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VOLUME 6

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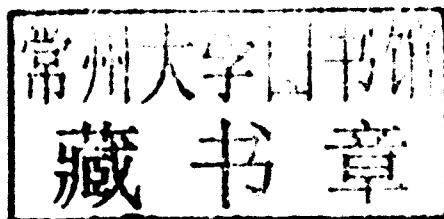
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MATTHEW  BENDER

Volume 6 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS
AT THE BEGINNING OF THE CHAPTER

Glossary of Abbreviations and Other References

PART II TRANSACTIONS INVOLVING COPYRIGHT [cont'd]

Chapter 30 MUSIC

- § 30.01 Introduction
- § 30.02 Composition Agreements
 - [A] General Considerations
 - [B] Songwriting Agreements
 - Form 30.02B(1) Exclusive Songwriting Agreement
 - Form 30.02B(2) Single Song Publishing Agreement
 - [C] Co-Publishing Agreements
 - Form 30.02C(1) Co-Publishing Agreement
 - [D] Sub-Publishing Agreements
 - Form 30.02D(1) Sub-Publishing Agreement
 - [E] Administration and Co-Administration
 - Form 30.02E(1) Administration Agreement/Co-Administration Agreement
 - Form 30.02E(2) Co-Administration Agreement
 - [F] Sources of Publishing Revenue
 - [1] Public Performance Agreements
 - [2] Mechanical License Agreements
 - Form 30.02F2(1) Compulsory Mechanical License
 - [3] Synchronization to Television, Film, or Video Agreements
 - [4] Printed Music Licensing Agreements
 - Form 30.02F4(1) Print Licensing
- § 30.03 Master Recording Agreements
 - [A] Recording Agreements
 - Form 30.03A(1) Recording Agreement, Exclusive Services, Long Form
 - Form 30.03A(2) Recording Agreement, Exclusive Services, Short Form
 - Form 30.03A(3) Recording Agreement, Nonexclusive Services, Long Form

Volume 6 Table of Contents

- Form 30.03A(4) Recording Agreement, Nonexclusive Services, Short Form
- Form 30.03A(5) Copyright Transfer Provisions of a Recording Agreement
- Form 30.03A(6) Loan-out Endorsement Agreement
- [B] Record Producer Agreements
 - Form 30.03B(1) Record Producer Agreement
- [C] Sources of Licensing Revenue
 - Form 30.03C(1) Sampling License
- § 30.04 Music Use in a Motion Picture
 - [A] Overview
 - [B] Music Created for the Picture
 - [1] Composing Agreements for Film
 - Form 30.04B1(1) Composer Agreement — Film Score
 - Form 30.04B1(2) Composer Agreement — Limited Contribution
 - Form 30.04B1(3) Songwriter Agreement — Single Compositions
 - Form 30.04B1(4) Songwriter Agreement — Multiple Compositions
 - Form 30.04B1(5) Creation of New Lyrics Agreement
 - Form 30.04B1(6) Arranger Agreement — Original Material
 - Form 30.04B1(7) Arranger Agreement — Public Domain Material
 - Form 30.04B1(8) Music Recording Producer Agreement
 - [2] Considerations in Using Master Recordings.
 - [C] Agreements for Use of Existing Musical Compositions or Masters
 - [1] Synchronization and Mechanical Licenses.
 - Form 30.04C1(1) Synchronization License
 - [2] Master Use License Agreements
 - Form 30.04C2(1) Master Use License
 - [3] Music Supervisor Agreements
 - Form 30.04C3(1) Music Supervisor License
 - [4] Soundtrack Album Agreements
 - Form 30.04C4(1) Soundtrack Album Agreement
 - Form 30.04C4(2) Master Use License for Inclusion in Soundtrack Album
- § 30.05 Music Used in Television Productions
 - Form 30.05(1) TV Package Agreement
 - Form 30.05(2) Use of Stock Music in a Commercial Advertisement Agreement

Volume 6 Table of Contents

§ 30.06	Music Used in Stage Shows
Form 30.06(1)	Cast Album Agreement
§ 30.07	Music Performers' Agreements
[A]	Live Performance Agreements
[B]	New Performance for Use in a Motion Picture
Form 30.07B(1)	Recording Agreement
Form 30.07B(2)	Record Label Release
[C]	Music Videos Agreements
Form 30.07C(1)	Music Video Production Agreement

PART III ENFORCING AND LITIGATING COPYRIGHT CLAIMS

Chapter 31 INTRODUCTION TO LITIGATION FORMS

Chapter 32 COMPLAINTS AND RELATED MATERIALS

§ 32.01	The Demand Letter
Form 32-1	Demand Letter
§ 32.02	The Tolling Agreement
Form 32-2	Tolling Agreement
§ 32.03	The Arbitration Submission Agreement
Form 32-3	Arbitration Submission Agreement
§ 32.04	The Copyright Infringement Complaint
[A]	Official Forms
[1]	Official Form 17
[2]	Official Form 19
[B]	Sample Complaints in Copyright-Intensive Jurisdictions
Form 32-5	Central District of California Copyright Infringement Complaint
Form 32-6	Southern District of New York Copyright Infringement Complaint
Form 32-7	Northern District of Illinois Copyright Infringement Complaint
§ 32.05	Cognate Federal Claims
§ 32.06	Cognate State Law Claims
§ 32.07	The Jury Demand
§ 32.08	The Copyright Co-Ownership Complaint
Form 32-8	Copyright Co-Ownership Claim
§ 32.09	The Report on the Filing or Determination of an Action Regarding a Copyright
Form 32-9	Notice Re Report on the Filing or Determination of An Action Regarding a Copyright
Form 32-10	Report on the Filing or Determination of An Action Regarding a Copyright
§ 32.10	The Notice of Related Case

Volume 6 Table of Contents

Form 32-11 Notice of Related Case

Chapter 33 RESPONSES TO DEMAND LETTERS OR COMPLAINTS

§ 33.01	The Insurance Tender
Form 33-1	Tender Letter
§ 33.02	The Defendant's Letter Requesting Particulars
Form 33-2	The Defendant's Letter Requesting Particulars
§ 33.03	The Protective Declaratory Relief Complaint
Form 33-3	Declaratory Relief Complaint
§ 33.04	The Answer
Form 33-4	Answer
§ 33.05	The Counterclaim
Form 33-5	Answer and Counterclaim
§ 33.06	The Third-Party Complaint/Cross-Claim
§ 33.07	Removal and Remand
Form 33-6	Notice of Removal
§ 33.08	The Motion to Dismiss
Form 33-7	Motion to Dismiss For Failure to Plead With Specificity
Form 33-8	Opposition to Motion to Dismiss For Failure to Plead With Specificity
Form 33-9	Reply in Support of Motion to Dismiss For Failure to Plead With Specificity
Form 33-10	Motion to Dismiss For Lack of Substantial Similarity.
§ 33.09	The Motion to Strike
§ 33.10	The Motion to Dismiss for Lack of Personal Jurisdiction.
Form 33-11	Motion to Dismiss [F.R.Civ.P. 12(b)(1)]
Form 33-12	Opposition to Motion to Dismiss [F.R.Civ.P. 12(b)(1)]
§ 33.11	The Motion to Transfer Under 28 U.S.C. § 1404(a)
Form 33-13	"Convenience" Transfer Motion
§ 33.12	The Motion to Dismiss, Transfer or Stay Under "First-to-File" Rule

(Text continued on page vii)

Volume 6 Table of Contents

- Form 33-14 “First-to-File” Rule Motion
§ 33.13 The Statutory Offer
Form 33-15 Rule 68 Offer

Chapter 34 RESPONSES TO COUNTERCLAIM

- § 34.01 Replies and Motions to Dismiss

Chapter 35 PROVISIONAL AND RELATED RELIEF

- § 35.01 The Temporary Restraining Order Application
Form 35-1 Application for TRO
Form 35-2 Memorandum in Support of TRO
Form 35-3 TRO
§ 35.02 The Preliminary Injunction Motion
Form 35-4 Preliminary Injunction Motion
Form 35-5 Preliminary Injunction
§ 35.03 The Expedited Discovery Application
Form 35-6 Expedited Discovery Application
§ 35.04 The Contempt Motion
§ 35.05 The Impoundment Application
Form 35-7 Impoundment Application
Form 35-8 Memorandum in Support of Impoundment Applica-
tion

Chapter 36 DISCOVERY

- § 36.01 Party Discovery
Form 36-1 Initial Disclosures
Form 36-2 Plaintiff’s Interrogatories
Form 36-3 Plaintiff’s Document Requests
Form 36-4 Defendant’s Interrogatories
Form 36-5 Defendant’s Document Requests
Form 36-6 Deposition Notice for Individual
Form 36-7 Deposition Notice for Entity
§ 36.02 Third-Party Discovery
Form 36-8 In-District Subpoena
Form 36-9 Outside-District Subpoena
Form 36-10 Notice of Subpoena
§ 36.03 The Discovery Motion

Volume 6 Table of Contents

- § 36.04 The Protective Order
- Form 36-11 “One-Tier” Stipulated Protective Order
- Form 36-12 “Two-Tier” Stipulated Protective Order
- Form 36-13 Motion for Protective Order

Chapter 37 SUMMARY ADJUDICATION

- § 37.01 The Summary Adjudication Motion
- Form 37-1 Plaintiff’s Summary Adjudication Motion
- Form 37-2 Statement of Undisputed Facts

Chapter 38 PRETRIAL PROCEDURE

- § 38.01 The Pretrial Conference Order
- Form 38-1 Joint Pretrial Conference Order

Chapter 39 TRIAL

- § 39.01 The Trial Brief
- Form 39-1 Trial Brief
- § 39.02 The Bifurcation Motion
- Form 39-2 Bifurcation Motion
- § 39.03 Motions *In Limine*
- Form 39-3 Motions *in Limine*
- § 39.04 Jury Instructions
- Form 39-4 Jury Instructions
- § 39.05 The Costs Bill
- Form 39-5 Costs Bill
- § 39.06 The Attorneys’ Fees Application
- Form 39-6 Motion for Attorneys’ Fees

Chapter 40 SETTLEMENT

- § 40.01 The Settlement Process
- Form 40-1 Settlement Agreement

Chapters 41 through 46 are Reserved

Volume 6 Table of Contents

Chapter 47 CRIMINAL ACTIONS

§ 47.01	Criminal Copyright Infringement
	Form 47-1 Indictment for Copyright Infringement (18 U.S.C. § 2319) of a Motion Picture

GLOSSARY OF ABBREVIATIONS AND OTHER REFERENCES

Certain references in the text, not otherwise identified, are as follows:

<i>Reference</i>	<i>Identification</i>
BCIA	Berne Convention Implementation Act of 1988 (see Overview) (see also Appendix 2A <i>infra</i>)
Commerce Rep. (DMCA)	H.R. Rep. No. 105-551, Part 2, 105th Cong., 2d Sess. (1998) (see Appendix 53 <i>infra</i>)
Conf. Rep.	H.R. Rep. No. 94-1733, 94th Cong., 2d Sess. (1976) (see Appendix 5 <i>infra</i>)
Conf. Rep. (DMCA)	Joint Explanatory Statement of the Committee of Conference, H.R. Rep. No. 105-796, 105th Cong., 2d Sess. (1998) (see Appendix 57 <i>infra</i>)
Current Act (1976 Act)	17 U.S.C. § 101 <i>et seq.</i> (Pub. L. 94-553, 90 Stat. 2541) (see Appendix 2 <i>infra</i>)
Decennial	January 1, 1978 — March 1, 1989 (see Overview <i>infra</i>)
DPRA	Digital Performance Rights in Sound Recordings Act of 1995 (see Appendix 2H)
Hearings on GATT Intellectual Property Provisions	<i>General Agreement on Tariffs and Trade (GATT): Intellectual Property Provisions</i> , Joint Hearings Before the Subcommittee on Intellectual Property and Judicial Administration of the House Committee on the Judiciary and the Subcommittee on Patents, Copyrights, and Trademarks of the Senate Committee on the Judiciary, 103d Cong., 2d Sess. (August 12, 1994)
H. Rep.	H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976) (see Appendix 4 <i>infra</i>)
H. Rep. (AHRA)	H.R. Rep. No. 102-873 Part 1, 102d Cong., 2d Sess. (1992). (see Appendix 37 <i>infra</i>)
H. Rep. (BCIA)	H.R. Rep. No. 100-609, 100th Cong., 2d Sess. (1988) (see Appendix 32 <i>infra</i>)

<i>Reference</i>	<i>Identification</i>
H. Rep. (DMCA)	H.R. Rep. No. 105-551, Part 1, 105th Cong., 2d Sess. (1998) (see Appendix 52 <i>infra</i>)
H. Rep. (DPRA)	H.R. Rep. No. 104-274, 104th Cong., 1st Sess. (1995) (see Appendix 45 <i>infra</i>)
H. Rep. (FECA)	H.R. Rep. No. 109-33(I), 109th Cong., 1st Sess. (2005)
H. Rep. (PRO IP)	H. R. Rep. No. 110-617, 110th Cong., 2d Sess. (2008)
H. Rep. (SCPA)	H.R. Rep. No. 98-781, 98th Cong., 2d Sess. (1984) (see Appendix 30 <i>infra</i>)
H. Rep. (SHVA)	H.R. Rep. No. 100-887(I), 100th Cong., 2d Sess. (1988), reprinted in 1988 U.S. Code Cong. & Admin. News 5611
OCILLA	Online Copyright Infringement Liability Limitation Act (see § 12B.01[C] <i>infra</i>)
Reg. Rep.	Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law, 87th Cong., 1st Sess., Copyright Law Revision (House Comm. Print 1961) (see Appendix 14 <i>infra</i>)
Reg. Supp. Rep.	Supplementary Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law: 1965 Revision Bill, 89th Cong., 1st Sess., Copyright Law Revision Part 6 (House Comm. Print 1965) (see Appendix 15 <i>infra</i>)
SAA	Statement of Administrative Action (see § 18.06 [C][2][c] <i>infra</i>)
S. Rep.	S. Rep. No. 94-473, 94th Cong., 1st Sess. (1975) (see Appendix 4A <i>infra</i>)
S. Rep. (AHRA)	S. Rep. No. 102-294, 102d Cong., 2d Sess. (1992) (see Appendix 36 <i>infra</i>)
S. Rep. (BCIA)	S. Rep. No. 100-352, 100th Cong., 2d Sess. (1988) (see Appendix 35 <i>infra</i>)
S. Rep. (DMCA)	S. Rep. No. 105-190, 105th Cong., 2d Sess. (1998) (see Appendix 54 <i>infra</i>)

<i>Reference</i>	<i>Identification</i>
S. Rep. (DPRA)	S. Rep. No. 104-128, 104th Cong., 1st Sess. (1995) (see Appendix 46 <i>infra</i>)
Trans. Supp. Prov.	Transitional and Supplementary Provisions (see Appendix 2 <i>infra</i>)
TRIPs	Trade-Related Aspects of Intellectual Property Rights (see § 18.06[A] <i>infra</i>)
U.C.C.	Universal Copyright Convention (see Appendices 24 and 25 <i>infra</i>)
U.S.P.Q.	United States Patent Quarterly
1909 Act	Act of March 4, 1909, ch. 320, 35 Stat. 1075, as thereafter codified in 17 U.S.C. § 1 <i>et seq.</i> , and as amended (see Appendix 6 <i>infra</i>)
1997 Hearings, Serial No. 33	<i>The WIPO Copyright Treaties Implementation Act and Online Copyright Liability Limitation Act</i> , Hearing Before the Subcommittee on Courts and Intellectual Property, Serial No. 33 (Sept. 16-17, 1997)
2000 Hearings, Serial No. 145	<i>United States Copyright Office and Sound Recordings as Work Made for Hire</i> , Hearing Before the Subcommittee on Courts and Intellectual Property, Serial No. 145 (May 25, 2000)

CHAPTER 30

Music

SYNOPSIS

§ 30.01 Introduction

§ 30.02 The Musical Composition

[A] General Considerations

[B] Songwriting Agreements

Form 30.02B(1) Exclusive Songwriting Agreement

Form 30.02B(2) Single Song Publishing Agreement

[C] Co-Publishing Agreements

Form 30.02C(1) Co-Publishing Agreement

[D] Sub-Publishing Agreements

Form 30.02D(1) Sub-Publishing Agreement

[E] Administration and Co-Administration Agreements

Form 30.02E(1) Administration Agreement/Co-Administration Agreement

Form 30.02E(2) Co-Administration Agreement

[F] Sources of Publishing Revenue

[1] Public Performance Agreements

[2] Mechanical License Agreements

Form 30.02F2(1) Compulsory Mechanical License

[3] Synchronization to Television, Film, or Video Agreements

[4] Printed Music Licensing Agreements

Form 30.02F4(1) Print License Agreement

§ 30.03 Master Recording Agreements

[A] The Recording Agreement

Form 30.03A(1) Recording Agreement

Form 30.03A(2) Recording Agreement

Form 30.03A(3) Recording Agreement

Form 30.03A(4) Labeling Agreement

Form 30.03A(5) Copyright Transfer Provisions for a Recording Agreement

Form 30.03A(6) Loan-Out Corporation Inducement Agreement

[B] Record Producer Agreements

Form 30.03B(1) Record Producer Agreement

[C] Sources of Licensing Revenue

Form 30.03C(1) Sampling License

§ 30.04 Music Used in a Motion Picture

[A] Overview

[B] Music Created for a Picture

[1] Composing Agreements for Film

Form 30.04B1(1) Composer Agreement–Film Score

Form 30.04B1(2) Composer Agreement–Limited Contribution

Form 30.04B1(3) Songwriter Agreement

Form 30.04B1(4) Songwriter Agreement

Form 30.04B1(5) Agreement to Create New Lyrics

Form 30.04B1(6) Arranger Agreement

Form 30.04B1(7) Arranger Agreement

Form 30.04B1(8) Music Recording Producer Agreement

[2] Considerations in Using Master Recordings

[C] Agreements for Use of Existing Musical Compositions or Masters

[1] Synchronization and Mechanical License Agree

Form 30.04C1(1) Synchronization License

[2] Master Use License Agreements

Form 30.04C2(1) Master Use License

[3] Music Supervisor Agreements

Form 30.04C3(1) Music Supervisor

[4] Soundtrack Album Agreements

Form 30.04C4(1) Soundtrack Album Agreement

Form 30.04C4(2) Master Use License for Inclusion in Soundtrack Album

§ 30.05 Music Used in Television Productions

Form 30.05(1) TV Package Agreement

Form 30.05(2) Use of Stock Music in a Commercial Advertisement

§ 30.06 Music Used in Stage Shows

Form 30.06(1) Cast Album Agreement

§ 30.07 Music Performers' Agreements

[A] Live Performance Agreements

[B] Performance for use in a Motion Picture

Form 30.07B(1) Recording Agreement

Form 30.07B(2) Record Label Release

[C] Music Videos Agreements

Form 30.07C(1) Music Video Production Agreement

§ 30.01 Introduction

This chapter contains a wide range of sample forms used in the music industry. The forms are divided into six general categories:

- ***Composition agreements***¹ — Form agreements regarding the writing of musical compositions and the exploitation of those compositions. Forms include song writing agreements, co-publishing agreements, sub-publishing agreements, administration and co-administration agreements, and mechanical and synchronization license agreements.
- ***Master recording agreements***² — Form agreements regarding the performance of compositions and the exploitation of those performances. Forms include recording agreements and record producer agreements.
- ***Agreements for the use of music in motion pictures***³ — Forms include composing agreements and licenses for the use of pre-existing compositions and master recordings.
- ***Agreements for the use of music in television productions.***⁴
- ***Agreements for the use of music in stage shows.***⁵
- ***Agreements for use in connection with live performances***⁶ — Forms include live performance agreements and music video agreements.

The first two groups of forms deal with composition agreements and master recording agreements. The distinction between a composition and a master (i.e., a recording of a performance) is a perpetual source of confusion. It should be kept in mind that separate rights and protections are accorded to:

(1) the musical composition, which itself frequently consists of two distinct components — the lyrics and the music (or melody) and is the work created by the composer and lyricist; and

¹ Section 30.02 *infra*.

² Section 30.03 *infra*.

³ Section 30.04 *infra*.

⁴ Section 30.05 *infra*.

⁵ Section 30.06 *infra*.

⁶ Section 30.07 *infra*.

(2) the physical embodiment of a particular performance of the musical composition, which is usually in the form of a “master recording” and is the performance of the musical composition.⁷

Form agreements in the music world are changing almost on a daily basis to adapt to and accommodate the brave new world of the Internet, new media, and new technologies. For many aspects of this new world, the forms and standard practices have not yet even begun to evolve, particularly in the world of the Internet, where no one can yet predict the value of these rights or appropriate methods for determining licensing fees.

The forms and commentary that follow should be viewed as starting points for drafting documents to meet the needs of individual clients. Each contract term in each form agreement should be examined closely to determine whether it needs to be modified to comport with the realities of the specific situation, supplanted in whole or in part, or simply stricken.

.

⁷ See §§ 2.05[B] and 2.10 *supra*.