


Music Streaming & Reporting

- Copyright & royalties
- ASCAP, BMI, SESAC, and SoundExchange
- Licensing options
- Reporting
- DMCA compliance
- Archives and Podcasts
- Resources

Musical Copyrights & Royalties

Musical work	Sound recording
Composition and lyrics	What's on a CD or LP
Copyright holders	
Composers, song writers, publishers	Recording artists, labels
Royalty agencies	
<p data-bbox="148 1275 208 1702" style="writing-mode: vertical-rl; transform: rotate(180deg);">Broadcast Webcast</p> <p data-bbox="227 1283 1284 1340">Performance Rights Organizations (PROs)</p> <div data-bbox="310 1406 1311 1678"></div>	<div data-bbox="1695 1283 2206 1463"><p data-bbox="1695 1398 2206 1463">soundexchange</p></div> <p data-bbox="1448 1549 2518 1671">In the USA, AM/FM radio pays no royalties to sound recording copyright owners</p>

Licenses & Fees

Statutory (CRB)	Educational (CBI)	Public Radio (CPB)
Eligibility		
Any Noncommercial	Noncommercial educational <i>except</i> CPB grantee	CPB eligible, NPR member, NFCB member
Elect		
By Jan 31st each calendar year		Every 5 years
Annual minimum fee		
\$500.00	\$500 + \$100 reporting waiver if monthly ATH ≤ 80,000	CPB covers all royalties NPR data processing fees: Annual:
Audience size covered by minimum fee		<ul style="list-style-type: none"> • Zero for NPR members • \$250 for NPR stream clients • \$275 for NFCB members • \$500 for everyone else
159,140 ATH per month = 218 average number of simultaneous listeners		Quarterly:
Excess fee		<ul style="list-style-type: none"> • \$500 for mis-formatted reports
\$0.0017 / performance above 159,140 ATH		

Record keeping & Reporting

Statutory (CRB)	Educational (CBI)	Public Radio (CPB)
Playlist logs		
<ul style="list-style-type: none"> • Song Title • Artist Name • Either (Album + Label Name) or ISRC • Number of times each song was played 		<ul style="list-style-type: none"> • Song Title • Artist Name • Album + Label Name • Exact start + end time (or duration) of each song
Reporting frequency		
Two weeks each quarter, submitted to SX quarterly	Two weeks each quarter, submitted to SX annually	Two weeks each quarter, submitted to NPR/DS quarterly
Reports to submit		
<ul style="list-style-type: none"> • Playlist logs • ATH for reporting period • Monthly SOA 	<ul style="list-style-type: none"> • Playlist logs • Monthly SOA 	<ul style="list-style-type: none"> • Playlist logs • Stream logs with connection times and IP addresses • Program schedule

Audience size

- **Aggregate Tuning Hours (ATH)**
Listener hours added up over a period of time
- **Actual Total Performances (ATP)**
Performance: each instance in which any portion of a sound recording is transmitted to a unique listener

Playlist logs with Spinitron

Easy

DMCA compliance - webcasting

- Song identification
- Performance complement
 - In a 3 hour period the webcaster may transmit no more than:
 - 4 tracks by the same featured artist (or from a compilation album) and no more than 3 of those tracks may be transmitted consecutively.
 - 3 tracks from the same album and no more than 2 of those tracks may be transmitted consecutively.
- No prior announcements
- Programming restrictions
 - Archived programs
 - Continuously looped programs
 - Rebroadcast of programs

Streaming vs. Podcast

- **Webcast**
 - Non-interactive
 - Non-subscription
 - Streaming media
- **Archived program**
 - At least 5 hours duration
 - Available for maximum 2 weeks
 - Streaming media
- **Podcast**
 - Not covered by statutory license
 - Must negotiate with rights holders or use “free” music
 - Equivalent to download/reproduction

Information sources

Webcast Reporting - Spinitron

<http://spinitron.com/doc/special-topics/webcast-reports/>

Statutory Licensing - SX

<http://www.soundexchange.com/service-provider/licensing-101/>

Noncommercial Webcaster Licensing - SX

<http://www.soundexchange.com/service-provider/non-commercial-webcaster/>

Guide to Copyright Law – NFCB Solution Center (Member area)

<https://solution.nfcb.info/customer/en/portal/articles/2701492-a-guide-to-copyright-law-for-noncommercial-radio-stations>

Music in Digital Media - Broadcast Law

Blog: [http://www.dwt.com/advisories/The Basics of Music Licensing in Digital Media 2011 Update 02 22 2011/](http://www.dwt.com/advisories/The_Basics_of_Music_Licensing_in_Digital_Media_2011_Update_02_22_2011/)

Slides: [http://www.dwt.com/files/Uploads/Documents/Presentations/02-11 Oxenford Texas.pdf](http://www.dwt.com/files/Uploads/Documents/Presentations/02-11_Oxenford_Texas.pdf)

Streaming Copyright Basics - GSB Law

<https://nfcb.org/wp-content/uploads/2015/09/StreamingCopyrightBasicsRefMemoMay2016.pdf>

Rates and Terms for Noncommercial Broadcasting ASCAP, BMI, SESAC - FR

<http://www.loc.gov/crb/fedreg/2012/77fr71104.pdf>

How the Money Flows - FMC

<http://futureofmusic.org/sites/default/files/moneyflow.radio.png>

Podcasting Legal Guide - Music - CC

https://wiki.creativecommons.org/wiki/Podcasting_Legal_Guide#Using_Music

Free Music Archive

<http://freemusicarchive.org/>

Archiving – RFA

<https://www.radiofreeamerica.com/>

Thank you!

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