

To: Joint Steering Committee for Development of RDA
From: Barbara Tillett, LC Representative
Subject: Revision of RDA 2.11.1.3 (Recording Copyright Dates)

LC thanks ALA for suggesting revisions to allow for multiple copyright dates to be recorded. Like ACOC, we believe a change to the general instruction would be more useful than a special exception for audio recordings, and offer the following suggestion:

2.11.1.3 Recording Copyright Dates

Record copyright dates applying the general guidelines on numbers expressed as numerals or as words given under [1.8](#). Precede the date by the copyright symbol (©) or the phonogram copyright symbol (Ⓒ), or by *copyright* or *phonogram* if the appropriate symbol cannot be reproduced.

EXAMPLE

©2002

copyright 2005

Ⓒ1983

phonogram 1993

If the resource has multiple copyright dates that apply to various aspects (e.g., text, sound, graphics), record any that are considered important for identification or selection ~~record only the latest copyright date.~~

EXAMPLE

Ⓒ2009

©2010

Optional Addition

Make a note giving the other copyright dates (see [2.20.10.3](#)) or record the other dates as copyright dates of related manifestations (see [27.1](#)).

The audio recording specialists in our Motion Picture, Broadcasting, and Recorded Sound Division (MBRS) were also concerned about some of the information contained in the proposal's "Rationale" section. While we would generally not quibble about a rationale that does not affect the resulting proposal, we include their comments here for shared understanding should it be necessary to do further development in the rights area of RDA (the ACOC response indicated a possible need for such):

“...some aspects of the Rationale section are unclear and we have some concerns about the inclusion of “optionally” in the Audio Recordings exception [*note: the proposed revision above removes the ‘optionally’ text*]. Please see the bullets below for more information.

1. The summary of Copyright law regarding audio as found at the beginning of the Rationale section is a bit confusing presented out of context of other entries in the law. The mention of audiovisual works and motion pictures, and the manner in which the summary is phrased, tends to take attention away from the issue at hand, which is supposed to be a clarification of what the ℙ and © dates each cover. We suggest simplifying this to make it more specific to sound recordings, something along the lines of “U.S. copyright law distinguishes between the copyright of sounds fixed on a material object (such as an audio tape, LP, or CD) or by any method later developed (such as a digital audio file), represented by the graphic symbol ℙ, and copyright of other expressive media (such as accompanying cover art, liner notes, and underlying musical works), represented by the graphic symbol ©.” While this suggestion doesn’t necessarily impact the suggested textual changes to RDA, it does clarify the argument.
2. Please note that we added something to address digital audio files in the previous suggestion. The ALA/11 proposal argument relies on a summary of the current phonorecord definition in copyright law and its emphasis on “material objects,” but doesn’t mention the “fixed by any method now known or later developed” aspect of the definition, which one could argue may cover recordings that originate as digital audio files and any future advances in that area (not to mention the fact that there will likely be future refinements to copyright law). Further discussion of this issue may be found in a brief on the concept of “digital phonorecords,” located at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1017&context=dltr>. This is particularly important for MBRS because in the not-so-distant future, the Copyright Office will accept digital file submissions in place of material audio-visual objects, and those files will be coming to MBRS to describe and archive. Again, this doesn’t necessarily impact the suggested textual changes to RDA, but it is worth noting the limitations presented in the current proposal’s Rationale section in case it presents future problems as far as scope of applicability goes.”