

# **iasa**

International Association of Sound Archives  
Association Internationale d'Archives Sonores  
Internationale Vereinigung der Schallarchive

# **phonographic bulletin**

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## PHONOGRAPHIC BULLETIN

Journal of the International Association of Sound Archives IASA

Organe de l'Association Internationale d'Archives Sonores IASA

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The PHONOGRAPHIC BULLETIN is published three times a year and is sent to all members of IASA. Applications for membership in IASA should be sent to the Secretary (see list of officers below). The annual dues are at the moment 25.-Deutsche Mark for individual members and 60.-Deutsche Mark for institutional members. Back copies of the PHONOGRAPHIC BULLETIN from 1971 are available at 15.-Deutsche Mark for each year's issue, including postage. Subscriptions to the current year's issues of the PHONOGRAPHIC BULLETIN are also available to non-members at a cost of 25.-Deutsche Mark.

Le journal de l'Association internationale d'archives sonores, le PHONOGRAPHIC BULLETIN, est publié trois fois l'an et distribué à tous les membres. Veuillez envoyer vos demandes d'adhésion au secrétaire dont vous trouverez l'adresse ci-dessous. Les cotisations annuelles sont en ce moment de 25.-Deutsche Mark pour les membres individuels et 60.-Deutsche Mark pour les membres institutionnels. Les numéros précédents (à partir de 1971) du PHONOGRAPHIC BULLETIN sont disponibles au coût de 15.-Deutsche Mark par année (frais de port inclus). Ceux qui ne sont pas membres de l'Association peuvent obtenir un abonnement au PHONOGRAPHIC BULLETIN pour l'année courante au coût de 25.-Deutsche Mark.

Das PHONOGRAPHIC BULLETIN erscheint dreimal jährlich und geht allen Mitgliedern der IASA zu. Aufnahmeanträge für die Mitgliedschaft bei der IASA sind an den Sekretär (Anschrift siehe unten) zu richten. Die Mitgliedsbeiträge betragen derzeit DM 25.-für individuelle Mitglieder, DM 60.-für Institutionen. Frühere Jahrgänge des Bulletins (als 1971) können zum Preis von DM 15.- (einschließlich Porto) bestellt werden. Nicht-Mitglieder können das PHONOGRAPHIC BULLETIN zum Preis von DM 25.-jährlich abonnieren.

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## EDITORIAL

The present issue of the PHONOGRAPHIC BULLETIN is, in large part, concerned with official business, all of which should be of interest to the general membership. The tentative Program for the Salzburg Conference presents up-dated and detailed information on papers and other sessions, as well as on general activities which will be a part of the program. The Conference promises to be informative and exciting, and all members are urged to attend. Other interested individuals are cordially invited.

Celebrating its first anniversary, the Copyright Committee herein presents its initial Report. The papers provide data on copyright legislation and practices in a number of countries and, significantly, recommendations for improving the situation as regards international copyright.

The Summary of the Minutes taken at the winter meeting of the Executive Board is intended to keep members abreast of the activities and progress of IASA as reflected in the deliberations and decisions of the Officers of the Association.

The article on the Madrid Fonoteca continues our series surveying various archives throughout the world. Thus far, information concerning close to thirty five international archives has been included in past issues of the BULLETIN. Many of the surveys augment or supplement data found in the IASA Directory of Member Archives.

Finally, we have included reviews and notes which we feel are pertinent to our purposes and goals and should thus be meaningful and informative to our members. Unfortunately, we have not received reviews, news items or notices from countries other than the U.S. and Canada. It is a situation which should be rectified, and thus we are here requesting reviews of publications or conference proceedings, comments on new equipment or techniques, and news of activities taking place within your institution or country as well as plans for or results of your own personal research. The BULLETIN is a medium for communication among members, and it would of course be to our mutual benefit to exchange ideas and information concerning archives and archiving.

Frank J. Gillis  
Associate Editor

## PRELIMINARY PROGRAMME

JOINT CONFERENCE OF IASA AND THE INTERNATIONAL ASSOCIATION OF MUSIC LIBRARIES

Salzburg 1-7 July 1979

### Sunday 1 July

Registration  
14.00 - 16.30 Executive Board Meeting (members only)  
17.00 Opening Session  
Lecture by Rolf Schuursma, President IASA: "Eighty Years of Sound Archivism, Ten Years of IASA".  
Lecture by Harald Heckmann, IAML: "Tonträger als musikgeschichtliche Quellen"  
  
Reception by the International Foundation Mozarteum and the ORF, Studio Salzburg, in the Mozarteum

### Monday 2 July

9.00 - 11.00 General Assembly, Part I  
11.00 - 13.00 Copyright Committee (members only)  
Technical Committee (members only)  
14.00 - 16.00 A Presentation by the Arbeitsgemeinschaft Österreichischer Schallarchive: "Plans to Improve the Situation of Sound Archives in Austria".  
Chairman: Gottfried Scholz (Institut für Musikanalytik der Hochschule für Musik und darstellende Kunst, Vienna)  
Speakers: Gerhard Jagschitz (Österreichisches Institut für Zeitgeschichte, Vienna)  
Rainer Hubert (Österreichische Phonotheek, Vienna)  
Armgard Schiffer (Landesmuseum Joanneum, Bild- und Tonarchiv, Graz)  
Walter Schollum (Institut für Musikanalytik der Hochschule für Musik und darstellende Kunst, Vienna)  
Dietrich Schüller (Phonogrammarchiv der Österreichischen Akademie der Wissenschaften, Vienna)  
16.00 - 18.00 Cataloguing Committee (members only)

### Tuesday 3 July

11.00 - 13.00 IASA 10th Anniversary Session: "Medium and Disciplines".  
Chairman: Rolf Schuursma (Foundation for Film and Science SFW, Utrecht)  
Speakers: Vincent Phillips (Welsh Folk Museum, Cardiff)  
Friedrich Kahlenberg (Bundesarchiv, Koblenz)  
A third speaker to be announced.

- 14.00 - 16.00 IAML/IASA Committee on Music and Sound Archives:  
"Recent Developments in the Audio-Visual Field".  
Chairman: To be announced  
Speakers: Gerald Gibson (Library of Congress, Washington)  
Leif Larsson (Swedish Multi-Media Archives ALB,  
Stockholm)  
A third speaker to be announced.
- 16.00 - 18.00 Radio Sound Archives: "Past, Present and Future Patterns of Access  
and Use (with special reference to spoken word recordings)".  
Chairman: Tor Kummen (Norsk Rikskringkasting, Oslo)  
Speakers: Tony Trebble (British Broadcasting Corporation, London)  
Wolfgang Hempel (Südwestfunk, Baden-Baden)  
Miss Chanterau (Institut National de l'Audiovisuel)  
Miss Batistelli (Radio France)
- 19.30 Organ Concert in the large hall of the Mozarteum

Wednesday 4 July

- 11.00 - 13.00 Cataloguing Committee (open meeting)  
Chairwoman: Anne Eugène (Bibliothèque Nationale, Paris)  
Speakers: Alexander Jansen (Nederlandse Omroep Stichting,  
Hilversum): "Cataloguing Sound Records in a Broadcasting  
Company".  
Garrett Bowles (Stanford University, California): "The  
Area of Physical Description in the Cataloguing Code of  
ARSC".  
Anne Eugène and Roger Smither (Imperial War Museum, London):  
"Report of IFLA - IASA - IAML Discussions on Changing the  
ISBD(NBM)".
- 14.00 - 16.00 National Branches: "Their History, Present Work and Future Development".  
Chairman: David Lance (Imperial War Museum, London)  
Speakers: Rainer Hubert (Österreichische Phonotheek, Vienna)  
Tonko Tonkes (Gem. Archiefdienst, Rotterdam)  
Diana Hull (British Institute of Recorded Sound, London)  
Prue Neidorf (National Library of Australia, Canberra)  
Jean-Claude Bouvier (Département Ethnotextes du Centre  
National de la Recherche Scientifique, Paris).
- 20.00 Reception in the Archbishop's Palace by the Governor and by the Mayor  
of Salzburg.

Thursday 5 July

- 9.00 - 12.00 IAML/IASA Committee on Music and Sound Archives: "The Value of the  
Sound Recording as a Source in Musicological Research".

Chairman: Claes Cnattingius (Sveriges Radio, Stockholm)  
Speakers: Kurt Blaukopf (Austria)  
Helmuth Mühle (Sveriges Radio, Stockholm)  
Alfred Kaine (Deutsche Grammophon, German Federal Republic)  
Armand Panigel (Ministry of Culture, Paris)  
Leopold Hager (Mozarteum, Salzburg)

14.00 - 16.00 Technical Committee (open meeting)  
Chairman: Dietrich Schüller (Phonogrammarchiv der Österreichischen Akademie der Wissenschaften, Vienna)  
Speakers: William Storm (Syracuse University, Syracuse): "The Establishment of International Re-Recording Standards".  
Erhard Aschinger (Phonogrammarchiv, Vienna): "Report on Measurements of Magnetic Strayfields in a Sound Archive".  
Dietrich Schüller: "Towards Standardized Fire Regulations in Sound Archives".  
Wilfried Zahn (Deutsches Rundfunkarchiv, Frankfurt): "Maintenance of Tape Recorders".

16.00 - 18.00 Copyright Committee (open meeting)  
Chairman: Robert Ternisien (Canadian Broadcasting Corporation, Montreal)  
Speakers: Norbert Flehsig (Süddeutscher Rundfunk, Stuttgart): "The Protection of Broadcasting Stations Against the Distribution of Illicitly Copied Broadcasts in Foreign Countries".  
  
A second subject and speaker to be announced.

20.00 Social Evening (open also to sound archivists of IAML)

Friday 6 July

11.00 - 13.00 Executive Board Meeting (members only)  
  
14.00 - 16.00 General Assembly, Part II  
  
16.00 - 18.00 IAML/IASA Closing Session: Reports from the Presidents and the Committees and Commissions.  
  
19.30 Farewell Dinner at the Restaurant Winkler on Mönchsberg

Saturday 7 July

Day Excursion to Kremsmünster

# report of the iasa copyright committee

LISBON     JULY 1978

ROBERT TERNISIEN    (Canadian Broadcasting Corporation). Chairman  
MARIE-FRANCE CALAS    (Bibliothèque Nationale)  
GERALD D. GIBSON    (Library of Congress)  
DEREK LEWIS    (British Broadcasting Corporation)  
ULF SCHARLAU    (Sddeutscher Rundfunk)

*The Copyright Committee wishes to express its gratitude and thanks to Miss CAROLINE HUNTER, from European-American Music Publishers, for her much appreciated collaboration during the open session of the Copyright Committee, where she explained to the audience the new aspects of copyright legislation in the United States. We also wish to extend our thanks to Mr. TONY TREBBLE, of the British Broadcasting Corporation, for his contribution, in which he provided us with many details and examples concerning the application of the Copyright Act in the United Kingdom.*

REPORT SUBMITTED TO THE PLENARY ASSEMBLY, IASA - IAML

The Copyright Committee, which celebrates its first anniversary of real existence, is pleased to announce that the working plan adopted in Mainz in 1977 has been generally followed.

The Committee's program consisted of the following activities:

- To collect contracts of assignment of copyright and to draft a typical contract.
- To foresee the many possibilities for increased exchange between radio stations and national record libraries and various sound archives holdings.
- To establish relations with other international institutions with interests in common with the Committee.
- To reinforce our contacts with producers of phonograms.
- To prepare a resolution on the use of blank cassettes for sound archives and for various cultural needs.

RAPPORT SOUMIS A L'ASSEMBLEE PLENIERE, IASA - IAML

Le Comité du Droit d'Auteur, qui fête son premier anniversaire de réelle existence, est satisfait de vous faire part que le plan de travail défini à Mayence en 1977 a, dans son ensemble, été respecté.

Le Comité s'est donné pour programme les activités suivantes:

- La collecte des contrats de cession de droit et la rédaction d'un contrat type.
- Prévoir les diverses possibilités pour l'extension des échanges entre radios et phonothèques nationales et différents fonds d'archives sonores.
- L'établissement de relations avec d'autres institutions internationales ayant des intérêts communs avec ce comité.
- Le renforcement de nos contacts avec les producteurs de phonogrammes.
- Le préparation d'une résolution concernant l'utilisation des cassettes vierges au niveau des archives sonores et des besoins culturels divers.

#### REPORT SUBMITTED TO THE GENERAL ASSEMBLY - 2ND PART

The Copyright Committee, according to the working plan adopted during the Mainz Congress in 1977, ascertained the state of different copyright legislation in the countries represented on the committee and the problems of dissemination imposed by the restrictions of that legislation.

It also prepared a comparative table of different national legislation concerning international conventions. During its working session, the committee adopted a plan of action for the coming year of which the following are the principal points:

- To continue to collect contracts of assignment of copyright for sound documents at a record library or archive. We now possess six different contracts representing Germany, Canada and France. Therefore, we invite members to send us their contracts insofar as they exist. We intend to establish by these consultations standards for an international contract.
- To study the possibilities of exchange between radio stations and record libraries, taking into account existing arrangements. We plan to specify the direction to give our activities while considering what has already been done by the Copyright Committee of the EBU. We hope to gain authorization for relations with UNESCO, OMPI and other international organizations which might play a part in the evolution of copyright.

It seems essential to us that a member of IASA be permitted to represent our association officially at MIDEM in order to represent the point of view of sound archives. MIDEM is an international meeting of producers of phonograms and music publishers, and at annual sessions the participating panelists consider almost exclusively the problem of industrial piracy. We sincerely wish that this request be granted.

The Committee believes that a serious proposition should be put to the IFPI in order to familiarize some of its representatives with the work of our Committee. The Committee encourages its members to begin discussions at the national level with different sections of

the IFPI to keep them informed of our needs, although the Committee questions the advisability of admitting the representatives of the recording industry as members of the IASA.

The Committee asks to be given authority to prepare a resolution inviting public authorities and producers to consider the needs of sound archives in any action that it may take in the field of blank cassette tapes.

This report is respectfully submitted to the General Assembly and to the Executive Board.

#### RAPPORT SOUMIS A L'ASSEMBLEE GENERALE - 2e PARTIE

Le Comité du Droit d'Auteur, conformément au plan de travail qui avait été défini lors du Congrès de Mayence en 1977, a établi un état descriptif des différentes législations sur le droit d'auteur pour les pays représentés au sein du Comité et des problèmes relatifs à la communication face aux contraintes imposées par ces législations.

Il a de plus obtenu un tableau comparatif des différentes législations nationales en ce qui a trait aux conventions internationales.

Au cours de sa session de travail, le Comité a défini un plan d'action pour l'année à venir dont les principaux points sont les suivants:

- Continuer à collecter les différents contrats de cession de documents sonores à une phonothèque ou un fond d'archives. Nous sommes actuellement en possession de six contrats différents représentant les pays suivants: Allemagne, Canada, France. Nous invitons donc les membres à nous faire parvenir les leurs dans la mesure où ils existent. Nous nous proposons, à la lumière des consultations, d'établir des standards pour la rédaction d'un contrat international.
- Etudier les possibilités d'échange entre Radios et phonothèques, compte tenu des exemples existants. Nous prévoyons préciser l'orientation à donner à nos activités en tenant compte de ce qui est déjà fait par le Comité du Droit d'Auteur de l'UER. Nous souhaitons obtenir le mandat d'entrer en rapport avec l'UNESCO, l'OMPI et d'autres organisations internationales susceptibles de faire évoluer le droit d'auteur.

Il nous paraît essentiel qu'un membre de IASA ait la possibilité de représenter officiellement notre Association au MIDEM afin d'y faire entendre le point de vue des Archives Sonores. Le MIDEM est une réunion internationale des producteurs de phonogrammes et éditeurs de musique et, lors des sessions annuelles, les juristes participants abordent presque exclusivement des problèmes de piratage industriel. Nous souhaitons vivement que cette requête soit acceptée.

Le Comité est d'avis qu'une proposition sérieuse soit faite auprès de l'IFPI dans le but

d'associer certains de ses représentants aux travaux de notre Comité. Le Comité encourage ses membres à entamer des discussions au niveau national avec les différentes sections de l'IFPI pour les tenir informées de nos besoins mais le Comité s'interroge sur l'opportunité d'admettre les représentants d'archives de l'industrie phonographique parmi les membres de IASA.

Le Comité demande d'être mandaté pour préparer une résolution invitant les pouvoirs publics et les producteurs à prendre en considération les besoins des Archives Sonores dans toute initiative qu'il serait amené à prendre dans le domaine des cassettes vierges.

Ce rapport est respectueusement soumis à l'Assemblée générale et au Bureau de Direction.

\* \* \* \* \*

#### COPYRIGHT LEGISLATION IN FRANCE CONCERNING PHONOGRAMS

In the light of copyright legislation, the French group applied itself first of all to the examination of problems posed in France concerning the dissemination of phonograms and audio-visual works, published or unpublished, to institutions whose mission is to conserve them and to make them available to the public, even though they hold no rights to them. What has been deliberately excluded are the complex problems posed by radio and television productions, which are dealt with in the framework of specialized commissions of the UER.

#### The Legal Framework of Copyright Law in France

In France, legislation on copyright, which originates in the Orders in Council of 1791 and 1793, is presently the result of the law of 11 March 1957 and of the Bern and Geneva international conventions, which by the assimilation of the foreign into the national, assures a reciprocity of protection between states party to these conventions.

The content of copyright originates in France from the act of intellectual creation alone. That is, there is no formal obligation to secure copyright as in copyright legislation (Article I, Sections 1 and 7). Legal deposit is in no way related to copyright.

These rights are of two kinds:

- 1) Moral right originates in the person who is the creator. It is a sort of "natural" right attached to the person, which distinguishes it from the right of ordinary and real ownership. It is an exclusive right and preempts all others (Article I, Sections 2 and 3). Moral persons are excluded from the group of authors who may only transfer to them their rights of ownership. Moral right is always paramount.
- 2) Rights of ownership exist for the heirs for 50 years after the calendar year in which the author died.

Other aspects of rights are:

- a) Rights of performance, which are concerned with any dissemination of the work to the public. An exception to this right is free and private dissemination, for example, if it occurs within the family (in France, a gathering of relatives and friends in the home or in a hall rented for the occasion).
- b) Rights of reproduction, which consist of the material production by any process which allows it to be disseminated to the public in an indirect manner (video-cassette, record, microform, etc.). Two important exceptions are:

Free use without payment for "reproduction strictly for private use of the copier and not intended for general use."

Free use without payment for reviews and short quotations with citation of the author and the work. Quotation rights exist only for literary and scientific texts, and not for sound and audiovisual documents. Any partial reproduction of the material is equivalent to full reproduction.

- c) The right of adaptation authorizes third parties to translate, adapt, or change the work so that it becomes a work which has been derived from the original.

#### Works Granted Copyright

Rights are attached to the form, not to the substance--ideas remain free. Protection is granted, provided that originality exists, whatever the genre, form, expression, value or intent of the work. If the law defines the rights of the producer of a cinematographic work (who receives by contract the management of the rights of different authors), it recognizes no such fact of production of phonograms nor fact of authorship for record producers. Similarly, the law does not protect the interpretations and performances of artists who are neither co-authors nor adapters of the work performed. Thus, France, having no laws to assure specific protection for artists and producers of phonograms, cannot ratify the Rome Convention (1961) concerning analogous rights.

At the present time, the reproduction or dissemination of a commercial phonogram without the permission of the record manufacturer is forbidden. This prohibition is not part of the copyright law, but legal action for unfair competition is provided for in the Civil Code. Similarly, artists are protected by reference to Article 1382 of the Civil Code, which permits them to bring action against anyone who has caused moral or material injury. This law gives the author absolute control over the commercial use of his work. As far as rights of ownership are concerned, he may transfer them, but this transaction must be made by *contract*, the contracts being strictly regulated. The author is also protected against the exploitation of his work via a medium or technology not foreseen at the time the contract was drafted.

To this very protective law was added the law of 17 July 1970, aimed at reinforcing the individual rights of citizens (Articles 369, 370). The law forces the researcher who produces recordings or films for his own research to be extremely cautious and to obtain the written consent of his informants/performers.

In the face of this legislation, there are public national institutions whose primary mission is to conserve and to make available to a well defined public the published or unpublished documents which they possess. The most important of these institutions in France are the National Center of Cinematography (CNC), for film; the National Audiovisual Institute (INA), for radio and television productions before 1975; and the National Library for still photographs and published or unpublished phonograms.

If one considers what has been said previously, the simple dissemination of these documents is equivalent to a public performance, and, accordingly, it is necessary to obtain the authorization of the holders of rights and to pay them royalties. It is presently impossible to put a family circle into the same category as a class or group of researchers. This is the primary problem. The solution--an extremely unpleasant and unnatural one--appears to be to disseminate documents only to individual researchers, even though the nature and cost of processing and servicing these documents would seem to include an obligation to make them available to a wider public. Moreover, it implies the *duplication* of documents, which poses problems concerned with *reproduction* and the payment of royalties, to say nothing of financial and technical problems.

Early documents present still another problem: the identification of the author. At best, all that is usually known is the institution or the collector who acquired the documents. Such is the case for 90% of films produced before 1940. Without written permission of the owners, the institution may not disseminate the materials. This leads to the absurd situation where works made for dissemination are "frozen" for lack of information concerning authorship.

Today, these institutions take advantage of their mission to disseminate in order to serve their public. The problem differs according to whether the documents are:

- commercial and published
- original and unpublished

#### Commercial/Published Documents

At the level of legal deposit, published or previously broadcast documents are made available to researchers under the policies and procedures for use established by the institution responsible for them. Their reproduction for any other reason requires a contract with the publisher and the payment of a lump sum. This is the situation with public libraries. On the other hand, a national institution may reproduce a document without permission if it is for purposes of conservation.

The situation is more complicated for radio or television programs made available to the public through universities and other cultural institutions. In such cases, every program must be negotiated individually and contracts made with the various holders of rights. To solve these difficulties and to clarify the situation, these institutions have referred their problems to the Council of State. They would like a clear definition and understanding of access and use within their archives as soon as a document becomes a part of their collections. A commission is in existence whose work should result in the drafting of a decree which will precisely define the missions of various institutions and practical means of dissemination. We already know that the decree will most likely confirm the present division existing between researchers and the general public (including scholarly institutions and public libraries). For the former, dissemination would result from the simple expansion of the idea of the family circle. For the latter, dissemination would open up royalty rights under the Act of 1957. The present situation already implies this distinction.

#### Original/Unpublished Documents

The deposit of original, unpublished documents--those collected by private individuals (historians, linguists, sociologists, etc.)--in a public institution leads to problems. The chief concern is the protection of the institution against any claim of a third party, for example, a performer or informant who had been recorded without prior consent, and who might take action against the institution. On the other hand, the third party could give permission to the institution to disseminate the document according to the mission stipulated in its statute. The researcher also has to be protected against any commercial use by the institution.

An inter-institutional group met over two years ago to consider these two objectives and to draft a standard contract for phonograms, the first version of which was published in the PHONOGRAPHIC BULLETIN [April 1977]. The contract in its definitive form has become a working document of UNESCO and is used by the institutions which participated in its development. Today the group has resumed work in order to draft a publishing contract which would allow an institution to undertake the publication or co-publication of a deposited document. The greatest problem is to acquire the written permission of people recorded many years ago: one solution would be to write to the mayor of the place where the recording was made, and, if no reply were received within three months, to proceed with the production of the phonogram.

The law of literary and artistic property in France is ill-suited to the new forms of communication such as motion pictures, sound and audiovisual materials. It is urgent that new and practical legislation be drafted quickly if we wish to avoid seeing usage and practice consign to oblivion a well made but inappropriate law.

#### LA LEGISLATION SUR LE DROIT D'AUTEUR EN FRANCE POUR LES PHONOGRAMMES

A la lumière de la législation sur le droit d'auteur, le groupe français s'est attaché, en

premier lieu, a l'examen des problèmes qui se posent en France, au niveau de la communication des phonogrammes, et oeuvres audiovisuelles, édités ou originaux à des institutions dont la mission est de les conserver et de les communiquer au public, alors qu'ils n'en détiennent pas les droits.

Ont été exclus, de propos délibéré, les problèmes complexes qui se posent aux productions radio et télévision et qui sont traités dans le cadre de commissions spécialisées de l'U.E.R.

### Le cadre juridique de la loi sur le droit d'auteur en France

En France, la législation sur le droit d'auteur, qui a son origine dans les décrets-lois de 1791 et de 1793, résulte actuellement de la loi du 11 mars 1957 et des Conventions internationales de Berne et de Genève qui, par l'assimilation de l'étranger au national assurent une réciprocité de protection entre Etats parties à ces conventions.

#### Contenu du droit d'auteur:

procède en France du seul fait de la création intellectuelle, c'est à dire qu'il n'y a pas d'obligation de formalité comme pour le système du copyright par exemple (article 1, sections 1 et 7). Le dépôt légal n'est en aucune manière lié au droit d'auteur.

Ces droits sont de deux sortes:

- droit moral: le droit d'auteur naît dans la personne même du créateur. C'est une sorte de droit "naturel" attaché à la personne et qui le distingue du droit de propriété ordinaire et réel. C'est un droit exclusif et opposable à tous (article 1, sections 2 et 3). Les personnes morales sont exclues du cercle des auteurs qui ne peuvent que leur céder leurs droits patrimoniaux. Le droit moral exerce toujours la primauté.

- droits patrimoniaux: subsistent au bénéfice des héritiers 50 ans après l'année civile au cours de laquelle est mort l'auteur.

.de représentation: toute communication de l'oeuvre au public.

Une exception à ce droit est la communication privée et gratuite, si elle a lieu dans le cercle de famille (en France: réunion de parents et d'amis au foyer de ceux-ci ou dans une salle louée pour la circonstance).

.de reproduction: consiste dans la fixation matérielle de l'oeuvre par tous procédés qui permettront de la communiquer au public de manière indirecte (vidéo-cassette, disque, micro-forme, etc.).

Deux exceptions notables:

- liberté et gratuité des "reproductions strictement réservées à l'usage privé du copiste et non destinées à une utilisation collective";

- liberté et gratuité des analyses et courtes citations en mentionnant source et auteur.

Mais la citation n'existe pas pour les documents sonores et audiovisuels (seulement pour les textes littéraires et scientifiques); toute reproduction partielle en la matière équivaut à une reproduction totale. Il faut y ajouter le droit d'adaptation qui est celui d'autoriser des tiers à traduire, adapter, transformer l'oeuvre pour en faire une oeuvre dérivée.

#### Les oeuvres investies du droit d'auteur?

Les droits s'attachent à la forme et non au fond. Les idées restent libres. La protection est appliquée pourvu qu'il y ait originalité et ceci quel que soit le genre, la forme, l'expression, le mérite ou la destination.

Si la loi définit les droits du producteur d'une oeuvre cinématographique (il reçoit par contrat la gestion des droits des différents auteurs), elle ne reconnaît aucune qualité d'oeuvre aux phonogrammes, ni aucune qualité d'auteur au producteur phonographique. De même, la loi omet de protéger les interprétations et les exécutions des artistes du spectacle qui ne sont ni co-auteurs, ni adaptateurs de l'oeuvre interprétée.

En conséquence, la France, n'ayant pas de lois assurant la protection spécifique des artistes et producteurs de phonogrammes, elle ne peut ratifier la Convention de Rome (1961) concernant les droits dits voisins.

Actuellement, la reproduction ou la communication d'un phonogramme du commerce sans l'autorisation du producteur phonographique, est néanmoins interdite. Cette interdiction n'est pas inscrite dans la loi d'auteur, mais l'attaque pour concurrence déloyale est prévue dans le Code civil.

De même, les artistes sont protégés en se référant à l'article 1382 du Code civil qui leur permet d'intenter un procès à toute personne qui, de son fait, leur cause un préjudice moral et matériel.

Cette loi confère à l'auteur un contrôle absolu sur l'exploitation de l'oeuvre. En ce qui concerne les droits patrimoniaux, il peut les céder, mais cette transmission ne peut s'opérer que par contrat, les contrats étant très réglementés. L'auteur est, de plus, protégé en cas d'exploitation ultérieure de l'oeuvre, selon une technologie non prévisible lors du contrat.

A cette loi très protectrice est venue s'ajouter la loi du 17 juillet 1970, tendant à renforcer la garantie des droits individuels des citoyens (articles 369, 370). Cette loi oblige le chercheur qui réalise des enregistrements ou des films pour les besoins de sa recherche, à redoubler de prudence, et à s'assurer de l'accord écrit des témoins qu'il enregistre.

Face à cette législation, il y a des établissements publics nationaux dont la vocation première est de conserver et de communiquer à un public bien défini, les documents édités ou originaux qu'ils possèdent. Les plus importants étant en France: le Centre National de la Cinéma-

topographie (CNC) pour les films, l'Institut National Audiovisuel (INA) pour le patrimoine radio et télévision (avant 1975), la Bibliothèque nationale pour les images fixes et les phonogrammes édités et originaux.

Si on tient compte de ce qui vient d'être dit précédemment, la simple communication de ces documents équivaut à une représentation publique, exigeant l'autorisation des ayants-droits et impliquant un versement des droits. Il est actuellement impossible d'assimiler un groupe de chercheurs, une classe à un cercle de famille. C'est un premier problème. La seule échappatoire est la communication à des chercheurs individuels.

Néanmoins, c'est une solution extrêmement onéreuse et "contre-nature". En effet, la vocation et le coût de consultation de ces documents les destinent naturellement à une communication collective. De plus, elle implique la multiplication de copies qui pose le problème de la reproduction de l'oeuvre ouvrant également droit à versement, sans parler évidemment des problèmes financiers et techniques que cela pose.

Par ailleurs, les documents anciens posent un autre problème: celui de l'identification de l'auteur. Seul est connu, dans le meilleur des cas, l'institution ou le collectionneur qui les a acquis. C'est le cas de 90% des films avant 1940. Sans autorisation écrite des cessionnaires du droit, l'institution ne peut communiquer. On arrive donc à la situation absurde d'oeuvres faites pour la communication et qui sont "gelées" par manque d'auteur!

Actuellement, ces établissements se prévalent de leur mission de communication pour pouvoir servir leur public: le problème est quelque peu différent selon qu'il s'agit de:

- documents du commerce édités
- documents originaux non édités

#### Documents du commerce édités ou déjà diffusés

Au niveau du Dépôt légal, ils sont communiqués à un public de chercheurs dans les locaux même de l'établissement qui en a la charge. Leur reproduction sur un autre support nécessite l'établissement de contrat avec les éditeurs et le versement d'une somme forfaitaire (cas des Bibliothèques publiques). Par contre, un établissement national de conservation peut décider, sans autorisation, de reproduire un document à des fins conservatoires.

La situation est plus complexe au niveau des oeuvres radiophoniques ou télévisuelles mises à la disposition du public par le biais d'institutions culturelles (universités, maisons de la culture, etc.). Il s'agit là de négocier chaque titre et d'établir des contrats avec les différentes catégories d'ayants droit.

Pour pallier ces difficultés et définir une situation claire, ces trois établissements ont saisi le Conseil d'Etat de leurs problèmes. Ils souhaitent obtenir que la consultation de leur archives dans leurs locaux à un public reçu sur critères d'accès, soit clairement définie et prévue dès l'arrivée du document dans leurs collections. Une commission est en place.

Elle devrait aboutir à la rédaction d'un décret définissant de façon précise les missions des différents établissements et, au vu de ces missions, les modalités pratiques de communication.

On sait déjà que, vraisemblablement, le décret entérinera le clivage actuel entre:

- chercheurs
- et grand public (dans lequel sont inclus les établissements scolaires et les bibliothèques publiques)

Pour les premiers, la communication procéderait du simple élargissement de la notion de cercle de famille. Pour les seconds, la communication ouvrirait des droits à redevance, conformément à la loi de 1957. La situation actuelle contient implicitement déjà cette distinction.

#### Documents originaux non édités

C'est à dire collectés par des personnes privées (historiens, linguistes, sociologues, etc.). Le versement de tels documents dans les collections d'un établissement public fait problème. Il s'agit de protéger l'institution contre tout recours d'un tiers qui, ayant été enregistré sans son consentement, se retournerait contre l'institution, et lui permettre aussi de communiquer le document ainsi versé, conformément à la mission définie généralement dans son statut. Par ailleurs, il s'agit aussi de protéger le chercheur contre toute utilisation commerciale éventuelle de la part de l'institution.

C'est pour répondre à ces deux objectifs qu'un groupe inter-institutionnel s'est réuni pendant deux années pour rédiger un contrat de cession des phonogrammes dont une première version a été publiée dans le PHONOGRAPHIC BULLETIN. Le contrat, dans sa forme définitive, est devenu un document de travail de l'UNESCO et est utilisé par les établissements qui ont concouru à son élaboration. Actuellement, le groupe a repris ses travaux en vue de rédiger un contrat d'édition permettant à l'institution de prendre l'initiative d'une édition ou co-édition du document versé. Le plus gros problème est d'obtenir l'autorisation écrite de personnes enregistrées il y a parfois plusieurs années; une des solutions étant d'écrire au maire de la localité où l'enregistrement a été réalisé et, sans réponse dans les trois mois, procéder à la réalisation du phonogramme.

La loi sur la propriété littéraire et artistique est, en France, inadaptée aux nouveaux modes de diffusion que sont le cinéma, les enregistrements sonores et audiovisuels. Il est nécessaire que des textes pratiques soient pris rapidement, si on ne veut pas voir l'usage et la pratique ranger aux oubliettes une loi bien faite mais inadaptée.

\* \* \* \* \*

COPYRIGHT IN CANADA

Copyright in Canada is protected by an ancient act which has been subjected to three attempts

of revision without any success up to the present time.

The first attempt was with the nomination of the Commission Isley, which produced a lengthy report that has never been used. The second attempt was a report from the Canadian Economic Council which has had the same impact as the first one. However, the last proposals for a revision submitted by the Consumer and Corporate Affairs Office and prepared by MM. Keyes and Brunet are slowly but surely gaining ground and this report is using many recommendations that were mentioned in the previous reports. Nevertheless, Canada, being an importer of intellectual work, seems only willing to comply with its obligations toward the Berne Union in its revised version of Rome 1928 and with the Universal Convention but does not intend to give a greater protection than those two international conventions require. Furthermore, Canada is not ready, at the present time, to ratify the Rome Convention for the protection of the performers, phonogram producers and broadcasters.

In the actual surmise, it is possible for the CBC to organise a release of certain broadcasts and documents kept in our archives in three different ways:

The first is the result of an agreement between the Canadian Broadcasting Corporation and the National Archives by which certain archive documents are released to the public for listening, viewing and study on the premises. That is at the National Archives Library in Ottawa or in its branches all across the country, wherever they are.

The second is in the form of a loan granted directly by the Canadian Broadcasting Corporation to individuals or organisations on condition that the material will be used only for personal or educational purposes in closed circuit. The borrower guarantees that no copies of this document will be made nor will he benefit from any commercial transactions from its usage. In the event of a breach of this restriction, the borrower will be held responsible for any infringement or other action for damages.

The third is through the intervention of the National Film Board, which sells or lends audio-visual material deposited in all its branches throughout the country to anyone asking for a document. Nevertheless, it is always specified in the sale or renting contract that no commercial transaction will be derived from this document. In order to proceed with this sale, the Canadian Broadcasting Corporation has acquired all the necessary rights including those assigned to performers as provided for in the collective agreements with the different associations representing these performers. In fact, before releasing to the public any sound documents, many precautions have to be taken.

The Canadian law protects the works of creators in accordance with the international conventions, which Canada has ratified, inasmuch as the production, reproduction or arrangement and so forth are concerned. However, in opposition to certain other countries, Canada protects sound recordings only against illicit reproduction.

In addition to this primitive legislation, collective agreements have for effect the extension of protection given to creators and to create one for performers. We have to negotiate these agreements with many organisations, and it is important to provide, during the negotiations, clauses which will insure future use. Indeed, in our agreements with these organisations, different schedules of fees have been established according to, first: a further use forecast at the time of the production of the document or, secondly: one which is decided after the first use.

At the same time, particular care should be given to avoid the overlapping of the articles of the law and the terms or conditions of these agreements. It is an ambush we should try to avoid and constantly keep in mind.

This is the situation as it stands in Canada today.

\* \* \* \* \*

#### COPYRIGHT IN THE UNITED KINGDOM

Please note that the following information is supplied by a non-specialist in copyright matters, and without precise legal knowledge to back it. In general terms, however, it can be taken to represent the situation in the United Kingdom with regard to the writer's own experience in a broadcasting station mainly concerned with commercial gramophone records.

#### 1. Definition of Copyright

The rights of all authors and composers of original literary and musical works are protected by the 1956 Copyright Act, in terms of the following aspects:

- (a) reproducing the work in any material form
- (b) publishing the work
- (c) performing the work in public
- (d) broadcasting the work
- (e) causing the work to be transmitted to subscribers to a diffusion service
- (f) making any adaptation of the work
- (g) doing, in relation to an adaptation of the work, any of the acts specified in relation to the work in paragraphs (a) to (e)

In the United Kingdom, copyright endures normally for a period of 50 years from the end of the year in which the author or composer died (Note: I have not referred to visual works in this short paper, but understand that the work of an artist is similarly protected). After 50 years, works can be used without permission, the exception being works published posthumously--"published" in this context referring to the first appearance of a work in print, by a broadcast, public performance or gramophone recording at a date after the writer or composer's death. In such instances, the work is protected for 50 years after its first publication.

## 2. Survey

### (a) commercial recordings

Permission to make a recording of a copyright work is obtained from the Mechanical Rights Society (representing the publishers) and the Performing Rights Society (representing the composer/writer). Copyright in the actual recording, once made, belongs to the originating record company for a period of 50 years. This period would also apply to musico/dramatic works which are out of copyright.

Permission to perform such recordings in public (including broadcasts by radio and television stations) is authorised and controlled by the International Federation of the Phonographic Industry (IFPI) and specifically in the U.K. by Phonographic Performances Ltd. (PPL). This latter body represents the interests of all companies who manufacture recordings in the U.K. (or under licence) and who are registered with them. It should be noted that a small number of companies are not represented by either body.

In the U.K., it is illegal to make a copy of a commercial gramophone recording still covered by the 50 years copyright, either direct from a disc or tape or via a public performance (i.e., a radio broadcast).

When broadcasting commercial gramophone recordings either by radio or television, a station is required to obtain permission from PPL (or in some instances IFPI). This usually takes the form of an annual "blanket" agreement whereby, on payment of a specified fee, the station is authorised to broadcast a given number of hours from commercial recordings in its schedules. The station is required to supply an itemised breakdown of all records played, from which information PPL will assess payments due to their individual members.

A broadcasting station will also make returns to the Performing Rights Society and to the Music Publishers' Association of all music played from commercial recordings, in addition to the information on that performed 'live'.

With regard to those companies who are not members of PPL, the station usually negotiates a separate agreement, or at the very least assures itself that the company has rights in the recording it is issuing and gives permission for its records to be broadcast.

### (b) Archival recordings

These obviously cover material from a wide variety of sources, depending on the nature of the Archive, and the control and use of such recordings must be determined by the research function of the archive.

In the U.K., an institution such as the British Institute of Recorded Sound will take material from a large number of sources: commercial, public and private. However, its research function is strictly confined to consultation of material on the premises, and it is not

empowered in most cases to make copies for outside distribution.

In the case of an archive of broadcast material, rights may be held by the broadcaster, the writer/composer, and by the broadcasting station itself--depending on the type and range of the material. The initial contract usually specifies a limit to the number of broadcasts within a set period of time. If material from broadcasts is taken into a station's archive, then the same rigid acknowledgment of participants' and author/composer's rights must apply.

(c) Audio-Visual recordings

Apart from cinematographic films, such recordings are of a predominately educational nature, and the compiler-originator of such recordings will be required to clear all copyrights as indicated previously, with fees by negotiation to cover the reproduction and circulation of such copyright material.

3. The main bodies concerned, or in some way involved, in controlling copyrights in the U.K. *in respect of recordings*, are as follows:
  - (a) Mechanical Rights Society representing
    - (1) Mechanical-Copyright Protection Society
    - (2) The Chappell Group of Publishers
    - (3) Britico (part of the international organisation BIEM)
  - (b) Performing Rights Society
  - (c) Music Publishers' Association
  - (d) Phonographic Performances Ltd.
  - (e) International Federation of the Phonographic Industry
  - (f) Musicians' Union
  - (g) British Actors' Equity Association
  - (h) Writers' Guild of Great Britain
4. I regret that it has not been possible to acquire copies of the many types of contracts involved.

\* \* \* \* \*

THE PROTECTION OF RECORDINGS BY GERMAN COPYRIGHT LAW (URHEBERRECHTSGESETZ)

- I. The German Urheberrecht (Copyright Law) of 1965 does not have the same meaning as the English or American "copyright". The German law specifies certain works to be protected, a precondition for which is that a work reflects the intellectual and creative level of its author. It is important to say that in German law the protection of author's rights

is not specified under the same formal conditions as it is in some other countries.

- II. With every single tape copy the rights of authors, artists and others (like radio stations, gramophone firms) are regulated in detail by the German Urheberrecht. This means that all use of works or performances protected by this law presupposes the agreement of all those who have an interest in the material: author, composer, conductor, artists, actor, performer, producer.

Of course, individuals and institutions are not able to oversee the use, or abuse, of recordings and performances to which they hold the rights. Therefore, the German Urheberrecht permitted the organisation of distributing companies, which account for and collect payment for every performance of the work of their members. These are the GEMA (Gesellschaft für Musikalische Aufführungs- und Mechanische Vervielfältigungsrechte), which represents the rights of composers, authors, publishers and editors, and the GVL (Gesellschaft zur Verwertung von Leistungsschutzrechten), which represents the rights of artists and producers. The money they collect is distributed by these organisations among their members. They also offer information on the legal implications of providing tape copies to other countries or for the production of recordings. Without these distributing companies, permission for use would have to be obtained individually from all holders of rights in the recordings.

- III. A special and official law regulating copyright contracts between single persons and distributing companies or the gramophone industry does not exist in Germany. Therefore, individual contracts have to be drafted between authors or artists and the distributing companies, the broadcasting stations or the phonographic industry.

- IV. In 1972, the Minister of Justice of the German Federal Republic ordered a juridical expert opinion to answer the question of whether legal relationships between radio stations, especially, and artists should be settled by a law correlating to the German Editor's Law (Verlagsgesetz), which describes the juridical contract between the author and the book editor. Indeed, in 1976 the experts voted for such a law, which would establish the relationship between authors, composers and artists on one hand, and radio stations--as well as other branches of audiovisual and mass media systems of the future--on the other. Realistically, we cannot expect this new law to be discussed and settled by parliament before the Eighties or Nineties. German radio stations, however, point out that for them such a law does not seem to be necessary because their present contracts with authors and artists satisfactorily protect the interests of both parties.

Generally, we can say that the present situation in Germany is tolerable. The Urheberrecht protects the rights of producers (gramophone industry, radio stations), as well as the rights of the creators (authors, artists). In Germany, we surely have a better situation than that which exists in our neighbouring countries within the

The international law of 29 October 1971 (Geneva Convention), which should protect phonographic producers against illegal reproduction of their records (record piracy), has not been signed by all countries of the world. Such is also the case with the European Convention for Protection of TV performances (24 July 1960). The so-called Bern Convention (Berner Übereinkunft) (Paris Version, 24 July 1971) only protects authors. On the other hand, the Rome Convention (26 October 1961), which protects artists, gramophone producers and radio stations, has not been very successful.

What should be done? The inadequacy of the present situation should serve as initiative to raise the status of existing international conventions. Those countries which have not yet signed these conventions should be requested to do so as soon as possible. What we need is an international ratification of these treaties and confidence in their purposes and aims.

The prohibition of illegal use of intellectual or artistic performances should be fixed by national laws and international conventions. Countries like Canada and the Netherlands, which have not seriously considered this problem today, are not only refusing to protect foreign artists, but also exposing their own artists to wild piracy. The situation presents not only moral, but also very important economic problems.

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DURATION OF PROTECTION GRANTED TO PRODUCERS OF SOUND RECORDINGS BY NATIONAL LAWS\*

ARGENTINA	As for musical works--50 years p.m.a. [post mortem auctor] (Law No. 11,723 of 1933, Art. 5)
AUSTRALIA	50 years from publication. (Copyright Act of 1968, Section 93)
AUSTRIA	50 years from fixation/publication. (Copyright Act of 1936, as amended on 29 December 1972, Article 76 (v) )
BANGLADESH	50 years from publication. (Copyright Ordinance, 1962, as amended on 25 July 1974, Article 20 (ii) )
BARBADOS	50 years from making of the original plate. (United Kingdom Copyright Act of 1911, Section 19)
BOTSWANA	50 years from year of publication. (United Kingdom Copyright Act of 1956, Section 12)
BRAZIL	60 years from fixation. (Law No. 5988 of 1973, Article 102)
BULGARIA	20 years from publication. (Law on Copyright 1951, as amended on 28 April 1972, Article 18)

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\*Source: International Federation of the Phonographic Industry

BURMA	50 years from making of original plate. (United Kingdom Copyright Act of 1911, as amended by the Union of Burma (Adaptation of Laws) Order 1948, Article 19
CANADA	50 years from making of original plate. (Copyright Act of 1921 (Codified in Revised Statutes 1952), as amended on 23 December 1971, Article 10)
CHILE	30 years from fixation. (Law No. 17,336 of 1970, Article 68)
COLOMBIA	As for musical works--80 years p.m.a. (Law No. 86 of 1946, Article 90)
CYPRUS	20 years from year of recording. (Law No. 59 of 1976, Section 4 (2) )
CZECHOSLOVAKIA	25 years from year of recording. (Copyright Law of 25 March 1965, Section 45 (iv) )
DENMARK	25 years from year of recording. (Law on Copyright No. 158 of 1961, Article 46)
DOMINICAN REPUBLIC	As for musical works--30 years p.m.a. (Law No. 1381 of 1947, Article 30)
ECUADOR	As for musical works--50 years p.m.a. (Copyright Law of 13 August 1976, Article 58)
EL SALVADOR	25 years from date of publication. (Law No. 376 of 1963, Article 61)
FIJI	50 years from publication. (United Kingdom Copyright Act of 1956, Section 12)
FINLAND	25 years from year of recording. (Law No. 404 of 1961, as amended on 23 August 1971, Article 46)
GERMAN DEMO- CRATIC REPUBLIC	10 years from date of recording. (Copyright Act, 1965, Article 82)
GERMANY, FEDERAL REPUBLIC OF	25 years from publication/production. (Copyright Act 1965, as amended on 14 August, 1973, Article 85 (ii) )
GHANA	20 years from first publication/year of recording. (Copyright Act of 1961, Sections 2 and 3)
GUYANA	50 years from publication. (United Kingdom Copyright Act of 1956, Section 12)
HOLY SEE	See under Italy.

HUNGARY	20 years from fixation. (Decree No. 19 of 1975, Article 1)
ICELAND	25 years from date of recording. (copyright Act of 1972, Section 46)
INDIA	50 years from publication. (Copyright Act of 1957, Section 27)
IRAN	As for musical works--30 years p.m.a. (Copyright Law of 1970, Article 16)
IRELAND	50 years from publication. (Copyright Act of 1963, Section 17 (ii) )
ISRAEL	50 years from making of original plate. (United Kingdom Copyright Act of 1911, Section 19)
ITALY	30 years from date of deposit and not more than 40 years from making of original recording. (Law No. 633 of 1941, as amended on 5 May 1976, Article 75)
JAMAICA	50 years from making of original plate. (United Kingdom Copyright Act of 1911, Section 19)
JAPAN	20 years from fixation. (Law No. 48 of 1970, Article 101)
KENYA	20 years from year of recording. (Copyright Act of 1966, as amended on 4 May 1975, Section 4 (ii) )
LEBANON	As for musical works--50 years p.m.a. (Decree No. 2385 of 1924. as amended 31 January 1946, Article 143)
LIECHTENSTEIN	As for musical works--50 years p.m.a. (Copyright Law of 1928, as amended 8 August 1959, Article 36)
LUXEMBOURG	20 years from fixation. (Law of 23 September 1975, Article 12 (i) )
MALAWI	20 years from year of recording. (Copyright Act of 1965, Section 4 (iii) )
MALAYSIA	20 years from year of recording. (Copyright Act of 1969, as amended 29 May 1975, Section 5 (ii) )
MALTA	25 years from year of recording. (Copyright Act of 1967, Section 4 (ii) )
MAURITIUS	50 years from making original plate. (United Kingdom Copyright Act 1911, Section 19)

NEPAL	As for musical works--50 years p.m.a. (Copyright Law of 1966, Article 8)
NEW ZEALAND	50 years from year of recording. (Copyright Act of 1962, as amended 8 December 1971, Section 13 (iii) )
NIGERIA	20 years from year of recording. (Decree No. 61 of 24 December 1970, Article 2. Schedule 1)
NORWAY	25 years from year of recording. (Copyright Law of 1961, Article 45)
PAKISTAN	50 years from publication. (Copyright Ordinance of 1962, as amended in 1972. Section 20 (ii) )
PHILIPPINES	20 years from year of recording. (Decree No. 49 of 1972, Section 5)
POLAND	10 years from adaptation of a musical work for mechanical instrument. (Law No. 234 of 1952, as amended 23 October 1975, Article 27)
ROUMANIA	50 years from publication, (Decree No. 321 of 1956, as amended 28 December 1968, Article 7)
SEYCHELLES	50 years from publication. (United Kingdom Copyright Act of 1956, Section 12)
SIERRA LEONE	50 years from publication. (Copyright Act of 1965, Section 14 (iii) )
SINGAPORE	50 years from making original plate. (United Kingdom Copyright Act of 1911, Section 19)
SOUTH AFRICA	50 years from year of recording. (Copyright Act of 1965, as amended 23 July 1975, Section 13 (ii) )
SPAIN	40 years from date of legal deposit or from date of registration in Copyright Register. (Decree of 10 July 1942, Article 5)
SRI LANKA	50 years from making original plate. (United Kingdom Copyright Act of 1911, Section 19)
SWEDEN	25 years from year of recording. (Law No. 729 of 1960, as amended 25 May 1973, Article 46)
SWITZERLAND	As for musical works--50 years p.m.a. (Copyright Law 1922, as amended 24 June 1955, Article 36)
SYRIA	As for musical works--50 years p.m.a. (Copyright Statute 1924, as amended 22 September 1926, Article 143)

TAIWAN	10 years from publication. (Copyright Law of 1928, as amended 10 July 1964, Articles 9 and 11)
TANZANIA, UNITED REPUBLIC OF	20 years from year of recording. (Copyright Act of 1966, Section 4)
THAILAND	30 years from making of original plate. (Copyright Act of 1931, Section 17)
TRINIDAD & TOBAGO	50 years from making of original plate. (United Kingdom Copyright Act of 1911, Section 19)
UGANDA	50 years from year of recording. (Copyright Act of 1964, Article 2 and Schedule 3)
UNITED KINGDOM	50 years from year of publication. (Copyright Act of 1956, Section 12)
UNITED STATES OF AMERICA	28 years from publication, subject to renewal for another 28 years. (Code of Laws of USA, Title 17, Copyrights, of 1909, as amended 15 October 1971 and 31 December 1974, Section 24)*

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\*The Copyright Revision Law of 19 October 1976 will not come into effect until 1 January 1978. The duration of protection will be as follows:

- 1) In the case of a sound recording fixed *after* 1 January 1978--75 years from publication or 100 years from creation, whichever expires first,

However, where the copyright in a sound recording fixed after 1 January 1978 is owned by an individual or a group of individuals (as opposed to a corporate legal entity), the duration of protection is for the life of the author and 50 years thereafter, or, in the case of a joint work, 50 years after the death of the last surviving author (Section 302).

- 2) In the case of an existing sound recording in its first term of copyright on 1 January 1978--28 years from the date copyright was originally secured and thereafter renewable for a further term of 47 years (Section 304).
  - 3) In the case of sound recordings fixed *before* 15 February 1972, the rights or remedies under the Common Law or Statutes of any State shall not be annulled or limited by the new Copyright Act until 15 February 2047 (Section 203 (c) ).
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URUGUAY           As for musical works--40 years p.m.a.  
                     (Law No. 9739 of 1937, as amended 25 February 1938, Article 14)

U.S.S.R.           As for musical works--25 years p.m.a.  
                     (Fundamentals of Copyright Law 1961, Article 105 and Civil Code 1964 as  
                     amended to 1 March 1974, Article 496); but period of protection for  
                     legal entities is unlimited. (Civil Code, Article 498)

ZAMBIA            20 years after year of recording.  
                     (Copyright Act of 1965, Section 4)

# minutes of the executive board meeting - summary

STUTT GART 25-26 JANUARY 1979

PRESENT: Rolf Schuursma (President), Marie-France Calas, Tor Kummén and Dietrich Schüller (Vice-Presidents), Ann Briegleb (Editor), Ulf Scharlau (Treasurer) and David Lance (Secretary)

In opening the meeting, Rolf Schuursma thanked Ulf Scharlau and Süddeutscher Rundfunk for their hospitality in hosting the Board meeting. He also announced with regret the tragic death of Toni Sjørup.\* The President would be writing to Bibi Kjaer asking her to write an obituary for the PHONOGRAPHIC BULLETIN.

## 1. Salzburg Conference

### (i) Progress Report

Dietrich Schüller reported that preparations for the conference were proceeding satisfactorily. He had applied to the Austrian Ministry for Research and Science for a grant of 20,000 Schillings to help subsidise the conference. Dietrich Schüller also proposed that the President of the Mozarteum should be invited to serve as "Patron" of the joint conference and asked for authority to invite representatives of appropriate Austrian bodies to attend the annual meeting. Both these points were approved.

### (ii) Opening Session

In addition to the lecture by Harald Heckmann, the opening session would also be marked by a presentation on "Eighty Years of Sound Archivism : Ten Years of IASA", to be delivered by Rolf Schuursma.

### (iii) 10th Anniversary Session

Two of the main topics for this session were approved. Language and dialect would be covered by Vincent Phillips (Welsh Folk Museum), and Rolf Schuursma would speak on the value of sound recordings in political and sound history research. A third speaker would consider the value of sound in recording significant features of the environment. Dietrich Schüller undertook to seek an Austrian speaker, and it was agreed that this speaker should make contact with the organisers of the Vancouver "soundscape" project and, if appropriate, make reference to this project in his presentation.

### (iv) Radio Sound Archives Session

Tor Kummén announced that Tony Trebble (BBC) and Wolfgang Hempel (Südwestfunk)

\*sound archivist at Danmarks Radio

had agreed to contribute to this session. A third speaker was to be invited from Radio France.

It was also agreed that the session would concentrate mainly on spoken word recordings and that each speaker, as far as possible, should cover the following points :

- a. A brief explanation of how the collection came into being; its development and concentrations.
- b. The purpose and use of the collection inside radio and television and how such use has developed and changed over the years.

The extent and nature of the use of the collection outside broadcasting, for example:

- What kinds of demands are made on the archives?
- To what extent are the archives able to meet them?
- What are the attitudes or policies of archives to public access?
- How have policies developed or changed over the years and what factors have influenced such changes?
- To what extent are collections accessible to national or specialist public sound archives?
- To what extent do formal or informal arrangements with non-broadcasting archives play a part in meeting public demands on the collection?

(v) Sound Archives in Austria

Dietrich Schüller explained that the session would be structured around the work of the Austrian sound archive consortium and that it would include speakers representing each of the main categories of regional archives, scientific archives, university institutes and, possibly, broadcasting. There would also be a selection of recordings from Austrian collections available for listening throughout the week.

(vi) National Branches

The Board agreed that this session would be incorporated into the programme and accepted David Lance's offer to organise and chair it. The Secretary explained that the purposes of the session would be to exchange information about the work and development of the various branches; to consider how branch activities could be best channelled for the benefit of the international body; and to discuss the desirability of establishing a minimum common standard of organisation, function and status. Four or five speakers representing each of the branches would be invited to give short presentations and at least forty five minutes would be given over to general discussion.

(vii) Cataloguing Committee (open meeting)

Marie-France Calas reported on behalf of the Committee Chairwoman that the speakers for the open session would be Alexander Jansen, Garrett Bowles and Roger Smither or Anne Eugène. The title of the session would be "The area of technical description of sound documents in ISBD (NBM) ; Proposals for Change". These proposals were approved by the Board and Dietrich Schüller offered to ask Tonko Tonkes to advise the Cataloguing Committee on technical aspects of this session.

The Board was also informed that a joint IASA - IAML - IFLA meeting would be held in London in June. The results of this meeting would be discussed at Salzburg at the Committee's closed session and reported at one of the General Assemblies.

(viii) Copyright Committee (open meeting)

David Lance reported on behalf of the Committee Chairman. Robert Ternisien has invited Willa Baum to speak on the approach to copyright adopted by the American Oral History Association. The Chairman also planned to invite Claude Masouyé (World International Property Organisation) to talk about various legal aspects relating to the availability of sound archives or, if Mr Masouyé was unable to attend, Mrs Larue of the EBU would be asked to discuss problems of circulation in broadcasting sound archives.

(ix) Technical Committee (open meeting)

Dietrich Schüller reported a range of possibilities that were under consideration.

- William Storm (University of Syracuse) has offered to speak on "The establishment of international re-recording standards".
- Robert Carneal might speak on the physical preservation of cylinder recordings.
- Wilfried Zahn might talk on "The use of delay lines for signal processing of historical sound carriers".
- Fire regulation for sound archives might be included.

(x) IAMS - IASA Committee on Sound Archives and Music

For the session on recent developments in Africa, Sweden and the USA, the contributors would be Claes Cnattingius, Gerald Gibson and a speaker from Senegal. The second session, on sound recordings in musicological research, would include Professor Blaukop, Armand Parnejoel, Alfred Kaine. Colin Davis had also been invited to speak but if--as seemed likely--he declined, the Board agreed that Ulf Scharlau should write to Claes Cnattingius proposing that Hager should be substituted.

(xi) Closing Session

It was agreed that the President and the chairpersons of all IASA committees would make reports at the closing session.

2. IASA Finances

The treasurer presented a statement of IASA's account as of 31 December 1979. He drew attention to the non-payment of dues by some members. Ulf Scharlau added the IASA could not afford to continue to send publications to some 10% of the membership which was not paying for them. He read the relevant clauses from the By-Laws concerning non-payment of dues and asked for the Board's advice on how he should deal with such members. It was decided that no increase in dues should be sought at Salzburg. The position should be reviewed at the end of 1979, however, and if the situation had not improved an increase might be proposed at the Cambridge meeting.

3. Cambridge Conference

The Secretary had received no information from the local IAML organising committee concerning the 1980 conference. He informed the Board, however, that the IWM had agreed in principle to host at its outstation at Duxford, near Cambridge, a reception for all delegates to the 1980 IAML - IASA conference. The Board agreed that this offer should be put to IAML's Secretary and that the IWM's sound archive should organise an appropriate presentation for the occasion.

4. National Branches

(i) Australia

David Lance reported that the Australian National Branch would be inaugurated at a conference from the 28 - 30 August 1979 at which the Secretary would act as the Board's representative. As a condition of his invitation, the Secretary had agreed to undertake a minimum of two weeks stay in Australia and to visit appropriate centres as recommended by the Australian organising group. A grant application has been submitted to the Australian Council to cover the cost of the Secretary's visit.

(ii) Austria

Dietrich Schüller reported that IASA membership among the Austrian group remained unchanged. He added that several of the smaller Austrian archives could not afford to pay dues to the Austrian group and to IASA.

(iii) France

Marie-France Calas informed the Board that the first meeting of the French branch would take place on Friday 2 February. About thirty representatives were expected to attend and, if the Constitution and By-Laws were approved, the Branch would be constituted as an autonomous and independent body.

- (iv) Germany  
No action has been taken since Lisbon to form a German Branch of IASA. In Germany there existed many small archives between whom there was little contact and about whom very little was known. Ulf Scharlau intended, as first steps, to try to enrol in IASA all German radio archives who are not members of the Association and, also, to seek more information about the many small special archives in Germany.
- (v) The Netherlands  
Rolf Schuurmsma announced there had been a meeting of the Dutch Branch on the 31 October 1978. Ten institutes had been represented and the next meeting would take place in March.
- (vi) Nordic Branch  
Tor Kummén had written to broadcasting archives in Iceland, Finland, Sweden and Denmark. The response to his letter had not been very positive. Tor Kummén agreed to make an approach on a broader front in Scandinavia to take in non-broadcasting archives and to report to the Board at Salzburg.
- (vii) UK Branch  
David Lance informed the Board that a meeting was scheduled for 25 April and would be held at the School of Scottish Studies, University of Edinburgh.

## 5. Publications

- (i) PHONOGRAPHIC BULLETIN  
The Board unanimously agreed that Frank Gillis should be warmly congratulated on the quality of the first issue of the BULLETIN to be prepared under his editorship and thanked for the efficiency with which it had been produced.
- (ii) Directory of IASA Member Archives  
The President pointed to the need for regularly updating this kind of publication and it was agreed that a decision should be taken on the preparation of a second edition before the end of the present Board's term of office.
- (iii) Archive Approach to Oral History  
David Lance informed the Board that fifty copies of the publication had been sold through "word of mouth" publicity. Reviews were just beginning to appear after which sales might be expected to increase considerably. Dietrich Schüller agreed to ask Rainer Hubert to review the monograph for the BULLETIN.
- (iv) Technical Manual  
Dietrich Schüller informed the Board that some sections were completed and he expected to prepare further chapters before long.

(v) Organisation of Sound Archives in Third World Countries

The Board approved the Secretary's proposal to prepare and edit this further IASA Special Publication. The possible content was discussed and it was agreed that initial compilation should proceed with the help of established contributors for whom David Lance would prepare a section on Oral History as a model. The question of further contributions would be considered at the next board meeting.

6. Membership Recruitment

- (i) Marie-France Calas reported that, through their embassies, she had contacted various Latin-American and African countries as well as archives in Spain and Greece. Mrs Calas had no positive results to report yet, but would be following up these preliminaries as soon as copies of the Constitution and application forms became available.

The Secretary undertook to forward quantities of application forms to Marie-France Calas, Tor Kummen, Rolf Schuursma, Dietrich Schüller and Ulf Scharlau.

- (ii) Tor Kummen had been in touch with Scandinavian sound archives who were not IASA members. Mr Kummen would be communicating with Tony Dean of the EBU for assistance and information and he also agreed to extend his recruiting through the Asian Broadcasting Union and OIRT.
- (iii) Dietrich Schüller informed the Board that he would be seeking new members in Socialist and Third World countries as soon as he received copies of the Constitution and application forms.

7. IASA Committees

(i) Cataloguing Committee

Following the London IASA - IAML - IFLA meeting, members of the Committee would be submitting written criticisms of the ISBD (NBU) to Anne Eugène, who would synthesise their views in a written report. The Committee would also consider seeking changes to the ISBD in conjunction with IAML. A French modified version of the ISBD was also in the course of being printed.

Anne Eugène, through Marie-France Calas, stressed the need to strengthen the Committee, and Rolf Schuursma suggested the Chairwoman should appoint a Secretary to share the work of the Committee with her.

(ii) Training Committee

The Board approved the Secretary's proposal for a Training Committee and agreed

that he should ask Tony Trebble if he would be willing to chair it. If Mr Trebble agreed, a formal letter of invitation would be sent by the President. The initial task of the Chairman would be to draft a proposal covering the Committee's scope and purpose for the Board's consideration at Salzburg. Its initial tasks might be to survey and report on existing public and in-house training schemes.

8. Other Business

- (i) Dietrich Schüller raised the question of establishing the correct classification of all existing members. David Lance informed the Board that he would look into this and report on the matter at Salzburg.
- (ii) Ulf Scharlau reported that, as of October 1978, membership figures were as follows:
  - 109 Institutional
  - 87 Individual
  - 16 Subscribers
- (iii) The Board agreed that the Associate Editor and Committee Chairpersons should attend appropriate parts of future Board meetings. The Secretary was asked to structure future agendas so that all relevant items (including conference preparations) were drawn together.
- (iv) The President declared the meeting closed and thanked Ulf Scharlau, his staff and organisation for their generous and helpful hospitality.

David Lance  
2 February 1979

# sound archives of the world

THE FONOTECA OF THE BIBLIOTECA NACIONAL IN MADRID

NIEVES IGLESIAS MARTÍNEZ, Biblioteca Nacional, Madrid (Translated by Lawrence Sanders)

The Fonoteca is housed in the Biblioteca Nacional and is connected with the holdings of musical printed materials. The section thus constituted is called: Sección de Música y Archivo de la Palabra Hablada.

## LEGISLATION

The birth of the Fonoteca was motivated by the order of Depósito Legal. The first reference to the material which it collects appears in the Decree of October 13, 1938, which establishes the deposit of "musical works and pieces on the gramophone." Two copies were to be given to the Biblioteca Nacional, one to house there, the other going to the Biblioteca del Conservatorio Nacional de Música de Madrid. The Decree of December 23, 1957, regulates this definitively. This obligation affects, according to section C of Article 10, "sound impressions or recordings realized by any of the procedures or systems used in the present or future." Article 7 appoints the producer as the one obligated to provide two copies of the recording.

The duties of the Oficina Central del Depósito Legal, according to the same Decree of 1957, at times go beyond the mere control of works "reproduced in multiple copies with a view toward their diffusion". They also include the ordering of recordings or acquisition of copies of such recordings of the "most important cultural occasions, academic, political, religious, etc. events that take place on Spanish territory," and directing that "these impressions will be preserved in the Biblioteca Nacional." This is completed in the Instrucciones para el funcionamiento del Servicio del Depósito Legal, approved on January 15, 1958, in which is determined: ". . . the acquisition of sound documentation which then passes on for custody and cataloging to the corresponding section of the Biblioteca Nacional. The materials to be collected will be: lectures of relevant personalities (in academic, literary, scientific, political, religious, etc. events) which merit preservation as well as festivals, concerts, recitals, etc. which reflect sufficient cultural importance. The accumulation of such materials will be carried out either by requesting copies from the official organizations that record the said events, or by dispatching to the required places the necessary recording equipment. The material collected on magnetic tape will be recorded on discs and sent to the Biblioteca Nacional with the corresponding legal documents". The second copy of discs or tapes goes to Barcelona, whose record collection is equivalent, therefore, to the one in Madrid. It is housed in the Biblioteca Universitaria.

The function of the Depósito Legal was somewhat modified by the creation in 1970 of the Instituto Bibliográfico Hispánico (Decree of February 26, 1970). It integrated functions that were entrusted to various organizations and that affected the Depósito Legal, Spanish bibliography and bibliographic information Servicio de Depósito Legal de Obras Impresas (December 23, 1957) - Servicio Nacional de Información Bibliográfica (June 27, 1952) - Comisión Nacional de Planificación y Coordinación Bibliográfica (July 20, 1955).

Article 12 of the Regulations for interior management of the Instituto Bibliográfico Hispánico (November 30, 1972) insists on the dedication of the Center to the acquisition of sound documentation which could be lost if the necessary guidelines for the Depósito Legal were not established: "The gathering of these materials, lectures of relevant personalities, festivals, concerts, recitals, etc. will be carried out either by request for copies made by the responsible organizations of the above-mentioned events, or by distributing to required places the necessary recording equipment. These materials, collected on magnetic tape, will be recorded on discs and will continue the same process as other works added by the Depósito Legal". The recordings will be deposited in duplicate and for the same purpose.

#### RECORDS AND TAPES IN THE BIBLIOGRAFÍA ESPAÑOLA

The Instituto Bibliográfico Hispánico, according to its Regulations (Art. 65), must catalog the material it receives and make this known by the periodic publication of lists (Art. 73). At present, the organ of the Instituto, the *Bibliografía Española*, does not include sound recordings.

Background: In reorganizing the Depósito Legal in 1957, the *Boletín* de Depósito Legal de Obras Impresas was created (April 1, 1958). The bibliographic format of this *Boletín* was changed several times. It began by including sound recordings, together with books, prints, and so forth, according to the call number of the Depósito Legal and, beginning with number 4 (July 1958), separated the sound recordings from other works, classified them by subject matter, and subdivided them into these groups:

- Classical and concert music
- Light music
- Popular music
- Religious music
- Theater music
- Other

From 1963 to 1966 (no. 7 of the C.D.U.: Fine Arts), discs and books were combined, and from 1967 to 1968 (no. 78: Music), the discs were placed in a separate section.

When the *Boletín* de Depósito Legal merged in 1969 with the *Bibliografía Española* (published annually since 1968), they stopped including scores and discs. Since 1968, sound recordings do not appear in any Spanish national bibliography.

#### SOUND RECORDINGS IN THE BIBLIOTECA NACIONAL

It was ordered by legislation that the depository for sound recordings would be the Biblioteca Nacional. The discs, which the recording companies were to deliver according to the Decree of 1938, were collected during the Civil War period outside the capital, and the first ones coming from Vitoria did not reach the Biblioteca until 1945. Recordings had been acquired prior to the date of the Decree, and the oldest, according to the documentation which accompanied them, were from 1924. These holdings were added to the Music Section, which has had its own quarters since 1945.

In Article 12 of the Regulations in force at the Biblioteca Nacional (1957), the mission of the Music Section and the Archive of the Spoken Word was ". . . to preserve, catalog, classify, and increase the scores and musical books and recordings of all types relative to music and the spoken word".

In 1958 the Servicio de Reproducción del Sonido was created. It consisted of a Listening Room and Recording Laboratory. The room had three booths specially set up for simultaneous listening, and the Laboratory was equipped to record and reproduce sound. It functioned until 1969, when it was closed and the present Fonoteca was set up.

It consists of the following services:

control area, with turntables, some connected to individual listening booths and others for use as recorders

individual listening booths

a group booth, with equipment for the reproduction of tapes and discs

language laboratory, with a slide projector and screen

projection room, with 35 and 16 mm. movie projectors

control room of the Salón de actos

Salón de actos, with a capacity of 132 people and booths for simultaneous translation

#### CHARACTERISTICS OF THE HOLDINGS

The relatively short life of the Fonoteca contrasts with the wealth of its holdings: 100,000 discs and 21,000 cassettes. The average monthly additions to the Biblioteca Nacional are approximately 400 records and 400 cassettes per month. The special characteristics of this material have given cause to consider not only making it an independent section, but also creating a Fonoteca Nacional in order to obtain adequate facilities and installations.

To the discs and tapes which are added by the Depósito Legal must be included donations (some embassies send collections of a national character), exchanges or purchases (preferably works on Spanish themes or interpretations), and special collections of music that are bought, such as the personal collections of Spanish composers--Combau, Parada, and others--often including recordings of their works and their voices. These holdings have to be totally processed in the Biblioteca: they are accessioned, catalogued, classified, and so forth, but given the volume of materials and the lack of personnel in the Section, the first task which is carried out is grouping:

discs: (a) Into music and speech;

(b) Within music, the works to be processed (important for the history of music in Spain or for future demand). The rest are divided by record companies so that they can be located through commercial catalogs.

cassettes: All are ordered by subject matter separating music from speech.

## ORIGIN AND IMPORTANCE OF THE ARCHIVO DE LA PALABRA

The Archivo de la Palabra is kept up to date as much as possible by the addition of discs as well as cassettes. In 1950, the Biblioteca Nacional received some discs from the now defunct Archivo de la Palabra of the Centro de Estudios Históricos. Included were the voices of Azorín, Juan Ramón Jiménez, Pío Baroja, Menéndez Pidal, Ramón y Cajal, Unamuno, Valle-Inclán, Palacio Valdéz, Jacinto Benavente, Ortega y Gasset, Torres Quevedo, and Margarita Xirgu, among others. The Decree of September 23, 1957 and the Regulations of the Instituto Bibliográfico Hispánico undertake the concern for enlarging this Archive, ordering the recording of the most important cultural events and their preservation in the Biblioteca Nacional.

The Biblioteca Nacional, on its own account, undertook the recording of some of these cultural events and subsequently, when the Departamento de Medios Audiovisuales, housed in the Ministerio de Educación y Ciencia, in the Servicio de Publicaciones (E.E.N.I.D.E.), was created, it adopted the idea of Menéndez Pidal to take charge of the Archivo de la Palabra. Today it has published some 30 tapes. The Biblioteca continues making recordings but now limits this to exhibitions, commemorations and other professional or cultural events that take place in their traditional surroundings.

Thus, the Archivo de la Palabra is made up of original recordings and, for the most part, of holdings which include those from the Depósito Legal. It covers various subjects:

Voices: Declarations, political interviews, of writers, etc.

Teaching: Languages especially

Other areas: History

Geography

Religion

Medicine: Chronicles of Congresses;

Practical Exercises for rehabilitation

Literary Texts: Poetry

Theater

Children's Stories

## CATALOGS, SERVICES AND FACILITIES

For the cataloging of discs, the procedures of the Catálogo-Diccionario are followed. Additionally, there are the "Instrucciones para la catalogación de obras musicales, discos y películas" published by the old Dirección General de Archivos y Bibliotecas in 1960. Today they are followed only partially.

The existing catalogs are the following:

pre 1957 (prior to the law of the Depósito Legal)

Subject

Author

Title.

post-1957

Music--Subject  
Catalog-Dictionary  
Speech--Subject  
Catalog-Dictionary

The Fonoteca has not been officially opened. The procedures for using the materials and facilities will be the same as those followed in other Special Sections of the Biblioteca. For the present, the catalogs are in the Music Section, and researchers can consult the holdings using the equipment that is temporarily found there. Some recordings are duplicated when they are requested for purposes of research.

The Fonoteca participates in expositions of the Biblioteca Nacional, providing recordings of music to illustrate a particular theme or of voices of individuals who are being commemorated.

Discs are stored in metal cabinets, vertically in cardboard boxes, opened at the back by a small flap on which the call number is noted. About fifteen 30 cm. discs and twenty 17 cm. discs fit into each box. The cassettes are kept in file cabinets, organized by subject matter.

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# reviews and notes

Schafer, R. Murray. *The Tuning of the World*. Toronto: McLelland and Stewart; New York: Alfred A. Knopf, 1977. 301 pp. \$12.95 U.S.

If those of us working with sound recordings ever felt the need of a theology for the ear--and not a timid or self-effacing theology--Murray Schafer has given us one. *The Tuning of the World* is a necessary companion for those who would live by the ear. It sets out in magnificent and erudite fashion to resurrect our sense of aural perception and inspires us to listen anew. A quotation is useful in conveying Schafer's mission:

When the rhythms of the soundscape become confused or erratic, society sinks to a slovenly and imperiled condition. That was the thesis announced in the introduction to this book. But the other thesis under which I have written is that the soundscape is no accidental byproduct of society; rather it is a deliberate construction by its creators, a composition which may be as much distinguished for its beauty as for its ugliness. When a society fumbles with sound, when it does not comprehend the principles of decorum and balance in soundmaking, when it does not understand that there is a time to produce and a time to shut up, the soundscape slips from hi-fi to lo-fi condition and ultimately consumes itself in cacophony.... The sound sewer is much more likely to result when a society trades its ears for its eyes, and it is certain to result when this is accompanied by an impassioned devotion to machines. (p. 237)

Murray Schafer is a Canadian composer, novelist, artist, and professor. His formal academic training is in music and he has received several awards and grants for his musical composition, much of it involving experimental works. While Professor of Communication Studies at Simon Fraser University, he founded the World Soundscape Project--a far-reaching and ambitious integrated studies project reaching out to all conceivable aspects of sound. Some of the early studies of the World Soundscape Project include *The Book of Noise*, described as a primer on noise pollution for the layman, and *A Survey of Community Noise By-Laws in Canada* and are the research base Schafer built upon in preparing *The Tuning of the World*.

As in all proper theologies, a language has to be defined, and sometimes invented, with considerable precision; and Schafer sets out on that task with gusto. A glossary at the back of the book defines concepts such as "clairaudience", "schizophonia", "soniferous", "soundscapes", and a good many others. Such definition and invention of a language are very necessary, for the language of perception that one commonly uses is overwhelmingly visual.

A virtual mini-anthology of the literature of listening has been compiled and makes the book unique and a treat to read. "Ear-witness" accounts from writers throughout the ages have been

assembled and do indeed serve their intended purpose of opening our ears to literature.

The history of sound, that is, an interpretation of what the world has sounded like over a period of centuries, is an important component of *The Tuning of the World*. This history, in good theological fashion, is complete with a "Fall", and the instrument of corruption is clearly identified as modern technology. Schafer elaborates on this corruption throughout his writing:

The Industrial Revolution introduced a multitude of new sounds with unhappy consequences for many of the natural and human sounds which they tended to obscure; and this development was extended into a second phase when the Electric Revolution added new effects of its own and introduced devices for packaging sounds and transmitting them schizophonicly across time and space to live amplified or multiplied existences. Today, the world suffers from an overpopulation of sounds; there is so much acoustic information that little of it can emerge with clarity. (p. 71)

When sound power is sufficient to create a large acoustic profile, we may speak of it, too, as imperialistic. For instance, a man with a loudspeaker is more imperialistic than one without because he can dominate more acoustic space. A man with a shovel is not imperialistic, but a man with a jackhammer is because he has the power to interrupt and dominate other acoustic activities in the vicinity.... As the factories and airports of the world multiply, local culture is pulverized into the background. Everywhere one travels today one hears the evidence, though only in the more remote places is the incongruity immediately striking. (p. 77)

Redemption is both individual and institutional and is appropriately urgent. On the individual level, Schafer implores us to cultivate the faculty of "clairaudience", literally clear hearing, and proposes a systematic program for training the ears to listen more discriminantly. His prescription for "Moozak" (a term applying to all kinds of schizophonic musical drool, especially in public places) is to listen to it. On the institutional level, Schafer has made the case for regulation, but in *The Tuning of the World* he concentrates his energies on the construction of aural alternatives.

The book is divided into four sections. In the fourth section, entitled "Toward Acoustic Design", Schafer articulates his vision of what the world ought to sound like. He would insist that acoustic design be established as a useful profession and that the acoustic designer would both repair and create our sonic environment:

The acoustic designer may incline society to listen again to models of beautifully modulated and balanced soundscapes such as we have in great musical compositions. From these, clues may be obtained as to how the

soundscape may be altered, sped up, slowed down, thinned or thickened, weighted in favor of or against specific effects. The ultimate endeavor is to learn how sounds may be rearranged so that all possible types may be heard to advantage--an art called orchestration. The outright prohibition of sound being impossible, and all exercises in noise abatement being consequently futile, these negative activities must now be turned to positive advantage following the indications of the new art and science of acoustic design. (p. 237-38)

Schafer has not completed his theology with a liturgy in *The Tuning of the World*. Where a liturgy would be required, Schafer has ably demonstrated his capability and passion for the task.

Whether we need a theology for the ear, I leave to each reader to answer for himself, but I do invite all to first read *The Tuning of the World* attentively. The suggestion that Murray Schafer has given us a theology is not meant to denigrate his work; on the contrary, it is intended to indicate the breadth and importance of the task the author has set out for himself. Admittedly, the tone of exhortation could easily have become tiresome in the hands of a lesser writer. Schafer has written an important book and is, indeed, a prophet, though we do not have need of a cult.

Ernest J. Dick  
Sound Archives  
Public Archives of Canada

\* \* \* \* \*

Lee, Dorothy Sara. *Native North American Music and Oral Data; A Catalogue of Sound Recordings, 1893-1976*. Foreword by Willard Rhodes. Bloomington: Indiana University Press, 1979. 480 pp. \$22.50 U.S.

Dorothy Sara Lee is to be commended for compiling this comprehensive and elaborately cross-referenced guide to the sound recordings of Native North American music and oral data held by the Indiana University Archives of Traditional Music. There are nearly 500 separate accessions, covering 205 culture groups and numbering approximately 5,000 items. The Archives' holdings in this area constitute one of the largest collections of its kind in the world. The collection comprises field, commercial, and broadcast recordings that cover the native peoples of North America, including the Eskimo and the peoples of Central America. They represent more than eighty years of research in Native American ethnomusicology, beginning with James Mooney's 1893 field recordings of the Plains Indians and including the cylinder recordings of Franz Boas, Natalie Curtis Burlin, Constance DuBois, George A. Dorsey and many others. The catalogue utilizes a special computer program that allows the user to index, match, and select information contained in any of the thirteen categories or fields printed in the main catalogue. Two supplementary indexes list culture or tribal groups and subject descriptions. A listing of cross-

references to culture groups completes the catalogue.

In his Foreword, Willard Rhodes, Professor Emeritus of Music at Columbia University and a collector of many Native American sound recordings published by the Library of Congress, states that "the tremendous work of compiling and editing this catalogue has been done with care and an intuitive understanding and sensitivity to the needs of students and scholars.... [It] will serve anthropologists, folklorists, ethnomusicologists, students, and aficionados of North American Indian music for years to come."

\* \* \* \* \*

The Archive of Folk Song in the Library of Congress celebrated its Fiftieth Anniversary on November 16, 1978, with a variety of events. Over one hundred archivists and folklorists from across the country attended an all-day symposium on the Archive's history and future prospects for a national folk archive with featured papers and reports given by Alan Lomax, Archie Green, Debora Kodish, Herbert Halpert, Charles Seeger, Norm Cohen, James Porter, Sterling Brown, and Wayland Hand. Congressman Frank Thompson Jr., one of the chief sponsors of the American Folklife Bill, brought well-deserved recognition to folklorist Archie Green, whose lengthy one-man lobbying campaign on behalf of the Bill is credited by many with its successful trip through Congress. A plaque was presented to Green on behalf of the Board of Trustees of the American Folklife Center of the Library of Congress.

An evening concert presented performances by David "Honeyboy" Edwards, Dee and Delta Hicks, and Benny Thomasson, with an introduction by Burl Ives. The concert was followed by a reception for the more than five hundred attendees in the Library's Great Hall.

Accompanying the celebration was a special exhibit on the Archive and the appearance of two publications: Debora Kodish's article on Robert W. Gordon, the Archive's first Director, in the October issue of the Quarterly Journal of the Library of Congress, and a new LP disc in the Archive's series, AFS L68, "*Folk Songs of America: The Robert Winslow Gordon Collection, 1922-1932*," edited by Neil V. Rosenberg and Debora Kodish.

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To the Editor:

I am preparing a company history and a listing of issue numbers for the HOMOCHORD label, which existed under perhaps a dozen names in several countries from about 1908 to 1935. The company was established in Berlin as Homophon GmbH and produced 10" disc recordings under the label Homophon or Homokord in Germany/Europe and, apparently, Homophone in some cases for the English trade. The company is said to have been acquired by the Lindström Co. in 1913, but the exact nature of its connections to the Lindström operation is not clear for the next 20 years. In about 1920 the British Homophone Co. Ltd. revived the Homochord label for use in England, the

German company continuing also with classical artists in addition to the more popular fare that constituted the British lists. The Twenties saw a large number of important classical vocalists and instrumentalists recording in Berlin for Homocord, as well as the issue of a great deal of salon music. It seems that there may have been a DG/Polydor/Brunswick connection in about 1926-29 with similarities in matrixes, shared artists, etc. After 1930, the German Homocord label seemed to stop recording activities, and thereafter items began to appear in reissue under the Parlophone/Odeon, Columbia and Decca labels. In the case of German Homocord, it appears that the Lindström company brought this smaller company along with itself into the Columbia fold during the 1931 EMI merger; the British Homophone Co. is said to have persisted until 1935, at which time assets were divided between HMV and Decca. There are several other labels that were apparently of the Homophon/Homocord company, that is, Lily of the Valley (France), Sterno (UK), and perhaps Phonycord, Artiphone, Maraton, Rubinton, and others of Central European origin.

Since the artists who recorded for Homocord later became Lindström (Parlophone) and Columbia or HMV artists, it would seem likely that any surviving information on Homocord, such as recording logs or matrix numbers, would be in the hands of EMI Electrola. However, correspondence with Electrola has given me the impression that old files are simply not to be had there due to war damage and relocation. Thus I expect that data can be gathered only through an examination of catalogues and the discs themselves. Since there may have been work done on Homocord by archives or discographers who are members of IASA, I am seeking help for my project through the PHONOGRAPHIC BULLETIN. I would be very grateful for any assistance. Please write me at the following address: Mr. Stephen E. Lundgren, W. Queen Anne Clinic, 2123 Tenth Avenue W., Seattle, Washington 98119, U.S.A.



## IASA PUBLICATIONS

*A Directory of Member Archives*, by Ann Briegleb and Don Niles. 1978. Available from Dr. Ulf Scharlau, Treasurer, IASA, Sddeutscher Rundfunk Schallarchiv/Bandaustausch, Neckarstrasse 230, D-7000 Stuttgart 1, Federal Republic of Germany. 6 DM to individual members; 9 DM to institutional members; 12 DM to non-members.

*An Archive Approach to Oral History*, by David Lance. 1978. Available from Sales Section, Imperial War Museum, Lambeth Road, London SE1 6HZ, England. Price in Europe, £1.80; to USA or other non-European countries, £2.00 (surface mail), £2.90 (airmail).

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