

Confused about *collective administration* and *related rights*, and how these concepts apply to IFE in a digital environment? Michael Childers sorts out the acronyms and explains.

# A TUTORIAL ON MUSIC ROYALTIES IN IFE

**The content used in IFE—whether movies, television, news, text, or music**—is subject to the rights granted under copyright legislation throughout the world to the copyright proprietor [i.e., the copyright owner(s) or representative(s)]. The terms *music royalties*, *collective management*, *neighboring rights*, *related rights*, *performance rights*, *publishing rights*, and *mechanical rights* are all related to copyrights, and sometimes mean the same thing.

Among the terms most confusing to people in IFE is *related rights*. The term *related rights* has come to replace the term *neighboring rights*, just as the term *collective administration* is replacing *collective management*, as these concepts have evolved under the World Intellectual Property Organization (WIPO)—a specialized agency of the United Nations through which international copyright treaties are agreed—and the International Confederation of Authors and Composers Societies (CISAC) for performing rights and Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique (BIEM) for mechanical rights.

*Related rights* belong not to the copyright owners but to *intermediaries* in the process of communicating copyrighted works to the public. Hence they are *related* to copyright.

But a fuller understanding of the meaning of *collective administration* and *related rights* requires a basic understanding of copyright law and the difference between the direct licensing


of rights by the copyright owner and the *collective administration* of license fees by a society—often associated with CISAC, BIEM, or both.

Copyrights—like trademarks, patents, mask works, and trade secret protection—are designed to govern a legal bargain between the creators of intellectual property and society at large. The essence of this bargain is that (a) the creators of intellectual property must be incited (including remuneration) to create it, and (b) society at large must be granted the right to benefit from it. The law is supposed to balance the two.

## Two kinds of rights

There are two kinds of broad rights that are afforded copyright protection: (a) Economic rights, and (b) Moral rights.

The concept of copyright in its earliest form meant—quite literally—the right to make copies of existing works. Copyright law has evolved to include protection not only of reproduction rights, but also of the right to publicly display or perform, modify, or distribute these works. Because these additional rights grew out of the author's rights under copyright, they are called *related rights* or *neighboring rights*, meaning rights that are related to copyright. *Related rights* are granted to intermediaries such as the producers of sound recordings, broadcasts, etc.



The laws governing copyright, and the societies administering collections, are indigenous to each country, though individual laws have to meet the minimum standards of protection set by international treaties.

Someone may be able to purchase a copy of a movie or musical work on a disc and use it for personal use, but that person cannot—without permission of the copyright proprietor in the form of a license—make copies, or perform or display these works publicly, or make derivative works.

While *economic rights* are an important copyright protection, so are *moral rights*—which maintain that it is the right of the copyright owner to control the means by which his/her property is used apart from remuneration. A common argument made by those who would use unlicensed copyrighted material is, “But I didn’t charge for it.” Though such a party may or may not have violated the copyright owner’s *economic rights*, the owner of the copyright nonetheless has the *moral right* to control the use of his/her property.

### What does copyright protect?

Copyright protects:

- Literary works
- Musical works
- Pictorial, graphic, and sculptural works
- Pantomimes and choreographic works
- Dramatic works
- Motion pictures and audiovisual works
- Sound recordings
- Architectural works

Copyright law **excludes** ideas, concepts, systems, methods, titles, themes, historical events, and facts, although some intellectual property protection for these exclusions may be available via other forms of statutory protection.

### Bundle of rights

Copyright is a *bundle* of rights, including the exclusive rights to:

- Reproduce the work
- Create derivative works
- Distribute copies to the public
- Publicly display or perform the work

...and others. Each of these rights is separately assignable. An artist may sell you a painting, but if no public exhibition rights accompany the sale by way of a specific license, the painting may not be displayed publicly—as at an exhibition or art gallery.

### Related rights

The World Intellectual Property Organization (WIPO) says, “*Related rights* are the rights that belong to the performers, the producers of phonograms, and broadcasting organizations in relation to their performances, phonograms, and broadcasts respectively.

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In the world of music, there are two classes of creative expression protected by copyright: A **musical work** refers to the lyrics and melody of a song and is the creation of a composer/songwriter; a **sound recording** is a recorded arrangement of a musical work by a particular artist(s). Generally, the composer is the copyright holder of the musical work, and the performing artist or label is the copyright holder of the sound recording, but the actual copyright holder can be changed in contracts between the parties.

*“Related rights* differ from copyright in that they belong to owners regarded as intermediaries in the production, recording, or diffusion of works. The link with copyright is due to the fact that the three categories of related rights owners are auxiliaries in the intellectual creation process since they lend their assistance to authors in the communication of the latter’s works to the public ...”

### Grand rights vs. small rights

The concept of collective administration was born to deal with small rights rather than grand rights. The difference between *small rights* and *grand rights* has largely to do with whether or not it is practical and feasible for an author to directly license and control his/her rights.

The term *grand rights* refers to dramatic performing rights, including musical comedies (Broadway and off-Broadway), operas, operettas, ballets, and renditions of musical compositions in a dramatic setting where there is a narration, a plot, and/or costumes and scenery, and where such works are performed or recorded in their totality.

### Small Rights

By contrast with *grand rights*, *small rights* are those which are generally managed under collective administration .

While they may not be small in terms of the aggregate revenue they generate, they cover the kinds of usage that are too small individually to make direct licensing possible. *“Hello, is this Mel Brooks? This is British Airways calling and we want to play the soundtrack from your Broadway musical ‘The Producers’ on our flights from London to New York—how much do you want for that?”* On average, 60,000 musical works are broadcast on television every year, so thousands of owners of rights would have to be approached for authorization if rights were they licensed directly.

The following kinds of applications generally involve collective administration:

1. The right of public performance that cannot be managed on an individual basis, such as music played or performed in discos, restaurants, bars, and aircraft.
2. The right of broadcasting, such as live or recorded

performances on radio and television (there are some exceptions, particularly in the US).

3. The performing rights in dramatic works, such as theatrical plays.
4. The right of reprographic reproduction of literary and musical works (i.e., photocopying).
5. Related rights, such as the rights of performers of phonograms to obtain remuneration for broadcasting or the communication to the public of phonograms (again subject to some exceptions).

### Kinds of license fees

The following are the kinds of fees involved in music licensing—the first three of which are related rights and are applicable in IFE.

#### Performing License Fees

When the concept of performing rights was established and performing rights societies or organizations (PRSS, PROs) were created to collect royalties for public performances, the term meant “the performance of generally musical works by performing artists in the presence of an audience.” But these rights have evolved into something much broader, including by one definition all sounds and performances rendered audible to the public in any place whatever within the territories in which each of the contracting Societies operates, by any means and in any way whatever, whether the said means be already known ... or ... hereafter discovered ....” The fees are collected in IFE on behalf of members by performing rights societies.

#### Mechanical License Fees

The term *mechanical rights* generally refers to the right to authorize the reproduction of works in the form of recordings produced mechanically, including by way of electro-acoustic and electronic procedures. The fees are collected in IFE on behalf of members by mechanical rights societies, most of whom are members of BIEM.

#### Synchronization License Fees

This involves the right to use music in timed relation with other visual elements in a film, video, television show, or other audio visual production (i.e., the right to use music in

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a soundtrack with visual images). These fees derive from the author's exclusive right to reproduce the work. The use of a song on a soundtrack generates synchronization royalties in the form of a one-time fee, after which, each time it is performed (i.e., played back) performance royalties are generated.

### **Print License Fees**

Print publishing is a licensed business. Royalty income is equally split between sheet music for retail and band folios and orchestration such as the school market. Lyric reprint licenses to churches, schools, and individual book publishers generate additional fees. Hence, there is no application in IFE—**unless the lyrics are published in the inflight magazine.**

### **Laws, treaties, and joint management**

The laws governing copyright, and the societies administering collections, are indigenous to each country, though individual laws have to meet the minimum standards of protection set by international treaties. In IFE, the country—or territory—is determined by the flag flown on the tail of the aircraft, wherever in the world that aircraft may fly or land. An aircraft flying the Union Jack and landing in Hamburg is governed by the laws of the United Kingdom, not Germany.

However, the tenets of these laws cross borders by way of bilateral treaties—countries agreeing to honor one another's copyright laws—and global efforts to ensure uniformity. The World Intellectual Property Organization (WIPO)—a specialized agency of the United Nations—has emerged due to the growing importance of joint management of copyright and related rights. More than 90% of the nations of the world—184—are members. It was established in 1967.

In the mid-1970s—as the Betamax forced the world to revisit copyright in the face of emerging technologies—WIPO and UNESCO held joint sessions and administered joint projects with similar agenda items. In the US, the 1976 Copyright Act (US Code, Title 17) represented a major effort to modernize copyright law, and defined *public performance* under Section 106 as:

*“To perform or display at a place open to the public, or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered.”*

The framers of the 1976 act boasted that this was an act that would “last for 20 years.” And that's about how long it survived before its location-based definition of public performance was

# Smart

The logo for IMDC features the letters 'IMDC' in a bold, dark green, sans-serif font. To the left of the 'I' is a small vertical bar with a color gradient from blue at the top to green at the bottom.

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made murky by the emergence of the portability of content and mobile entertainment, and was made more difficult to enforce by the emergence of the Internet.

### The WIPO Treaties

To deal with the Internet and the technologies relating thereto, two treaties were concluded in 1996 at WIPO in Geneva: **The WIPO Copyright Treaty (WCT)** deals with the protection of authors for literary and artistic work, such as writings and computer programs, original databases, musical works, audiovisual works, and works of fine arts and photographs. **The WIPO Performances and Phonograms Treaty (WPPT)** protects certain “related rights” dealing with the rights of performers and producers of phonograms. WPPT helps to establish that there are stakeholders in intellectual property other than just the original author/composer.

Jointly, these two treaties comprise the WIPO Treaties—sometimes referred to as the Internet Treaties—which were adopted in the United States in October 1998 as the Digital Millennium Copyright Act (DMCA). The European Union (EU) approved the treaties on behalf of the European community on 16 March 2000.

### Adapting to digital technology

Digital technology has been highly disruptive to recorded music, making it easy to copy musical works without paying for them. This disruption has also resulted in repeated calls for changes in the legal structure of intellectual property rights as they extend to music, including the restructuring of the role of PROs and the manner in which music rights are cleared. At their most extreme, some of these proposals would eliminate performing rights organizations (PROs) entirely, while others would aggregate their efforts into a single, overarching music rights licensing entity.

A term that is likely familiar to participants in WAEA’s Technology Committee, **ISAN** (International Standard Audiovisual Number) is a voluntary numbering system and meta-data schema enabling the identification of any audiovisual work. Founded by CISAC, AGICOA (Association of International Collective Management of Audiovisual Works), and FIAPE (International Federation of Film Producers Associations), ISAN was created to generate a unique and universal identification for audiovisual works to assist—among other things—in the collection and distribution of royalties.

While ISAN is currently limited to works involving moving images, a similar schema might be applied to music and aid in the automation of music royalties.

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## List of Administrative Management Organizations

Europe	Acronym	Agency	P	M	Web Site
Albania	ALBAUTOR	Societe Albanaise Des Droits de L'Aeur Des Droits Voisins	P	M	<a href="http://www.albautor.com/">www.albautor.com/</a>
Austria	AKM	Staatlich Genehmigte Gesellschaft Der Austoren, Komponisten, Musikverleger	P		<a href="http://www.akm.co.at/">www.akm.co.at/</a>
Austria	AUME	Austro-Mechana		M	<a href="http://www.aume.at/">www.aume.at/</a>
Belarus	BELAT		P	M	<a href="http://www.avtor.by/">www.avtor.by/</a>
Belgium	SABAM	Societe Belge Des Auters, Compositeurs Et Editeurs	P	M	<a href="http://www.sabam.be/">www.sabam.be/</a>
Bulgaria	MusicAutor	Bulgarian Society of Composers & Authors for Perf. & Mech. Rights	P	M	<a href="http://www.musicautor.org/">www.musicautor.org/</a>
Croatia	HDS-ZAMP	Hrvatsko Društvo Skadatelja	P	M	<a href="http://www.hds.hr/">www.hds.hr/</a>
Czech Repub.	OSA	Ochranný Svaz Autorský	P	M	<a href="http://www.osa.ce/">www.osa.ce/</a>
Denmark	KODA	Selskabet Til Forvaltning AF Internationale Komposnistrettigheder	P		<a href="http://www.koda.dk/">www.koda.dk/</a>
Estonia	EAU	Eesti Autorite Uhing	P	M	<a href="http://www.eau.org/">www.eau.org/</a>
Finland	TEOSTO	Saveltajain Tekijanoikeustoimisto	P		<a href="http://www.teosto.fi/">www.teosto.fi/</a>
France	SDRM	Société pour l'administration du Droit de Reproduction Mécanique		M	<a href="http://www.sdrm.fr/">www.sdrm.fr/</a>
France	SACEM	Societe Des Auters, Compositeurs et Editeurs de Musique	P		<a href="http://www.sacem.fr/">www.sacem.fr/</a>
Germany	GEMA	Gesellschaft Fur Musikalische Aufführungs-Und Mechansiche Vervielfältigungsrechte	P	M	<a href="http://www.gema.de/">www.gema.de/</a>
Greece	AEPI	Societe Hellenique pour la Protection de la Propriete Intellectuelle	P		<a href="http://www.aepi.gr/">www.aepi.gr/</a>
Hungary	ARTISJUS	Hungarian Bureau for the Protection of Author's Rights	P	M	<a href="http://www.artijus.hu/">www.artijus.hu/</a>
Iceland	STEF	Samband Tonskalda Og Eigenda Flutningsrettar	P		<a href="http://www.stef.is/">www.stef.is/</a>
Ireland	IMRO	Irish Music Rights Organization	P		<a href="http://www.imro.ie/">www.imro.ie/</a>
Italy	SIAE	Societa Italiana Degli Autori ed Editori	P	M	<a href="http://www.siae.it/">www.siae.it/</a>
Kazakhstan	KAZAK		P	M	<a href="http://www.kazak.com.kz/">www.kazak.com.kz/</a>
Latvia	AKKA/LAA	Copyright & Communication Consulting Agency/Latvian Copyright Ag.	P	M	<a href="http://www.akka-laa.lv/">www.akka-laa.lv/</a>
Lithuania	LATGA-A	Agency of Lithuanian Copyright Protection Association	P	M	<a href="http://www.latga.lt/">www.latga.lt/</a>
Macedonia	ZAMP	Composers Assoc de Macedonia Music Copyright Society	P	M	<a href="http://www.zamp.com.mk/">www.zamp.com.mk/</a>
Moldova	ASDAC		P	M	<a href="http://www.asdac.md/">www.asdac.md/</a>
Netherlands	BUMA/STEMRA	Buma/Stemra Nederland	P	M	<a href="http://www.bumasterma.nl/">www.bumasterma.nl/</a>
Norway	TONO	Norsk-Selskap For Forvaltning Av Fremforingsrettigheter Til Musikkverk	P		<a href="http://www.tono.no/">www.tono.no/</a>
Poland	ZAIS	Stowarzyszenie Autorow	P	M	<a href="http://www.zaiks.org.pl/">www.zaiks.org.pl/</a>
Portugal	SPA	Sociedade Portuguesa de Autores	P	M	<a href="http://www.spautores.pt/">www.spautores.pt/</a>
Romania	UCMR-ADA	Uniunea Compozitorilor si Musicologilor din Romania	P	M	<a href="http://www.ucmr-ada.ro/">www.ucmr-ada.ro/</a>
Serbia & Montenegro	SOKOJ	Serbian Music Authors Organization	P	M	<a href="http://www.sokov.rs/">www.sokov.rs/</a>
Slovakia	SOZA	Slovensky Ochranný Zväz Autorský	P	M	<a href="http://www.soza.sk/">www.soza.sk/</a>
Spain	SGAE	Sociedad General De Autores De Espana Spain	P	M	<a href="http://www.sgae.es/">www.sgae.es/</a>
Sweden	STIM	Svenskatonsattares Internationella Musikbyra	P		<a href="http://www.stem.se/">www.stem.se/</a>
Switzerland	SUISA	Societe Suisse Pour Les Droites Des Auteurs D'Oeuvres Musicales	P	M	<a href="http://www.suisa.ch/">www.suisa.ch/</a>
UK	PRS /MCPS	PRS for Music [formerly Performing Rights Society]	P	M	<a href="http://www.prsformusic.com/">www.prsformusic.com/</a>
No. America	Acronym	Agency	P	M	Web Site
Canada	SOCAN	Society of Composers, Authors and Music Publishers of Canada	P		<a href="http://www.socan.ca/">www.socan.ca/</a>
Canada	CMRRA	Canadian Musical Reproduction Rights Agency Ltd.	P	M	<a href="http://www.cmraa.ca/">www.cmraa.ca/</a>
Canada	SODRAC	Society for Reproduction Rights of Authors, Composers & Publishers	P	M	<a href="http://www.sodrac.ca/">www.sodrac.ca/</a>
Canada	SPACQ	Society for Protection of Authors & Composers of Quebec	P		<a href="http://www.spacq.qc.ca/">www.spacq.qc.ca/</a>
Costa Rica	ACAM	Asociacion de Compositores Y Autores Musicales de Costa Rica	P		<a href="http://www.acamcostarica.com/">www.acamcostarica.com/</a>
Cuba	ACDAM	Agencia Cubana de Derecho de Autor Musical	P	M	<a href="http://www.acdam.cu/">www.acdam.cu/</a>
Jamaica	JACAP		P		<a href="http://www.jacapjamaica.com/">www.jacapjamaica.com/</a>
Mexico	SACM	Sociedad de Autores y Compositores de Musica	P	M	<a href="http://www.sacm.org.mx/">www.sacm.org.mx/</a>
Saint Lucia	HMS		P		<a href="http://www.hmsstlucia.org/">www.hmsstlucia.org/</a>
Trinidad & Tobago	COTT	Copyright Organisation de Trinidad and Tobago	P	M	<a href="http://www.cott.org/">www.cott.org/</a>
USA	AMRA	American Mechanical Rights Agency	P	M	<a href="http://amermechrights.com/">amermechrights.com/</a>
USA	ASCAP	American Society of Composers, Authors & Publishers	P		<a href="http://www.ascap.com/">www.ascap.com/</a>
USA	BMI	Broadcast Music, Inc.	P		<a href="http://www.bmi.com/">www.bmi.com/</a>
USA	Harry Fox	Harry Fox Agency		M	<a href="http://www.harryfox.com/">www.harryfox.com/</a>



So. America	Acronym	Agency	P	M	Web Site
Argentina	SADAIC	Sociedad Argentina de Autores y Compositores de Musica	P	M	<a href="http://www.sadaic.org.ar/">www.sadaic.org.ar/</a>
Bolivia	SOBODAYCOM	Sociedad Boliviana de Autores y Compositores de Musica	P	M	<a href="http://www.sobodaycom.org/">www.sobodaycom.org/</a>
Brazil	ABRAMUS	Associaçao Brasileira de Regentes, Arranjadore E Musicos	P		<a href="http://www.abramus.org.br/">www.abramus.org.br/</a>
Brazil	AMAR	Associaçao de Musicos, Arranjadore e Regentes	P	M	<a href="http://www.amar.art.br/">www.amar.art.br/</a>
Brazil	ASSIM		P		<a href="http://www.assim.org.br/">www.assim.org.br/</a>
Brazil	SADEMBRA	Sociedade Adminitratdora de Direitos de Execucao Musical de Brasil	P		
Brazil	SBACEM	Sociedade Brasileira de Autores Teatrais	P	M	<a href="http://www.sbacem.org.br/">www.sbacem.org.br/</a>
Brazil	SBAT	Sociedade Brasileira de Autores Teatrais	P	M	<a href="http://www.sbat.com.br/">www.sbat.com.br/</a>
Brazil	SICAM	Sociedade Independente de Compositores E Autores Musicais	P	M	<a href="http://www.somsicam.com.br/">www.somsicam.com.br/</a>
Brazil	UBC	Uniao Brasileira de Compositores	P	M	<a href="http://www.ubc.org.br/">www.ubc.org.br/</a>
Chile	SCD	Sociedad Chilena del Derecho de Autor	P	M	<a href="http://www.scd.cl/">www.scd.cl/</a>
Colombia	SAYCO	Sociedad de Autotres y Compositires de Colombia	P		<a href="http://www.sayco.org/">www.sayco.org/</a>
Paraguay	APA	Autores Paraguatos Asociados	P	M	
Peru	APDAYC	Asociacion Peruana de Autores y Compositores	P		<a href="http://www.apdayc.org.pe/">www.apdayc.org.pe/</a>
Uruguay	AGADU	Asociacion Geberal de Autores del Uruguay	P	M	<a href="http://www.agadu.com/">www.agadu.com/</a>
Venezuela	SACVEN	Sociedad de Autores y Compositires de Venezuela	P		<a href="http://www.sacven.org/">www.sacven.org/</a>
NIS	Acronym	Agency	P	M	Web Site
Georgia	GESAP	Georgian Society of Authors and Performers	P	M	
Ukraine	UACRR	Ukrainian Agency of Copyright and Related Rights Ukraine	P		<a href="http://www.uacrr.klev.ua/">www.uacrr.klev.ua/</a>
Russian Fed.	RAO	Russian Author's Organization	P	M	<a href="http://rao.ru/">http://rao.ru/</a>
Asia	Acronym	Agency	P	M	Web Site
China	MCSC	Music Copyright Society of China	P	M	<a href="http://www.mcsc.com.cn/">www.mcsc.com.cn/</a>
Hong Kong	CASH	Composers and Authors Society of Hong Kong Ltd.	P	M	<a href="http://www.cash.org.hk/">www.cash.org.hk/</a>
India	IPRS	Indian Performing Right Society Ltd.	P		<a href="http://www.iprs.org/">www.iprs.org/</a>
Indonesia	KCI	Yayacao Karya Cipla Indonesia	P		<a href="http://www.kci.or.id/">www.kci.or.id/</a>
Israel	ACUM	Societe D'Auteurs Compositeurs et Editeurs de Musique	P	M	<a href="http://www.acum.org.il/">www.acum.org.il/</a>
Japan	JASRAC	Japanese Society for Rights of Authors, Composers & Publishers	P	M	<a href="http://www.jasrac.or.jp/">www.jasrac.or.jp/</a>
Korea (Rep)	KOMCA	Korean Music Copyright Association	P	M	<a href="http://www.komca.or.kr/">www.komca.or.kr/</a>
Macau	MACA	Macau Association of Authors & Publishers	P		
Malaysia	MACP	Music Author's Copyright Protection Association BHD	P	M	<a href="http://www.macp.com.my/">www.macp.com.my/</a>
Philippines	FILSCAP	Filipino Society of Composers, Authors & Publishers	P		<a href="http://www.fiscap.com.ph/">www.fiscap.com.ph/</a>
Singapore	COMPASS	Composers and Authors Society of Singapore Ltd.	P	M	<a href="http://www.compass.org.sg/">www.compass.org.sg/</a>
Taiwan	MUST	Music Copyright Intermediary Society de Chinese Taipei	P	M	
Thailand	MCT	Music Copyright (Thailand) Limited	P		
Turkey	MESAM	Musical Work Owners Society of Turkey	P	M	<a href="http://www.mesam.org.tr/">www.mesam.org.tr/</a>
Vietnam	VCPMC	Vietnam Center of Protection Music Copyright	P	M	<a href="http://www.cov.gov.vn/">www.cov.gov.vn/</a>
Oceania	Acronym	Agency	P	M	Web Site
Australia, NZ	APRA/AMCOS	Australasian Performing Right Association	P	M	<a href="http://www.apra-amos.com.au/">www.apra-amos.com.au/</a>
Fr. New Cal.	SACENC		P	M	
Fr. Polynesia	SPACEM		P	M	
Africa	Acronym	Agency	P	M	Web Site
Benin	BUBEDRA	Copyright Society of Benin [Bureau Béninois du Droit D'Auteur]	P	M	
Burkina Faso	BBDA		P	M	
Cameroon	CMC	Cameroon Music Corporation	P	M	
Ct. Afr. Rep.	BUCADA		P	M	
Rep. Congo	BCDA	Bureau Congolais du Droit D'Auteur	P	M	
Cote d'Ivoire	BURIDA	Bureau Ivoirien du Droit D'Auteur	P	M	<a href="http://www.burida.org/">www.burida.org/</a>
Egypt	SACERAU	Society of Authors & Composers ["RAU" = United Arab Rep. in French]	P	M	
Guinea	BGDA	Copyright Office of Guinea	P	M	
Madagascar	OMDA	Office Malagasy du Droit d'Auteur [Malagasy Copyright Office]	P	M	<a href="http://www.omda.mg/">www.omda.mg/</a>
Mali	BUMDA	Bureau Malien du Droit d'Auteur	P	M	<a href="http://www.bumda.cefib.com/">www.bumda.cefib.com/</a>
Mauritius	MASA	Mauritius Society of Authors	P	M	<a href="http://www.masa.mu/">www.masa.mu/</a>
Morocco	BMDA		P	M	
Namibia	NASCAM		P	M	
Nigeria	MCSN	Musical Copyright Society Nigeria	P	M	<a href="http://www.mcsnigeria.org/">www.mcsnigeria.org/</a>
Senegal	BSDA	Bureau Senegalais du Droit d'Auteur	P		<a href="http://www.bsda.sn/">www.bsda.sn/</a>
South Africa	SAMRO	South African Music Rights Organization Limited	P	M	<a href="http://www.samro.org/">www.samro.org/</a>
Tunisia	OTPDA	L'Organism tunisien de protection des droits d'auteurs	P	M	
Zimbabwe	ZIMRA	Zimbabwe Revenue Authority	P	M	<a href="http://www.zimra.co.zw/">www.zimra.co.zw/</a>

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**The Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique (BIEM)** is the international organization representing mechanical rights societies. Based in Neuilly-sur-Seine, France, BIEM represents 51 societies from 54 countries, and was formed in 1929. The term **mechanical rights** dates to the time when all reproductions were carried out by a mechanical process and is part of industry jargon, even though reproductions today frequently result from a range electronic and digital means. Through inter-society agreements allowing each to represent the others' repertoire, a BIEM society is able to license users the majority of protected works in the world.

Digital Rights Management (DRM) may provide a means for near-total control over all uses of music, and the payment of royalties for such use. While resisted by some music consumers as unnecessarily restricting their rights, others see DRM as a means of ensuring that music is sufficiently monetized to ensure that composers and performers are incented to create it. Many observers believe that DRM is essential to creating a viable market for music downloads, while many others strongly oppose the notion.

Could DRM *replace* existing institutions like PROs? This is a theme in "The Potential Demise of Another Natural Monopoly: New Technologies and the Future of Collective Administration of Copyrights." That doesn't seem likely in the short term, but some believe that DRM could provide the means to make PROs' jobs easier—and simplify administration for airlines.

**Summary**

Copyright and related rights continue to evolve, impacting the way content in IFE is used and paid for, and this evolution compels IFE managers to have a basic understanding of copyright and related rights. New questions and issues will come and go as airlines use new forms of technology—such as when live TV delivery made it possible to deliver content

intended for private homes to a public aircraft—and the tenets of public performance must be applied. The most important rights associated with IFE exhibition of music are performing rights and mechanical rights, and the list that follows identifies the performing rights organizations and mechanical rights societies involved.



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