BUS 347/ MUS

Discussion Questions

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1.Should synch license apply for apps on smartphones? Why or why not?

In the Chapter Take Way-A synchronization license granted by a music publisher gives a producer the right to use a composition in an audiovisual work such as a movie or TV commercial. Music copyrights also play a starring—and lucrative—role in another primary arena of licensing: movies, television programs, online video, and TV commercials. The use case is synchronization, referring to the right to use music that is timed to synchronize with, or relate to, the action on the screen. Movie synch revenues, as well as those for TV and commercials, have grown significantly in recent decades. Producers pay up for chart-topping music to incorporate in their audiovisual works to stand out in the crowded media landscape. Hit songs licensed for synch usage in Super Bowl commercials collect $75,000 to over $1 million for what often are only one-time telecasts (although commercials also end up in online galleries of all commercials from the championship football game).

2.Realistically, who can negotiate for better terms than a compulsory mechanical license?

From pages 124 and 125 in our text, we're been provided answers to this . A second significant source of licensing income for writers and publishers are mechanical royalties that encompass copies in physical media such as CDs and also digital copies that are retained by consumers such as digital downloads of ringtones and songs. In actual practice, however, most licenses of physical recordings (phonorecords) for home use are negotiated mechanical licenses. Publishers and record companies generally bypass the compulsory licensing route and work out their own terms, although the prevailing statutory rate is often used as a benchmark (a de facto ceiling) in negotiating lower rates. A negotiated mechanical license may differ from a statutory compulsory license in three ways: *1. The royalty rate may be lower. Royalty accountings are usually quarterly rather than monthly as required under a statutory license. 2. 3. The statutory requirement of "notice of intent" to record the copyrighted material is waived*. Most publishers use the SESAC-owned Harry Fox Agency (HFA) to issue mechanical licenses. After publishers instruct the HFA on the royalty to charge, the agency implements the license, collects the royalties, takes out a service fee, and forwards the balance to the publisher