



Audio Engineering Society – New York Section

NEWSLETTER – MEETING NOTICE

**2010-2011
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The New York Section of the Audio Engineering Society invites all folks who are actively involved in professional audio to join us for a most informative evening. Students are especially welcome. The event is free of charge.

Tuesday, September 14th, 2010

The New School Jazz Performance Space

(Newly Renovated)

55 West 13th Street, Between 5th and 6th Avenues

Fifth Floor

Meet and Greet 6:30 P.M.

Presentation 7:00 P.M.

“COPYRIGHT CRIMINALS”

Film Screening and Panel Discussion

Host: Roger Johansen, Tangerine Mastering

“Copyright Criminals” by Benjamin Franzen and Kembrew McLeod is a compelling and insightful documentary film illuminating both sides of a hotly-debated issue: Should the original artists get paid when someone samples their work? Are current copyright laws out of step with our mashed-up, high-tech culture? On Tuesday, September 14th, 2010, the New York Section of the AES examines the creative and commercial value of musical sampling, including the related debates over artistic expression, copyright law, and (of course) money.

“Copyright Criminals” provides an in-depth look at artists who have been sampled, such as Clyde Stubblefield (James Brown’s drummer and the world’s most sampled musician), as well as commentary by another highly sampled musician, funk legend George Clinton. As artists find ever more inventive ways to insert old influences into new material, this documentary asks a critical question, on behalf of an entire creative community: Can you own a sound?

Following a screening of the film a panel will present their opinions on the issues of copyright infringement and artists’ creative rights. Our experts will include Benjamin Franzen, the producer of the documentary; musician Miho Hatori, of the bands Cibo Matto and Gorillaz; Carl Yimerlik Golembeski, who has worked with Mary J. Blige and is producer of the new record by Brazilian superstar Carlinhos Brown; and Steven Saporito, attorney for the film “Hedwig and the Angry Inch” and director of the film “Squeezbox”. Questions from the audience will be welcomed as well.

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MEETING REPORT

Tuesday, September 14th, 2010
The New School
Jazz Performance Space

"Copyright Criminals"

HOST: Roger Johansen



L to R: Carl Golembeski, Steven Saporito, Miho Hatori, and Roger Johansen

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Most meetings that involve a screening of a film start with the film and end with a discussion. Our moderator, Roger Johansen (Tangerine Mastering), decided to have the discussion before the film, which provided great context for "Copyright Criminals", a film by Benjamin Franzen and Kembrew McLeod. The panel consisted of musician Miho Hatori, of the bands Cibo Matto and Gorillaz; Carl Yimerlik Golembeski, who has worked with Mary J. Blige and is the producer of the new record by Brazilian superstar Carlinhos Brown; and Steven Saporito, attorney for the film "Hedwig and the Angry Inch" and director of the film "Squeezebox".

After establishing that all three were in agreement on the definition of sampling, the panel discussed legalities, money, and inspiration. Steven Saporito took the lead on copyright law, last rewritten in 1976, discussing how it is both outdated and vague in its wording for how and when sampling crosses the threshold from harmless to infringement. There are no clear guidelines on what you have to pay for. The music publishers are stuck in a 1960's mentality. The publishers are used to an outdated model for making their money, and are resistant to change. If there's money to be had, somebody is going to go after it. The issue with going after it is you have to spend money on lawyers, appeals, etc. to collect the money that the artist/label/publisher feels is rightfully due. This is where the black hole exists. The question has to be asked, "Is it worth it?" Miho Hatori relayed a story for us where a friend of hers told her to visit a particular web site and listen to the music that was really Miho's. When her friend asked her if she was going to go after them, Miho's response was "No", and that it wasn't worth it.

Carl Yimerlik Golembeski told us about being in Brazil with Mary J. Blige's background singers. He had picked up several vinyl records, and they all listened to them together. They became inspired to start sampling bits from each record and put together a song in one session. This is a topic that comes up in the film, with stories told by several key figures in sampling and hip-hop, such as the Bomb Squad and Public Enemy. A DJ will be listening for a 2-bar break that he can grab and do something with. Each member of the Bomb Squad would be sampling and DJing in his own style. Then there would be that one moment where they would all get in a groove and the end result was a Public Enemy track. Watch out what you sample though. Just ask Tommy Boy Records and De La Soul, who didn't clear a sample from The Turtles and paid for it dearly. The same goes for Biz Markie. The flip side of the dilemma is that a DJ will grab a sample and process it to the point where its source cannot be identified. One producer stated that if you recognized the sample, then he wasn't doing his job. Why go to such lengths to disguise what you are using? With the law as it is, clearing samples can be a legal nightmare. When you don't have your samples cleared, you get cease and desist letters, such as the one received by DJ Danger Mouse after he sampled Jay-Z's "Black Album" and The Beatles' "White Album" and created "The Grey Album." On the other receives neither money or credit. He doesn't care about the former, just the latter.

Thanks are due to The New School for allowing us to have a great discussion and see a great documentary in their newly-renovated facilities.

Report by by **Jonathan S. Abrams**, Treasurer, AES NY Section