

In Case J. Lee
Returns your Call --



TAPE RECORDING AND THE LAW

By JOHN KOSHEL, JR.

EQUIPPED with a tape recorder and a sufficient supply of tape, the amateur recordist can capture the universe of sound and preserve its myriad fascinations indefinitely. He can tape party hi-jinks, vocal awakenings of his child, or the cacophony of exotic market places.

The tape recorder can capture for repeated playing those radio programs that give great enjoyment, but which, until recently, would vanish with the moment. He can tape live performances that may not be available on commercial records in stores, or he may copy records on tape to preserve the pristine quality of the discs, to make up interesting programs, and to save storage space.

These functions and uses of the tape recorder are taken for granted by the owner of the machine, and apparently by its producer and vendor. Such functions are superficially innocent enough, being indulged in for pleasure, convenience and economy. Yet beneath this tranquil appearance may lie a maze of legal ramifications, since the recordist has actually utilized the creative efforts of many different sources in achieving his end product. There is the subject matter of a performance such as a song or concerto, the unique performance of the artist, the production of the disc recording, the broadcast of the pro-

gram. May all of these be utilized freely and without concern by the tape recordist?

Actually, the strict letter of the law places restrictions on such uses. As a practical matter, however, in spite of the inherent and literal legal violations which may be involved in many activities of the average recordist, the law is rarely applied against a non-commercial amateur. As a matter of everyday practice, what you do in your own home with no other people involved is still pretty much your own affair. However, the moment your acts assume a public nature, and others, particularly those outside your immediate family, come into the picture, so too can the law, for it is the business of that "jealous mistress" to protect the interests of individuals with relation to the public insofar as it pertains to unwarranted invasion of privacy, the ownership of rights in intellectual creations, and the public distribution of artistic performances and productions.

It therefore would be wise for the recordist to bear certain legal points in mind while pursuing his avocation. His hobby can and should be fun, and free of legal entanglements. If he is guided by the following summary, he'll be that much surer of keeping it so.

IF YOU

- A. record yourself, friends, parties, or famous personalities (in person)
- B. copy phonograph records either directly or off the air
- C. tape programs off the air
- D. tape live performances—

DO NOT

sell or distribute your recordings *unless* you obtain

permission to do so from the following, wherever applicable:

1. the persons involved
2. the performer(s) and person, company or agency to which he may be under an exclusive service contract
3. the copyright owner of the subject matter of the performance, if it is a work protected by copyright
4. the program's broadcaster and producer
5. the manufacturer of the record.