying devices, on the contrary, will have to be settled by a compromise which will undoubtedly prove less than satisfactory to all parties concerned. This situation is hardly surprising, considering the disparate objectives of writers and publishers on the one hand and copying interests in the educational world on the other.

In addition to research needs of scholars, the "Fair-Use" section of the bill involves the desire of educational television interests to obtain broad exemptions from payment of fees for the use of copyrighted works. Writers and publishers seem willing to make certain concessions to these interests, but the Educational Broadcasters apparently want more. The matter is still being negotiated and some compromise is likely.

Telecasts by the Community Antenna Television Systems (CATV), which are judged to serve only as supplements to local coverage, will probably be exempted from royalty payments, but payment will almost certainly be exacted for broadcasts in areas not otherwise covered by local stations at the same time. This too is still under negotiation.

The jukebox industry opposes the latest provision calling for a payment of 3 cents every three months for use of a work in a machine. While the matter is still being negotiated, it seems clear that the exemption currently enjoyed by

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the industry will be repealed and that some royalty payment will be required. It is equally clear that whatever the industry does pay will be provided for in the statute. Whether provision will also be made to renegotiate an increase in the statutory rate at some later time is not yet known. If it is not and if the history of the 1909 statute is considered as precedent, it could mean that no increase in the jukebox statutory rate will be effected until the copyright law is again revised—that is, perhaps not for another sixty years.

The fee of 2 cents a side required by the 1909 law for every recording made of a work will be increased to 2.5 cents or one-half cent per minute, whichever is greater. The recording industry has raised little opposition to the increase, but writers and publishers are very much dissatisfied by the $\frac{1}{2}$ -cent increase, which they feel bears no relationship to the rise in the cost of living since 1909 and is inadequate in comparison with the high salaries earned by recording artists. The rate is a ceiling; therefore, negotiation of a higher rate is forbidden, although there is nothing to prevent recording companies from negotiating lower rates. In effect, the recording company is being protected, although it is the copyright owner whom Congress is charged to protect.

No information about the present state of the so-called Manufacturer's Clause (requiring manufacture of an item in the U.S.A. in return for full copyright protection) is now available.

Thus while the relevant material has been collected from all interested parties, further compromises will have to be reached before the House Committee is ready to report out its bill. Assuming that the new Congress does not differ significantly from the old in its attitude towards copyright practice, a new law will in all likelihood be passed during the coming session.