

Comcast policy is to comply with the laws of copyright. To this extent they indicated at the last meeting they wanted to insure our use of radio & music choice for bulletin boards are properly arranged and they indicated they would pursue with their counsel 'boilerplate' information on how to establish legal arrangements.

Also our franchise hearings established that CHANNEL 21 policies should be considered 7TownTV standards. To that extent the following is guideline policy on copyright from that source:

1. Access Users must obtain in writing, and produce upon request, all the necessary approvals, clearances, licenses, etc. in order to cablecast any program material that includes, but is not limited to, broadcast stations, networks, music licensing organizations, performer's representatives, and any and all other persons as may be necessary for authorization to cablecast the program material. (See page 19- section V. part B for information on use of copyrighted material.)

B. The following material is prohibited:

1. Obscene and indecent material. This type of programming is not permitted on cable television by federal law.

2. Material which constitutes libel, slander, invasion of privacy or publicity rights, or which might violate any other local, state or federal law.

3. Programs containing material that violates copyright or trademarks. Use of such material generally requires obtaining appropriate rights from music licensing organizations, publishers, representatives, copyright holders, broadcast stations, networks and any other persons as may be necessary for cablecast. Access Users may be asked to furnish written authorization for use of such materials.

Also, the copyright relationship of content produced with PEG equipment is expressed as follows in the recommended Nutmeg TV policies establishing that it is appropriate to ensure copyright of others is adhered to as best as can be expected

Copyright. The copyright to the programming created by any Producer using PEG equipment shall be owned by the Producer. However, the Producer shall license to PEG, in perpetuity, the non-exclusive right to telecast the programming over the community access channels and to make copies for non-commercial uses including, but not limited to maintaining a station archive of programming produced, exhibits, video contests, and individual copies where such copies are intended only for individual home viewing and not as part of any marketing plan for general duplication and distribution. The Producer further shall assign to PEG Television for a period of 20 years all of his/her rights to receive fees or royalties from copies or uses made from the programming unless the production fee and royalties, fees or other compensation as provided for in the following paragraph is paid.

Specific to MUSIC the Fair USE Law can be summarized as follows if Fair Use is applicable the amount that can be used is:

Music, Lyrics and Music Video: Up to 10 percent, but no more than 30 seconds of music and lyrics from a single musical work. Any alterations of a musical work shall not change the basic melody or the fundamental character of the work. (change the rhythm or emphasis on certain instruments is not a deviation if the melody is recognizable.)

If materials are reused over extended periods of time or prepared in advance the preparation should include seeking permission for materials/works to be used.

FAIR USE is most applicable to educational use and in this regard the guidelines on MUSIC follow.

RULES OF THUMB FOR MUSIC

The Guidelines for Educational Uses of Music negotiated in 1976 can provide helpful guidance and we recommend that you read them.

1. Limit copying as follows:
 - sheet music, entire works: only for performances and only in emergencies
 - sheet music, performable units (movements, sections, arias, etc.): only if out of print
 - student performances: record only for teacher or institutional evaluation or student's portfolio
 - sound recordings: one copy for classroom or reserve room use
2. Include any copyright notice on the original appropriate citations and attributions to the source.
3. Replace emergency copies with purchased originals if available.