

Abstract

Problems and Improvements of the License fee and Settlement for Reproduction and Distribution of Phonogram

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The Phonogram producer must obtain permission from the copyright holder when producing an phonogram. Domestic music copyright trust service provider set a royalty fee for reproduction and distribution of phonograms at 9% of the PPD(Published Price to Dealer) according to the royalties. The PPD herein refers PPD of "Album Package" distributed to the market, not PPD of "Phonogram" in the copyright law. The difference between these two didn't matter in the past as distributing and consuming music work through physical media-which is the core content- was a general trend. However, people nowadays enjoy music not by offline album but by online transmission. The album package has changed into a collection product called 'Goods', which means merchandise(MD). The media containing musical works is now an additional element, and the contents like performer's photo collections or other video contents are produced as the main product. Since the concept of album has been expanded to a complex content product containing several works, the rise of PPD is inevitable. The phonogram producers even release media that doesn't contain music as an album. In this situation, it is necessary to reconsider setting the music royalty fee by treating the PPD of the album and phonogram equally. Although the fee for reproduction and distribution should be for musical works, the reality is that other works and contents costs are included in royalty. This does not balance with online transmission fees based on unit price per song. Therefore, it is suggested that the baseline of royalty fee be changed from the PPD to the price per song.

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Keywords

Music Copyright, Royalty, Copyright Fee, Distribution Fee, Phonogram, Label

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