

EIGHT MILLION PERFORMANCES LATER,
STILL NOT A DIME:
WHY IT IS TIME TO COMPREHENSIVELY PROTECT SOUND
RECORDING PUBLIC PERFORMANCES

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ABSTRACT

Sound recordings are comprised of two distinct copyrightable works: the musical composition and the sound recording. While Congress has protected public performances of the underlying written music, it has consistently refused to extend comprehensive protection to public performances of sound recordings.

As a result, composers of the underlying music and lyrics have rights to earn royalties for public performances of the musical compositions. However, performers receive no general protection for performances of their sound recordings. This Note argues that, in light of the policies supporting the United States copyright regime and other equitable and practical concerns, Congress should amend the Copyright Act, extending protection to sound recording public performances.

The Note analyzes the historical underpinnings and availability of protection for sound recordings, focusing on policy arguments for, and against, a Congressional amendment protecting a public performance right in sound recordings. The Note finds that the policies in favor of adopting an amendment outweigh the policies against and concludes that Congress should amend the Copyright Act by extending public performance protection to sound recordings.

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