Subject: Copyright laws and CD's
Posted by Manualblock on Thu, 29 Sep 2005 16:10:13 GMT
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You know; thinking about copyright laws and CD's I wonder this. Since when you purchase a CD you really only own the disc but not the recording; what would happen if for some reason the artist decided he no longer wanted his music to be sold. Does he have any right of rescision?Could he require that all holders of CD's with his music on them return the CD and be refunded for the musical performance only?Say Audioslave wants their recording of, "Doesn't Remind Me", returned because they no longer like what the mix sounds like. Could they request that all CD's be wiped clean and the owners be compensated?I mean if you own something then you own the right to control how it is used right?

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Thu, 29 Sep 2005 17:01:57 GMT
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Copyright laws don't prevent you from having the record you purchased, you just can't make copies of it.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Thu, 29 Sep 2005 17:21:59 GMT
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Not the way it is written. You only own the CD; not the performance. Not only can you not copy it; you can't play it in a theater where there is an admission price; you can't sell it. You can't include it in a performance. There's a lot of restrictions no one is aware of.

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Thu, 29 Sep 2005 18:13:19 GMT
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That is true. You can't play the CD and charge admission for it.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Thu, 29 Sep 2005 18:22:37 GMT
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There you go. So what about my thought; what if the artist wanted the performance back. If you own it then you can get it back if you want it, no?

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Thu, 29 Sep 2005 19:12:06 GMT
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You mean the CD that was sold or the performance? As you have noticed, the rights to the performance were never transferred, so there is no requirement of the copyright owner to "take it back". As for the single CD sold, I don't think there is enough extrinsic value in the individual CD to make that an issue. I suppose if it were the only copy in existance, like if the original and all other copies were destroyed in some freak accident, then maybe the copyright holder might ask to use it to make a copy for himself. But I can't imagine that ever being the case. If that's what you're talking about though, it's an interesting issue to ponder. I think the CD owner would probably allow the copyright owner to have access, unless the person with the CD was terribly vindictive or something.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Thu, 29 Sep 2005 20:16:41 GMT
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Thats what I mean; say an early pressing was released for some reason. The rights to the performance belong to the muscician and that includes the performance on that single disc. So he wants the performance back or for it to be erased from the disc. He is within his rights providing he compensates the CD owner.

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Thu, 29 Sep 2005 21:07:58 GMT
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When the CD is sold, its purchaser has license for limited use. The purchaser has the right to the use of the disk, but not to adverse use.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Thu, 29 Sep 2005 21:17:19 GMT
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See It sounds to me when you point out it is sold with limited use that there is an implied posession authorisation. In other words limited use means the artist retains rights in that single disc with his work on it.The right includes his restriction on how the disc may be used. If he controls how it is used then he holds certain rights that determine what happens to the disc.

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Thu, 29 Sep 2005 21:29:03 GMT
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There are some restrictions on use, that's what limited license is. The licensee can't make copies and put them up for sale. They can't play it for profit, like in a theater or show. They can't include a copy of it in a collection of works for sale. In some cases, the restrictions are made fairly specific, like computer programs that have license agreements that say how many computers or users (seats) can be allowed to simultaneously store or use the program and what kinds of backup copies can be made. Some even tell what must be done to transfer the license, if you plan to resell it later or leave it on a computer that is sold to someone else (like a used car).

Subject: I'm not really a .....
Posted by colinhester on Thu, 29 Sep 2005 22:01:11 GMT
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lawyer, and I didn't even stay at a Holiday Inn Express. What are you smokin'?

Subject: Re: I'm not really a .....
Posted by Manualblock on Fri, 30 Sep 2005 00:52:19 GMT
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What part don't you get; I can explain it.If someone has the right to say what can be done with a piece of art such as a CD of music; then by virtue of having a say in how that art is used he has rights over that art. Copyright law says that when you purchase a CD you do not get to own the music on that CD; it belongs to the artist.You can play it but that is all; you can't do anything else with it. You can't sell it if you have made a copy of it/copy it/play it for others if there is a cover charge/change it in any way etc. All you are allowed to do with that CD is play it for yourself. So if

you cannot own the music on the CD then what theoretically would happen if for some reason the artist decides he does not want that art out in the world anymore? Is he locked into hearing his art played in a way he doesn't like forever? He has the right under Copyright law to adapt the piece.If the definition of owning something is that you have the right to decide how it is used and by whom and where it is used; then by all rights the artist who adapts that work should have the right to rescind that art and have it returned or destroyed. If we were talking about a painting or a photo-graph it would then be covered by the Doctrine Of Fair Use which gives the right to sell or give away the art to another who then can sell or give away the art again. Stereophile has a three part article concerning copyright that spells out exactly what rights the artist has and you have. After reading it I thought about what would happen if the artist wished to recall the music performance on that CD.While it obviously sounds kooky the fact is he owns the music on that CD. So I pondered the effect of taking that concept to the extreme.No big deal.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Fri, 30 Sep 2005 00:57:40 GMT
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I was more concerned about the legal concept of negative use. Where while the artist owns the performance his rights only extend to those rights that prevent others from doing something. However he does have the right to adapt the work. So I considered where should he decide to excersize that right to adapt and change the work; what would happen if he wanted to rescind the original work and demand it's return. Since technically if the work is adapted it no longer conforms to the original copyright.Had a lot of time on my hands today. Took a break from studying the Cardiac Conductive System.

Subject: Re: Copyright laws and CD's
Posted by Wayne Parham on Fri, 30 Sep 2005 02:35:11 GMT
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A person that purchases a CD can play it for their own personal use, but they can't use it for profit, put on shows, sell copies, whatever. The copyright owner has the right to all aspects of the commercial use of his work, and he has the right to refuse to allow it to be used where he doesn't want it to be used.Adapted works are another thing altogether. You might want to look into "fair use" and "parody" and how they relate to copyrights.

Subject: Re: I'm not really a .....
Posted by Wayne Parham on Fri, 30 Sep 2005 02:45:35 GMT
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When you buy a CD, you own the CD. The copyright owner has no right to reclaim that particular CD, but he does have a right to restrict your use of it. The rights of the owner of the CD are pretty clear - He can play it for personal enjoyment. He can't use it for commercial use.It doesn't matter if the owner of the CD thinks the work is underutilized or not, the copyright owner is who ultimately has the right to decide whether it should be played publically. So if the copyright owner decided he wanted the work to be silenced, he has that right. The owner of the CD would still have the right to use the CD privately, but he never had the right to promote it publically, so no "rights" would have been rescinded."Fair Use" is a different issue. It has nothing to do with selling a single copy of a work that was purchased, like transferring title of a used car. "Fair Use" is the ability to talk about a copyrighted work, to maybe even quote parts of it or make a likeness of a copyrighted work, such as a parody.

Subject: Re: I'm not really a .....
Posted by Manualblock on Fri, 30 Sep 2005 11:19:25 GMT
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They claim in their description that it is Fair Use that allows you to sell an artists work to another without getting permission from the artist. It does those things you say; allow portions of a work to be used in ways you describe, but it also is the reason an artist cannot prevent you from selling your copy of his art to someone else without recrimination.

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Fri, 30 Sep 2005 11:22:57 GMT
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Thats my point; if he can refuse to allow it to be used where he doesn't want it used; and since he has the right under copyright to adapt or alter the performance we return to my original thought; what is his legal ability to control the music on his CD if he decides to re-call that piece in favor of an adaption of the piece.Hey; maybe this was never broached yet.

Subject: One rea$on it'll never happen
Posted by colinhester on Fri, 30 Sep 2005 12:07:22 GMT
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What do you think it would cost to locate and seize a single CD?

Subject: Re: One rea$on it'll never happen
Posted by Manualblock on Fri, 30 Sep 2005 12:22:46 GMT
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Well; it's a thought experiment, like they do in particle physics. It was never meant to be taken literally. Of course they would never attempt to seize a single CD; unless it was a Bo Brice CD.I only meant to explore the possibilities that could occur with this tangled web of poorly written digital copyright body of law.

Subject: Re: Copyright laws and CD's
Posted by Bill Martinelli on Sat, 01 Oct 2005 02:04:10 GMT
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What if... a cd was being played at a party. and the bad/artist/riaa did not like this. What is that party had an admission fee which so many high school or college kids do today? Could something like this be misconstrued. charges made against the home owner who rented the apartment. Charging a college that owns the dorm?

Subject: Re: Copyright laws and CD's
Posted by Manualblock on Sat, 01 Oct 2005 13:00:14 GMT
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Absolutely according to the Stereophile article; unless they recieved permission from the artist. Good question, now thats my point; the craziness of the whole copyright thing in the digital era.