

## **CULTURAL HERITAGE ASSOCIATIONS APPLAUD INTRODUCTION OF THE ACCESS TO RECORDINGS ACT**

The undersigned associations representing cultural heritage institutions applaud the introduction of the Accessibility for Curators, Creators, Educators, Scholars, and Society Recordings Act (“ACCESS to Recordings Act”) by Senator Ron Wyden on May 23, 2018. The bill would provide full federal copyright protection to sound recordings fixed prior to 1972, which currently receive protection only under state copyright law.

By providing full federal copyright protection to pre-1972 sound recordings, the ACCESS to Recordings Act is superior to the Compensating Legacy Artists for the Songs, Service, and Important Contributions to Society Act (“CLASSICS”), which has been introduced in the Senate as S. 2393 and part of S. 2823. The House recently passed CLASSICS as part of the Music Modernization Act, H.R. 5447.

CLASSICS does not provide full federal copyright protection to pre-1972 sound recordings. Instead, CLASSICS provides only a digital performance right to such sound recordings—in other words, it would prevent only unauthorized streaming. The ACCESS to Recordings Act, in contrast, would prevent unauthorized reproductions and performances in any format.

While the ACCESS to Recordings Act provides more protections to artists than CLASSICS, it also provides more protections to libraries, archives, and museums. The federal copyright standard provided by the ACCESS to Recordings Act includes important exceptions that permit digital preservation of pre-1972 sound recordings. These uniform exceptions would enable cultural heritage institutions to engage in critical preservation activities without concern about violating a multiplicity of different state law regimes. CLASSICS, conversely, leaves the state copyright system in place for activities other than digital performances.

Moreover, by bringing pre-1972 sound recordings under the federal copyright umbrella, the ACCESS to Recordings Act establishes a reasonable term of protection for these sound recordings: 95 years from publication. CLASSICS, on the other hand, would protect these sound recordings until 2067. This means that a 1927 sound recording would receive protection 140 years after publication. Thus, under CLASSICS, a library that wanted to commemorate the centenary of Pearl Harbor Day would be able to place photographs from December 7, 1941, on its website, but not sound recordings.

We encourage Congress to proceed with the ACCESS to Recordings Act rather than CLASSICS.

American Library Association  
Association of College and Research Libraries  
Association of Research Libraries  
Association for Recorded Sound Collections  
Music Library Association  
Society of American Archivists