Copyright Confessor for KPFA Producers

As a result of the DMCA (Digital Millennium Copyright Act) and the CPB-SoundExchange Agreement of Feb. 2009, KPFA is required to report all copyrighted music we stream or otherwise make available online. To meet this requirement, Pacifica has created an online playlist system known as the "Copyright Confessor."

Producers are responsible for the following:

1. **Entering Program Playlists**

2. **Marking Start Times** for all musical copyrighted recordings and talk (non-musical) segments

3. **Complying with Programming Restrictions**
   See Appendix B: Music Copyright & Licensing: Rules & Regulations


Table of Contents

Entering Program Playlists

Producers are responsible for entering the following data into the Copyright Confessor:

(a) Title of each track played   (b) Name of the Artist   (c) Album Title   (d) Record Label

Song Title	Artist	Album	Label
What A Diff'rence a Day Mac	Dinah Washington	Verve Jazz Masters 19	Verve

Please note all fields are required. Any missing data should be located – either by finding the physical CD, or searching for the information online. See "Sources for Music Information" for tips on tracking down the record label.

Marking Start Times
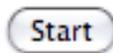
Start   Producers are also required <u>during the broadcast</u> to mark the start of each track in their playlist. This is achieved by pressing the "Start" button in Copyright Confessor as a song (or talk segment) begins.

From these start times, the Copyright Confessor is able to automatically determine:
- The start date & time of song play
- The duration of song play
- The total number of listeners on the web-streams during song play

The example below shows a playlist in progress for a live show. This is called the "On Air Playlist." This example show opened with 1 minute of "Free Again" by Robert Pete Williams, followed by a Talk (non-musical) segment. Notice how the Talk segment has a Start Time but nothing in the Length column. This indicates that the Talk segment has started but not concluded, and thus has no Length calculated yet.

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
21:00:00	1:00:22	Free Again	Robert Pete Williams	Free Again		Edit	
22:00:22		Talk	Talk	Talk	Talk	Edit	
Start		Sabali	Rokia Traoré	Mouneïssa	Indigo	Edit	☐
Next Entry						Talk ☐	Add

New Started Entry

Talk   Talk   Talk   Talk   Delete Selected

The third line, "Sabali" by Rokia Traore, has a "Start" button but no Start Time or Length. When the Talk segment ends, the producer will broadcast "Sabali" and click the "Start" button. In this way, accurate Start Times and Lengths are calculated.

Using the On Air Playlist

Let's learn how to **enter our playlist** *and* **mark start times** while we are broadcasting our live (or pre-recorded) show.

A computer has been set up in the on-air studio to provide Producers access to the Copyright Confessor's "On Air Playlist."
As the show unfolds we'll need to use this computer to enter each instance of copyrighted music. In between the music, if our host is talking without any music playing, we will make an entry for "Talk." Take a moment to study the On Air Playlist screen on Page 7.

Step 1   **Edit the Show Start Line**

By default, the Copyright Confessor puts an entry at the top of the On Air Playlist called "Show Start."
The first step is to click "Edit" button to the right of the "Show Start" line.

- ■ If we open our show with copyrighted **music**, we need to enter the Song Title, Artist, Album & Label. Then Click "OK."

- ■ If we open our show with **talk**, we simply check the "Talk" box, then click "OK."

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
		Show Start				OK Talk ☐	
Next Entry						Talk ■ Add	
New Started Entry							
Talk Talk Talk Talk			Delete Selected				

Q: Why do I need to enter a line for Talk in my playlist – Isn't this all about reporting copyrighted music?

A: Entries for Talk allow the Copyright Confessor to calculate the length of the Music that preceded the Talk segment.

Step 2   **Enter & Start Each Song or Talk (Non-Musical) Segment**

It is essential that we not only **enter** each playlist entry, but also **start** each song or talk segment <u>as it occurs</u> during the show's broadcast.

It's your choice whether you want to (a) *Enter playlist lines in advance* and then click the "Start" button as each entry is broadcast, or (b) *Start playlist lines as they are broadcast* and then edit the song information. Here's how it works:

(a) **Entering Lines in Advance / Clicking Start As Each Line is Broadcast**

Entering playlist lines <u>in advance</u> makes sense when:

- You know which songs you'll be playing for the remainder of your show
- You have time before the song plays to enter the required information

The way to enter playlist lines without starting them is to use the "Next Entry" boxes and click Add.

| Next Entry | Crazy Race | Roy Hargrove & The RH Fact | Distractions | Verve | Talk ☐ | Add |

After you enter a song (or Talk segment) this way, it will appear in your playlist "queue" with a Start button. When the time comes and you broadcast the song "Crazy Race," you should immediately click the Start button. This will mark the Start Time for the song and end whatever was previously active in the playlist.

| Start | Crazy Race | Roy Hargrove & The RH Factor | Distractions | Verve | Edit | ☐ |

Let's imagine we have planned the rest of the show, and are able to enter everything in advance. For each upcoming Talk or Music segment, we use the "**Next Entry**" boxes. If the line is for Talk, we simply check the "Talk" checkbox, and click the "Add" button. Here's how it looks when we're done:

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
21:00:00	1:00:22	Free Again	Robert Pete Williams	Free Again		Edit	
22:00:22		Talk	Talk	Talk	Talk	Edit	
Start		Sabali	Rokia Traoré	Mouneïssa	Indigo	Edit	☐
Start		Talk				Edit	☐
Start		Bamako	Roswell Rudd & Toumani Diabaté	MALIcool	Sunnyside	Edit	☐
Start		Talk				Edit	☐
Start		Crazy Race	Roy Hargrove & The RH Factor	Distractions	Verve	Edit	☐
Start		Talk				Edit	☐
Start		Do Me Justice	S.E. Rogie	Palm Wine Guitar Music	Cooking Vinyl	Edit	☐

Next Entry [ ] [ ] [ ] [ ] Talk ☐ Add

(New Started Entry)

(Talk) (Talk) (Talk) (Talk)   (Delete Selected)

Note that to the left of each entry is a "Start" button. This is what we should click when that particular segment of Music or Talk has begun. Clicking "Start" for any line also marks an end-time for the previous line ("active" segment).

Note: You can "Start" any queued item in your playlist, regardless of its order in the Playlist.

For example, in the playlist above a Talk segment is currently airing (I can tell this because there is a Start Time but no Length). If I decide to play "Bamako" next (instead of "Sabali"), I click the Start button on that line. "Bamako" will jump to the next active spot, and the counter will progress until I click the next Start button.

(b) **Starting Playlist Lines As They Are Broadcast / Clicking Edit to Fill in Song Information**

A different approach to #1 is to start playlist lines "in the moment" or as they are broadcast, and then later edit those lines to include the required song information. This method makes sense when:

- You don't know which song you'll play next; i.e. the show is improvised
- You are unable to enter the song information at that time

The way to start playlist lines immediately is to use one of the buttons at the bottom left of the On Air Playlist:

New Started Entry   Creates a blank entry for **music** *and starts it immediately*

Talk   Talk   Talk   Talk   Creates an entry for a **talk** segment *and starts it immediately*

For example, let's imagine we're opening our show. "Free Again" by Robert Pete Williams is our theme song, and after about 15 seconds, we fade it under our introduction for the show, with the music still audible in the background. After our intro is done, we fade up the music and then fade it down completely at about 1 minute.

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
21:00:00	1:00:22	Free Again	Robert Pete Williams	Free Again		Edit	
22:00:22		Talk	Talk	Talk	Talk	Edit	
Start		Sabali	Rokia Traoré	Mouneïssa	Indigo	Edit	☐

Next Entry [ ] [ ] [ ] [ ] Talk ☐ Add

New Started Entry

Talk   Talk   Talk   Talk   Delete Selected

- The quickest way to **Enter & Start** the Talk segment following our opening music is to use the "Talk Talk Talk Talk" button. The other method requires: a) checking the Talk box to the far right of "Next Entry," b) clicking Add, and c) clicking the Start button.

- Our talk segment is an interview with a phone guest. While the guest is speaking, we can easily enter the next song in our playlist, "Sabali" by Rokia Traore. To do so, we use the "**Next Entry**" method because the song has not yet started.

Let's consider a different example: a live music show, where songs are selected and played spontaneously. In this example, the producer will want to use the "Next Started Entry" button often, marking the Start Time of each music track, and then adding the song information when possible.

New Started Entry

Note: If a producer is unable to enter all song information during the show broadcast, they will be responsible for obtaining a Copyright Confessor user account with access to their show and adding the missing information using the "Offline Playlist" function.
See "**Editing a Playlist After Broadcast**"

Remember that all fields are required. If you don't know the Record Label, you'll need to find the physical CD or find that information online.
See "Appendix A: **Sources for Music Information**"

Step 3   **Make Changes to The Playlist (Optional)**

- To **move lines**, drag them up or down. You can't move lines that are already started.

- To **delete a line**, check the box in the far right column, under "Remove." Then click "Delete Selected" at the bottom of the screen. You cannot delete lines that have already started.

- To correct or **edit a line**, click the "Edit" button at the end of that line. You can edit anything – even lines that have already started and finished.

After your broadcast has ended, the On Air Playlist will refresh with the playlist for the next scheduled program. You will not be able to mark additional start times. You can however edit playlist information if you have a Copyright Confessor user account. See "**Editing a Playlist After Broadcast**"

COPYRIGHT CONFESSOR
Screen Legend

Current Program Name

Click to expand the Help instructions

Current Date & Time

Playlist for program currently on air

If the program displayed is not current, click Refresh

Date & Time of Current Program

Sunday, March 14, 2010 - 14 : 08 : 53

Show Help

On Air Playlist

Refresh

Radio Libre - Con Sabor latino

Sunday, March 14, 2010 - 2:00 PM

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
14:00:00	01:13	Politician	Kora	Dub Conspiracy	Dub Conspiracy	Edit	
14:01:13		Talk	Talk	Talk	Talk	Edit	
Start		Number One	Daara J	Boomerang	Pony Canyon Records	Edit	☐
Start		Talk				Edit	☐
Start		Bamako city	Damon Albarn & Co.	Mali Music	Honest Jons Records	Edit	☐
Start		Talk				Edit	☐
Start		Free Again	Robert Pete Williams	Free Again	Prestige/Original Blues Classics	Edit	☐

Next Entry [ ] [ ] [ ] [ ] Talk ☐ Add

New Started Entry

Talk Talk Talk Talk Delete Selected

Talk Talk Talk Talk - Click when a talk segment has already begun.

Edit button - Cick to edit song information

New Started Entry - Click when a song has begun playing. Then enter song information.

Next Entry - Enter song info here when song has not started playing yet. For a talk segment, simply click "Talk"

Start button - Click when a song or talk segment begins

Start & Length Times are automatically calculated - as long as producer clicks Start button

Entering a Playlist Before Broadcast

In this section we'll describe the following process:
- ■ Producer enters playlist before broadcast from any Internet-connected computer
- ■ During broadcast of show, producer marks times for each segment using the on-air studio computer.

There are numerous advantages to entering your playlist before your broadcast:

Less to do while your program is underway

Extra time to search for missing information such as record label or album name

You don't have to be in the studio – you can use any Internet-connected computer

Easier song entry with Copy & Paste from iTunes (see "Copying Song Information from iTunes" below).

Marking start times during the show becomes even easier – all you have to do is hit the start button for each musical and talk (non-musical) segment!

In order to enter a playlist before broadcast into the Copyright Confessor, you'll need an account. Your Operations or Program Director will create one for you upon request. If you already have an account, please skip ahead to Step 3.

Step 1   **Ask for a Copyright Confessor Account**

Submit the following to your Operations or Program Director: your name, the program(s) you be entering playlists for, and your email address.

Step 2   **Create a Password for Your Account**

After your account is created, you will receive your "login" or username. Navigate to the following Internet address: http://confessor.wbai.org/login.php

You will see a Playlist Login box like the one pictured.

Enter your "Login" and in the "Password" box, please enter a password of your choice (It must be at least 6 characters long). Click the "Login" button.

On the next screen, you will need to:
- ■ Re-enter your password (twice)
- ■ Choose a secret question and type an answer. This can be used to retrieve your password if you forget it.
- ■ Enter your phone number if this information is missing.

Click the "Update" button when this is complete. An 'updated' message will display, and after a few seconds, the Login screen will appear again. Login in using the "Login" (username) provided and the password you just chose. You're now ready for Step 3.

Step 3 **Create a Playlist for an Upcoming Program**

After logging in, you should see four menu options: Playlist, Change Password, Account Info, and Logout. Click on "Playlist."

On the next screen, you'll choose which playlist you want to create.

- **Entry method**: Choose "Playlist Entry"
  "Off Line Editing" is for editing playlists of already-broadcast shows. "Listing" is for displaying a playlist with the ability to edit its contents
- **Show**: Choose the show you are creating a playlist for. Most producers should only see one entry in the Show dropdown.
- **Date**: Select the date of the playlist you're creating.

After a playlist date is selected, CC will advance to the "Showtime Playlist" screen.
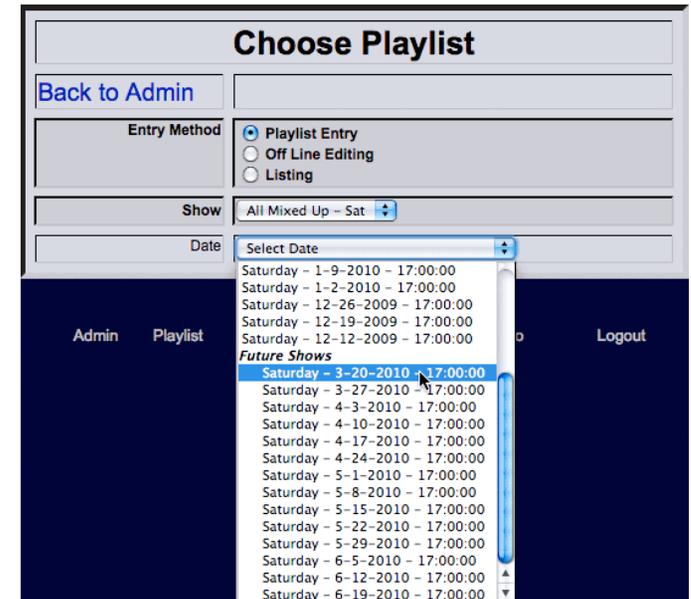
Step 4 **Enter the Playlist**

For each instance of copyrighted music in your show, enter the Song Title, Artist, Album & Label. Use the Tab key to advance from one field to the next. Click on the "Add" button to save each song entry. You may also wish to add lines for Talk, because later during your broadcast you will be required to log talk (non-musical) segments and mark their start times. To do so, simply click on the "Talk" checkbox and then the "Add" button.
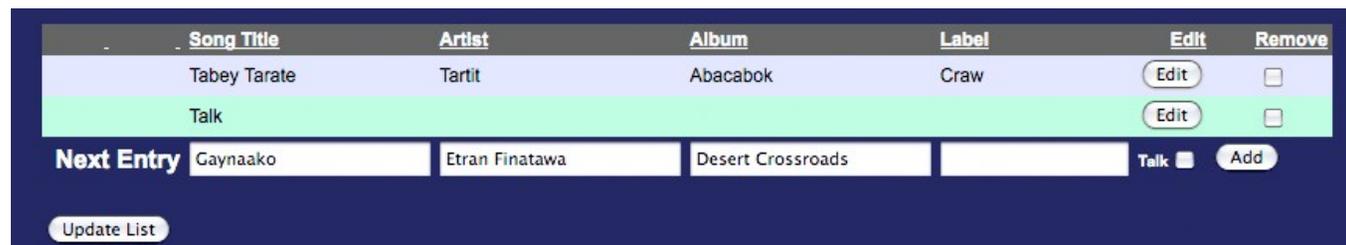
Remember: all fields are required. If you don't know the Record Label, you'll need to find the physical CD or look for the

information online. (See "**Sources for Music Information**" in the Appendix)

Copying Song Information from iTunes

Tired of typing all the song information into your Playlist? If you use iTunes, you can copy & paste song information into the Copyright Confessor. Here's how:

1) In iTunes, make sure that the order of the first 3 columns is Name, Artist, Album.
   To change the column order, drag and drop a column to the left or right.
2) Select the song you'd like to enter into your Copyright Confessor playlist.
   iTunes should display your selected song with a blue background.
3) PC users: Press the Ctrl key + C, or select "Copy" from the iTunes edit menu.
   Mac users: Press the Apple key + C, or select "Copy" from the iTunes edit menu.
4) Switch from the iTunes window to the browser window display the Copyright Confessor.
   Place your cursor in the first field to the right of "Next Entry" and click to select the field.
5) PC users: Press the Ctrl key + V, or select "Paste" from your browser's edit menu.
   Mac users: Press the Apple key + V, or select "Paste" from your browser's edit menu.
6) Press the Tab key on your keyboard. The song title, artist & album will each move to the correct field.

<u>Note</u>: You still have to enter the Label since iTunes doesn't have a label field.
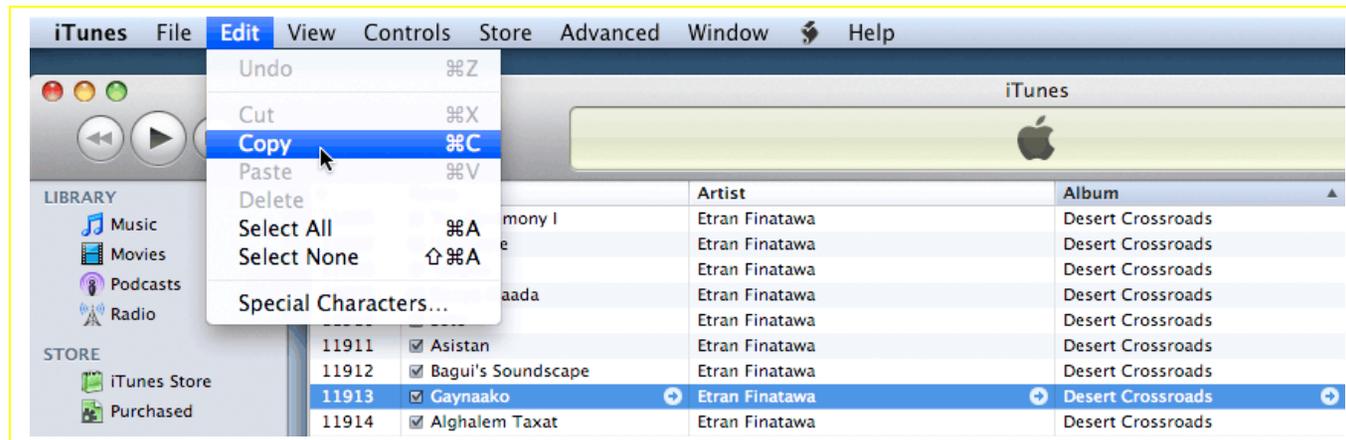
Step 5   **Editing the Finished Playlist**

Review your finished playlist:

- Is any information missing? Click on the "Edit" button next to each line to correct or add information.
- Want to change the order of songs or talk segments? Drag and drop a line up or down to change the playlist order.
- To remove an entry, check the "Remove" checkbox next to that line. Then click "Update List."

After you've entered your playlist, the next step is to Mark the Start Times for each entry. This can only be done while the broadcast is in progress – since this the only way that the required program clock + streaming data can be provided to SoundExchange. It also must be done from the on-air studio, though this may change in the future.

Step 6   **During the Broadcast: Marking Start Times**

The playlist you entered in advance will be displayed automatically at the time of broadcast.

During the course of your broadcast, you'll use the computer in the studio to view the On Air Playlist.
From this screen you will:

- Click the "Start" button as each song or talk segment begins
- <u>Add</u> new songs or talk segments as needed
- <u>Change the order</u> of playlist entries by dragging and dropping (or by clicking the appropriate start bottom)
- <u>Remove</u> playlist entries not broadcast

If you want to change your playlist later during the actual broadcast, no problem! You can easily:

- Edit song information
- Add songs to your playlist
- Change the order of songs or talk segments in your playlist

<u>Note</u>: If your playlist is incomplete or inaccurate upon completion of the broadcast, you can edit the playlist.
See "**Editing a Playlist After Broadcast**"

Editing a Playlist After Broadcast

In this section we'll describe how a producer may add missing information to a playlist after the broadcast.

Remember: It is imperative that Start Times be marked for each song and Talk segment during the broadcast. Without accurate Start Times, we cannot report the required information to SoundExchange. Please refer to "**Marking Start Times**" and Step 2 of "**Using the On Air Playlist**."

In order to edit a playlist after broadcast, you'll need a Copyright Confessor account. Your Michael Yoshida or Deverol Ross will create one for you upon request. Please refer to Steps 1 & 2 of "**Entering a Playlist Before Broadcast**."

Step 1   **Select "Offline Editing" and Choose the Playlist**

After logging in to CC, you'll see the "PacPlaylist Admin" screen. Click on "Playlist."

On the next screen, you'll choose which playlist you want to edit.

- ■ **Entry method**: Choose "Offline Editing"
  "Playlist Entry" is for entering playlists for upcoming shows. "Listing" is for displaying a playlist with the ability to edit its contents
- ■ **Show**: Choose the show you are creating a playlist for. Most producers should only see one entry in the Show dropdown.
- ■ **Date**: Select the date of the playlist you're creating.

After a playlist date is selected, CC will advance to the "Showtime Playlist" screen.

Step 2   **Edit Playlist Information**

From the "Showtime Playlist" screen you can:
- ■ Edit the **Length** of any song or talk segment
- ■ Edit/add the **Song Title, Artist, Album** or **Label**
- ■ **Delete** any line, song or Talk
- ■ Change a music track to Talk or vice versa

You cannot however:
- Add any new tracks (even though the Add button is visible)
- Change the order of the tracks

Examples:

Adding missing Album and Label information:

Start	Length	Song Title	Artist	Album	Label	Edit	Remove
15:00:00	11:00	Talk				Edit	☐
	03:06	Train Blues	Robert Pete Williams	?	?	OK	Talk ☐

Changing the Length of a song (Before):

	03:06	Train Blues	Robert Pete Williams	Nothin But	Mystic	OK	Talk ☐
00:14:06	06:04	Talk				Edit	☐

Changing the Length of a song (After):

00:11:00	02:00	Train Blues	Robert Pete Williams	Nothin But	Mystic	Edit	☐
00:13:00	06:04	Talk				Edit	☐

Notice how after the length of a track is changed, Copyright Confessor automatically adjusts the Start Times of the following tracks in the playlist. (The Talk track above now starts at 13:00 instead of 14:06)

Deleting a Track

To delete a track in the playlist, check the box on the right, in the "Remove" column.
Next, click the "Update List" button, which can be found below and to the left of the playlist.

Saving Changes

Changes are saved to your playlist each time you click the "OK" button. When you have finished editing, you may log out of the Copyright Confessor.

APPENDIX A:
Sources for Music Information

☐ **AllMusic.com** – For best results, specify "Album" in the dropdown of the default search box. Results include a column for "Label."
www.allmusic.com
Related add-ons for the Firefox browser:
   o allmusic.com Search Toolbar and Popup Menu
      https://addons.mozilla.org/en-US/firefox/addon/3982
   o allmusic.com Search Plugins
      http://mycroft.mozdev.org/search-engines.html?name=allmusic

☐ **Gracenote** – For best results, put quotes around the album name. Results require a click-through to the album page.
www.gracenote.com/search/?search_type=album
Related add-on for the Firefox browser:
   o Gracenote Search Plugins
      http://mycroft.mozdev.org/search-engines.html?name=gracenote

APPENDIX B:
Music Copyright & Licensing: Rules & Regulations

Rules Under the Digital Millennium Copyright Act (DMCA)
The DMCA is a <u>federal law</u> passed by Congress in 1996. Its rules are as follows.

During a three hour period one may:
- Play no more than three songs from a particular album;
- Play no more than two songs consecutively from a particular album;
- Play no more than four songs by a particular artist;
- Play no more than four songs from a boxed set; and
- Play no more than three songs consecutively from *a boxed set.*

<u>In Addition</u>**:**

You **should** only broadcast sound recordings that are authorized for performance in the United States.

Advance program schedule or prior announcement of song titles **may not** be transmitted by text, video or audio.

You **may not** publish advance program guides or use other means to pre-announce when particular sound recordings will be played.

Your program **must not be** part of an "interactive service." This means that you **cannot** perform sound recordings within one hour of a request by a listener or at a time designated by the listener.

Rebroadcasts of programs **may** be performed at scheduled times as follows:

- Programs of less than one-hour: no more than three times in a two-week period;
- Programs longer than one hour: no more than four times in any two-week period.

Continuously looped program streams **may not** be less than three hours long (per cycle).

You **should** pass through (and not disable or remove) identification or technological protection information included in the sound recording (if any).

Requirements of The CPB-SoundExchange Agreement

This 2009 agreement was created as a mechanism to meet the legal and monetary requirements imposed by the DMCA. This agreement imposes additional requirements.

We must submit quarterly reports with this required information for each instance of copyrighted musical material:

- Song Title
- Featured Artist/Group/Orchestra
- Album Title
- Marketing Label
- Start Date and Time of Song Play
- End Date and Time OR Duration of Song Play

Archived programs for playing on demand:

Programs containing copyrighted sound recordings are subject to these restrictions under federal law:

- The program block must be no less than five hours in length. (The on-demand stream will continue to play the next archived program(s) until it has fulfilled the full five-hour requirement).
- The program-archive's format must prevent the audio-file from being downloaded.
- The program may not reside on the website for more than two weeks. (The on-line storage of a particular show can only exist (publicly) on the station's website for two weeks from the time it is first posted.)

- The recording must be streamed on demand, in a way that allows the listener to access the audio without having the means to fast forward or rewind to another point in the program.
- Podcasts cannot contain copyrighted musical material unless permission is provided by the copyright owner.

<u>Exclusions from reporting</u>:

1. A sound recording that is not copyrighted (*e.g.*, because of its age, is considered in the public domain).
   See http://copyright.cornell.edu/resources/publicdomain.cfm for more information.

2. A sound recording for which you have a signed direct license from the copyright owner providing the station with the specific rights for streaming, extended archiving time or podcasting etc.

3. An "incidental performance" is one that meets the following requirements:

   a. Makes no more than incidental use of the music, e.g.:
      - Theme songs (30 seconds or less),
      - Brief musical transitions (30 seconds) in or out of Public Service Announcements or program segments,
      - Brief performances (30 seconds or less) during news, talk or sports programming,
      - Brief background performances (30 seconds or less) during disk jockey announcements,
      - Brief performances during public service announcements (PSAs) of thirty seconds or less in duration.

      The 30-second or less use of an "incidental performance" is valid only if it does not contain the entire sound recording, such as in a musical recording where the total length of the composition is only 28 seconds.

   or

   b. Is a brief performance during sporting or other public events, or ambient music that is in the background at a broadcast public event (if hosts or anchors are speaking over the music).