

Problem Set 2

Please limit your answers to 2 single-spaced pages. You might want to review 17 U.S.C. §§ 107, 110, 112, 114 and 115.

1. Frodo Palomar was very excited about doing Problem Set 2 for his copyright law seminar. After reading the assigned materials for 3 hours, he was tired and decided to take a break. He called his friend to see if she wanted to join him for dinner. She agreed, and Frodo went to Owen Hall to pick her up. While Frodo was waiting in the parking lot outside Owen Hall, he started playing his favorite Broadway musical, *Les Misérables*. As usual, he sang along with slight improvisation, “Do you hear the students sing? Singing a song of angry men? It is the music of the students who will not study again!” Although he did not notice, his car stereo was so loud that virtually everybody in the dormitory could hear. Last time, when Frodo did this in the parking lot, Hall residents threw eggs, tomatoes, and water bags at his car from above. This time, however, nothing happened. Perhaps, the residents were studying; perhaps, they were just sleeping! After waiting for more than half an hour, Frodo’s friend never came down. Frustrated, he went back home to work on the Problem Set without having dinner. Did Frodo violate any copyright law?

2. Last year, Golden Records released its Gold-certified album, “Age Ain’t No Problem—The Perfect 100 Years.” The album was produced by acclaimed producer Milton Jaguar, and the songs were sung by 78-year-old Sarah McBride. McBride wrote seven of the 10 songs in the album. She is signed exclusively to Crappy Music, which owns the copyrights in all of her songs. Jaguar’s 12-year-old cousin, Mike, wrote the other three songs. Jaguar Music, a music publisher funded by Milton and Mike’s parents, is the copyright holder of these three songs. BMI and ASCAP administer the performance rights licenses for Crappy Music and Jaguar Music, respectively. In addition, the Harry Fox Agency administers mechanical licenses for both Crappy Music and Jaguar Music. You want to create a one-hour podcast playing nine of McBride’s songs in the background. (The definition of a podcast is available at <http://en.wikipedia.org/wiki/Podcast>.) Out of the 10 songs, the only song you rejected was “Why $78 + 12 = 100$?”—a techno number with background rap by Dave S. You didn’t think a 78-year-old woman should be singing a techno song with background rap. Question: Who do you need to contact to obtain rights for your podcast? What type of rights do you need?

3. You dig the music of a new punk rock band called Nightingale Sucks. The band recently released its new single, “Birds Don’t Sing.” You like the song so much that you spent hours convincing your fellow band players that your band should do a “cover” of the song in its upcoming mini-concert in Armstrong Fitzgerald Holiday. The only problem: Armstrong Fitzgerald Holiday is a jazz club, and you need to change the style of the song to fit the audience. Would you be able to do that without violating copyright law? If you can convince the audience there to listen to *one* punk rock song, can you imitate the sound of Nightingale Sucks in your performance? Can you legally record that performance with imitated sound?