

The Scope of Common-Law Copyright for Sound Recordings

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The complex situation regarding legal protections for sound recordings made before 1972 has been in the news, both regarding recent litigation and regarding the push to federalize all sound recording copyrights. Following on surveys done by myself and others regarding the current state of protection for sound recordings, this piece will explore how protection for sound recordings under state law is not a rough equivalent of federal copyright law, but is rather both broader and narrower in the scope of protection and remedies it offers. This piece will offer a reappraisal of the importance of statutory damages to rightholders and also offer solutions to the current controversy regarding whether a public performance right for sound recordings exists under state law.