

Welcome!

# A Model for Podcasting

A partnership between Trent Radio CFFF and  
Peterborough Independent Podcasters

# Trent Radio's model

- Producer oriented
- “broadcast through the facilities of Trent Radio”
- Independent volunteer producer

# Podcast hosting options

- Soundcloud
- Libsyn
- Podbean, Blubrry, etc.
- Mixcloud
- Getting your own website (Moore later.)

# Peterborough Independent Podcasters

- Yearly membership of \$50 for individual community members
- Founded September 2016
- Provide community, mentoring, workshops, hosting

# SOCAN Tariff 22F

- “A Tariff 22.F licence gives you the right to communicate to the public by telecommunication any or all of the *Works* by means of certain Internet transmission or similar transmission facilities by a site ordinarily accessed to listen to audio-only content, other than sites subject to Tariffs 22.A-E or 22.G.”



# First things first

- Copyright is a form of property.
- It is an area of the law that defines who owns a piece of creative work and who can duplicate it.
- If you make something, you own the copyright for it. It is your intellectual property.
- A copyright can be held by one person, many people, a corporation, or shareholders.

- At its most basic level it refers to the right to copy.
- The copyright holder is the only person that can make copies of the work or perform it in public, and is the only person that can authorize others to do the same.



# Who holds the copyright for a song?

- Very often a musician will hand over their copyright to their publisher in exchange for royalties.
- Big publishers include: Sony, Carlin, Disney, Universal, Arts & Crafts Productions
- The publisher is the one who will pursue infringements on copyright.

- In Canada, there is no watchdog for copyright infringement on the Internet.
- It is up to individual copyright holders to request that the infringer desist or to pursue legal action.

# Penalties for infringing upon copyrighted material

(a) in a sum of not less than **\$500** and not more than **\$20,000** that the court considers just, with respect to all infringements involved in the proceedings for each work or other subject-matter, if the infringements are for **commercial purposes**; and

(b) in a sum of not less than **\$100** and not more than **\$5,000** that the court considers just, with respect to all infringements involved in the proceedings for all works or other subject-matter, if the infringements are for **non-commercial purposes**.

Source: Copyright Modernization Act (2012)

# Common misconception

WRONG:

I can use less than XX seconds of a song in my podcast.

CORRECT:

Copyright applies to partial uses of material as well as whole uses.

# How do you get permission?

- Podcasts are a horribly grey area for music publishers right now
- There are licensing organizations that give permission to businesses and not-for-profits. Including: SOCAN, Re:sound, CMRRA, etc.
- Only SOCAN has a tariff for podcasts. The other agencies don't have set rules about it.
- Which means that you have to get in touch with the copyright holder individually to get permission.

# Fair Dealing

- The beautiful exception.
- Means that you can use copyrighted material for the purposes of “research, private study, education, parody, satire, criticism or review and news reporting.”
- It’s how John Stewart can use news clips in his show.
- It’s how podcasts like Gilmore Guys can use clips of the TV show Gilmore Girls.

The Gold Standard of Fair  
Dealing as it pertains to music

# Where to get music

- Creative Commons
- Public domain
- Podsafe music tags
- Asking musicians/copyright holders individually



# Creative Commons



- Attribution aka “CC BY” - lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation.



- Attribution-ShareAlike aka “CC BY-SA” - This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms.



- Attribution-NoDerivs aka “CC BY-ND” - This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.



- Attribution-NonCommercial aka “CC BY-NC” - This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.



- Attribution-NonCommercial-ShareAlike aka “CC BY-NC-SA” - This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.



- Attribution-NonCommercial-NoDerivs aka “CC BY-NC-ND” - This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

# License laundering

- occurs when material is reposted with an incorrect license - especially prevalent on Youtube
  - e.g. if Adele's "Hello" were posted under a Creative Commons license
- caveat emptor
- how you can tell:
  - Was it posted by an official account? Does it link to the official site? Does the official site link to it?
  - Check for disclaimers like: "No copyright violation intended." "All credit to whoever made this!!" That crap definitely doesn't cut it.
  - If in doubt... ask the uploader.

# Public Domain

- Under Canadian law, a musical work is copyrighted if its author is still living, or if the author died less than 50 years ago.
- If more than one author created the work, copyright extends until 50 years after the death of the last surviving author. In the language of copyright, “author” means both the composer of the music and the lyricist.
- If more than 50 years have elapsed, the work is said to be “in the public domain.” This means that there is no copyright and, in effect, no one owns it.

# Podsafe music tags

- Podsafe is shorthand for music that is released under a Creative Commons license.
- Artists add this tag voluntarily so that podcasters can find it and feel confident they can use it.
- Make sure to check what license they actually have on it.
- <https://bandcamp.com/tag/podsafe>

# Asking artists individually

- Get in touch with an artist individually through social media, email, etc.
- Make sure that they are the rights holder. If they have a publisher then you'll have to ask them for permission.
- Explain what you want to use it for and get their permission before you use it.
- Save a copy of their email giving you permission.

If in doubt... ask for  
permission or don't use it.

- <https://search.creativecommons.org/>
- [https://archive.org/details/opensource\\_audio](https://archive.org/details/opensource_audio)
- <http://www.pdinfo.com/public-domain-music-list.php>
- <http://freepd.com/>
- <https://bandcamp.com/tag/podsafe>
- <https://soundcloud.com/tags/podsafe>

Now... over to Jeff.



