

Communications + Public Media Law



G A R V E Y
S C H U B E R T
B A R E R

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Public Media

Garvey Schubert Barer represents approximately 200 public media clients. These include governmental, institutional and community organizations that operate noncommercial radio and TV stations; trade associations that support noncommercial broadcasting; and organizations that distribute audio and television programming by broadcast, satellite, Internet and other media.

Specific accomplishments in the field of public media:

- Helping nonprofit organizations grow by acquiring the licenses for new broadcast stations;
- Authoring The Public Radio Legal Handbook;
- Helping regional public media groups merge into a larger, more effective organization;
- Forming a coalition of nonprofit organizations to challenge the FCC's expanded regulation of "indecent" material, and defending stations that receive indecency complaints.
- Working with Native Public Media, Native Voice One, and more than a dozen individual tribes to expand the outlets for Native American programming;
- Shaping the "point system" used to grant applications for new noncommercial broadcast stations;
- Working with a CPB task force to negotiate a copyright license that will allow public media to stream content on the Internet;
- Helping a nonprofit organization retain a license for a public television station after a state court invalidated the sale.

Quick Guide to Copyright Licensing

Type of Copyright	Public Performance	Reproduction & Distribution
Musical Work	<p>ASCAP, BMI, & SESAC — represent composers and songwriters</p> <ul style="list-style-type: none"> ■ usually blanket license ■ commercial fee negotiations overseen by federal court pursuant to consent decree ■ public broadcasting fees set by CRB unless separately negotiated. 	<p>Mechanical (Digital Phonorecord Delivery) — compulsory license.</p> <ul style="list-style-type: none"> ■ fees set by CRB unless separately negotiated.
Sound Recording	<p>SoundExchange – applies to non-interactive digital audio transmissions</p> <ul style="list-style-type: none"> ■ fees set by CRB unless separately negotiated. 	<p>Master Use – directly license with record company; not required to grant license and can charge what it wants.</p>
Audiovisual Work	<p>Exhibition License — direct license from owner.</p> <ul style="list-style-type: none"> ■ Musical Work in AV licensed by ASCAP, BMI, & SESAC. ■ Sound Recording in AV work has no separate public performance right. 	<p>Reproduction License — direct license from owner.</p> <ul style="list-style-type: none"> ■ Musical Work in AV requires synchronization license. If digital use not included in license producer obtained, may need videogram license. ■ Sound Recording in AV requires Master Use license. If digital use not included in license producer obtained, need separate license from record company.
Photograph, TV image, slide, artwork, etc.	Electronic Print Display License	Electronic Print Reproduction License

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