

Copyrights and Traditional Music: A Canadian Perspective

Paul Cranford

Many times a year Cranford Publications receives correspondence regarding the whereabouts of various composers and copyright holders. Recently a record company phoned regarding contracts for mechanical royalties. Unknowingly they were looking for current addresses of two 18th-century Scottish composers, Neil Gow and William Marshall. The contemporary group who planned to record the tunes in question had listed proper composers but hadn't clarified that the tunes are in public domain, hence the confusion. If the liner notes are clear, then these problems don't occur.

(Note that in Canada, 50 years after the composer's death, no permission or royalties are required. Public domain differs from 50-75 years, depending on the country.)

There are many types of copyrights. Different organizations administer royalties due to copyright holders.

Performing Rights: SOCAN (Society of Composers, Authors and Music Publishers of Canada) is the Canadian organization which takes care of royalties due to composers, songwriters and music publishers when their works are broadcast or performed in public. Concert halls, cinemas, arenas and clubs all pay licence fees to SOCAN which are distributed to composers and publishers. This doesn't cost the artist or composer anything, but ensures that composers are compensated. Of course nothing can be paid if the performing artist, composer or performer doesn't take the time to submit lists of the works performed at concerts to SOCAN. Similarly, radio and television stations pay fees to SOCAN and submit logs of music played—these fees are also distributed back to the composers.

Mechanical Rights: For each CD or cassette produced, a prenegotiated rate is paid to the copyright holder by the record company. Mechanical rights can be administered by the composer, but are often taken care of by a publisher or agency. At our level of business, composers sometimes waive this royalty, nevertheless permission must be granted before recording.

It is the responsibility of the record company (or the musician, if it's an independent release) to contact the

copyright holder and agree on a rate. Since recorded tracks of fiddle music generally contain many tunes in a medley, the publisher may permit the user to divide the rate by the number of tunes in the medley. For example, since the current Canadian industry standard rate is 6.47¢ per track (up to 5 minutes), then if one tune in a medley of three tunes is still in copyright, then 2.16¢ per unit may be an acceptable rate to the publisher (i.e., \$21.60 per thousand), but must be negotiated prior to release. If the request is made after the recordings have been produced, a publisher may demand higher rates, and may even sue for copyright infringement. For more information, CMRRA (Canadian Music Reproduction Rights Association) grant mechanical licences for over 24,000 publishers (56 Wellesley St W., Suite 320, Toronto, Ont. M5S 2S3; phone (416) 926-1966).

Synchronization Rights: For film, television or video. There is no standard royalty rate for the industry. Users must reach agreement with the copyright holder prior to production.

Reciprocal Agreements: In the US, performing rights are administered by both BMI (Broadcast Music Incorporated) and ASCAP (American Society of Composers, Authors and Publishers). In the UK and Ireland the comparable organization is called PRS (Performing Rights Society). Similarly, mechanicals are administered by HFA (The Harry Fox Agency) in the US and MCPS (Mechanical Copyright Protection Society) for the UK and Ireland.

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If it was suspected that a young chap was 'sweet' on a girl, it was quite a game to provide him with all kinds of false clues as to which box lunch was hers, and rivals, real or pretended would attempt to outbid him. It was considered quite a triumph of deception if he could be conned into paying a high price for the wrong one, having to face some sly smirks and grins. The money raised in this manner was usually to provide extras for the school.

Author unknown. *Along the Fifth* (Stony Plain, Alberta)