



Pacifica Radio Archives

A Living History

Intellectual Property Rights and Levels of Access to the Pacifica Radio Archives Collection

Jolene Beiser, MA, MLIS
Archivist
SAA Annual meeting
August 15, 2014

Pacifica Radio

- KPFA 94.1fm Berkeley, CA
- KPFK 90.7fm, Los Angeles, CA
- KPFT 90.1fm, Houston, TX
- WBAI 99.5fm, New York, NY
- WPFW 89.3fm, Washington, DC



KPFA Radio

Overview of Pacifica Collection

- Less than 10% of the collection digitized (approximately 10,000 recordings)
- 526 recordings available streaming on the Internet Archive: <http://tinyurl.com/psrq6dd>
- Other recordings available through U.C. Berkeley Library, the Pop-Up Archive, American Archive Preservation Project



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News & Public Affairs



Advanced Search

Anonymous User (login or join us)

Upload

[Audio Archive](#) > [News & Public Affairs](#) > **Pacifica Radio Archives**[Pacifica Radio Archives Digitized Folio Collection](#)

1,729 items

[Pacifica Radio Archives: National Endowment for the Arts Grant 2010](#)

181 items

[Pacifica Radio Archives: National Endowment for the Arts Grant 2011](#)

148 items

[The Pacifica Radio Archives/UC Berkeley Lesbian, Gay, Bisexual and Transgender Activism Sound Recording Project](#)

21 items

[Pacifica Radio Archives/UC Berkeley Black Panther Party Sound Recording Project](#)

34 items

[Pacifica Radio Archives: GRAMMY Grant 2013 Recordings](#)

107 items

[Pacifica Radio Archives - California Audiovisual Preservation Project 2014](#)

35 items

Most Downloaded Items

[more](#)

1. [Don Juan the Sorcerer - Carlos Castaneda interviewed by Theodore Roszak](#)
3,843 downloads
2. [Say It LOUD: New Songs For Peace](#)
3,670 downloads
3. [To Have Done With The Judgment of God, written and read by Antonin Artaud](#)
3,203 downloads
4. [BB2893 George Carlin - Comedian in Transition](#)
2,720 downloads
5. [The Assassination of Senator Robert F. Kennedy](#)
1,824 downloads

When do we assess copyright risk?

- Part of selection criteria for grant-funded preservation projects
- Part of selection criteria for weekly radio program From the Vault
- Check before production of fund raising giveaways
- Licensing requests

Copyright Risk Factor Assessment Checklist for Pacifica Tapes

- Created to gain clarity on copyright issues for grant-funded digitization projects
- White Paper by law firm Garvey Schubert Barer “Pacifica Radio Archives Preservation and Access Project: Digitization, Preservation and Distribution” (©2012)
- Available at: <http://tinyurl.com/nl5k59n>

Risk Factor Assessment for Tapes at Pacifica Radio Archives

This checklist can be used to assess the risk factors for duplication, digitization and distribution of recordings housed at the Pacifica Radio Archives. This document does not constitute an action plan, but rather highlights potential “red flags” for PRA staff to use before digitization and dissemination.

Risk factor	Low-risk	Medium-risk	High-risk
Copyright/distribution notice on tape?	No notification or note: “Tape belongs to ‘Pacifica Tape Library’” or a variant thereof	Notice on label that says PRA has “limited” or “restricted” distribution rights to the program	Tape label explicitly states that we have no distribution rights to the program
Producer credit?	Credit exists for a producer who has consented for PRA to distribute his or her work	No producer credit or PRA cannot locate producer after good faith search	Credit exists for a producer who does not want PRA distributing their work
Music used in program?	No music used in program or recording falls in public domain	Contains “small amount”* of music not in public domain (fair use)	Contains “large amount”* of music not in public domain
Literature in program?	No literature recited or performed or excerpt used falls in public domain	Contains “small amount”* of a total work not in public domain (fair use)	Contains “large amount”* of a total work (e.g. novel, book of poems) not in public domain
Excerpts from other broadcasts/radio programs/TV shows?	No such excerpts in program, or it can be demonstrated that producer was granted usage of that excerpt by licensee	Contains “small amount”* of a broadcast in the new recording (fair use)	Contains “large amount”* of an excerpt in the new recording (not fair usage)
Station ID announced on recording?	Pacifica ID (i.e. KPFA, KPFK, WBAI, KPFT, WPFW, Pacifica National Broadcast)	No ID announced	Non-Pacifica ID announced
Known litigious entities associated with tape?	None	Risk factor of personalities unknown	Yes

*The Archives team should meet to determine whether this amount of music, literary work or re-broadcast in the program violates fair use (e.g.: a piece of incidental music in a documentary program is fairly low risk, but a music program where a DJ is playing records or the full reading of a novel or story not in the public domain is higher risk, etc.).



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pacifica

kpfa fm 94.1
kpfb fm 89.3

Listener-supported
Pacifica Radio for
Northern California

2207 Shattuck Ave.
Berkeley, CA 94704
848-6767 (Berkeley)
981-7730 (S.F.)

kpfk fm 90.7

3729 Cahuenga Blvd.
North Hollywood
CA 91604

wbai fm 99.5

359 E. 39th St.
New York
NY 10016

kpft fm 90.1

618 Prairie
Houston, TX 77002

VERY RESTRICTED *

Archive No.

BC 588

SIX EXPERIENCES OF UNWANTED PREGNANCY (complete with play)

INTRO: This program was originally produced in October for Unlearning to Not Speak by Lois Hansen of the KPFA Women. It begins with a short play by Myrna Lamb, "What Have You Done For Me Lately?" and continues, after about a half hour, with four Bay Area women telling of their experiences of unwanted pregnancy. The first sounds we hear in the play are those of a man groaning, coming to as the anaesthesia wears off. He is lying in a hospital bed, and his doctor is walking around him.

OUTRO: You heard Lois Hansen of KPFA and three other women in a discussion of their experiences because of unwanted pregnancy and their resulting efforts to get abortions. Their true stories were preceded by a fictional account, in the play by Myrna Lamb "What Have You Done For Me Lately," of a man's pregnancy, induced by a female doctor who had been forced to bear that man's child 19 years earlier because she couldn't get an abortion. This program was first heard in Oct. on the KPFA women's program, Unlearning to Not Speak.

CONTAINS SENSITIVE MATERIAL [] SEE SPECIAL INSTRUCTIONS

MASTER <input checked="" type="checkbox"/> DUB []		Approved: L. Hansen		BROADCAST DAY		DATE		TIME	
Speed: 7 1/2	i.p.s.	Reel 1 of 1	Series No.	of	Thursday	10/14/71	12:30	pm	
Reel time: 66:42		Pgm. time: 1h 15min	66:42		Sunday	12/19/71	4:45	pm	
FORMAT: Full [] 2-track [] 4-track []		MODE: Mono <input checked="" type="checkbox"/> Stereo []							
TRACK(S) USED:		Other trks: Blank [] Rec. []							
DOLBY [] Type:		DISPOSITION: Archive []							
Return to:		Hold period:							
Master by:		Date:		Dub by:		Date:		DUB FOR: Broadcast date, etc.	
Recorder:		Location:		* Do not offer or send dubs to anyone without getting prior approval from play's author's agent		KPFA		WBAL	
SPECIAL INSTRUCTIONS & Tech Comments:		William Morris Agency, Inc.		1350 Ave. of Americas		N.Y., N.Y. 10019		(212) 586-5100	

Tagged

rhb 12-70

Producer credit on tape?

- Pacifica's relationship with producer plays an important role
- Often use “Institutional Memory” to assess relationship

Published materials in program?

Risk factor	Low-risk	Medium-risk	High-risk
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Music in programs

- Several types of music in recordings
 - Live performances-- In Pacifica studios or outside?
Was it a concert benefitting Pacifica?
 - Pre-recorded
 - Complete songs?
 - Is it the focus of the program or an intro/outro?

Station ID and Litigious entities

Risk factor	Low-risk	Medium-risk	High-risk
Station ID announced on recording?	Pacifica ID (i.e. KPFA, KPFK, WBAI, KPFT, WPFW, Pacifica National Broadcast)	No ID announced	Non-Pacifica ID announced
Known litigious entities associated with tape?	None	Risk factor of personalities unknown	Yes

Take-down notice

- Paired with items or grant projects available streaming online
- *Notice for copyright claimants: The Pacifica Radio Archives will honor all takedown requests in compliance with the Digital Millennium Copyright Act and other applicable intellectual copyright laws. Please send all copyright inquiries to info@pacificaradioarchives.org or to the Archives' physical address at: 3729 Cahuenga Boulevard West, North Hollywood, CA, 91604 c/o Archives Director for review. Claimants are advised to leave detailed contact information including name, telephone number, e-mail address, and/or physical address where they may be reached, as well as all information pertaining to the specific nature of the complaint.*

We need to digitize to know what's actually on the tape.

MAGNETIC PRODUCTS DIVISION 3M COMPANY
Tape Patented Under One or More U.S. Patents: 2654891, 2711901.
PAUL, MINNESOTA 55119.
THE TERM "SCOTCH" AND THE PLAID DESIGN ARE REGISTERED TRADE MARKS OF MINNESOTA MINING AND MANUFACTURING COMPANY, ST. PAUL, MINNESOTA 55119.
Sellers and manufacturer's only obligation shall be to replace such quantity of the product proved to be defective. Seller and manufacturer shall not be liable for any injury, loss or damage, direct or consequential, arising out of the use of the product for its intended use and user assumes all risk and liability whatsoever in connection therewith. The foregoing may not be changed except by an agreement signed by officers or authorized agents of the manufacturer.

NOTICE: The following is made in lieu of all warranties, express or implied:
Sellers and manufacturer's only obligation shall be to replace such quantity of the product proved to be defective. Seller and manufacturer shall not be liable for any injury, loss or damage, direct or consequential, arising out of the use of the product for its intended use and user assumes all risk and liability whatsoever in connection therewith. The foregoing may not be changed except by an agreement signed by officers or authorized agents of the manufacturer.

Double this area with a pencil.

TIME	CHART	TIME
5000 FT.	8 hrs.	8 hrs.
4000 FT.	4 hrs.	4 hrs.
3000 FT.	2 hrs.	2 hrs.
2500 FT.	1 hr.	1 hr.
2000 FT.	30 min.	30 min.
1500 FT.	15 min.	15 min.
1000 FT.	7 1/2 min.	7 1/2 min.
500 FT.	3 3/4 min.	3 3/4 min.
250 FT.	1 3/4 min.	1 3/4 min.
125 FT.	7/8 min.	7/8 min.
62 1/2 FT.	3/8 min.	3/8 min.
31 1/4 FT.	1/8 min.	1/8 min.

Monophonic ☐ Stereo ☐ 3% ☐ 15 ☐

wbai-fm 99.5 pacifica
355 EAST 62ND STREET, NEW YORK, N. Y. 10021 - 826-9880

EDITED AND APPROVED FOR BDCST. _____ DATE _____

BC 1601 A

TIME

PART
1 of 2

SPEED
3 3/4 * 15

HOLD FOR:
STEREO

RETURN TO:

ORIGINATOR

TITLE

Self-contained Program No. _____ in series of _____

Continuity: Ship mining
what's a hillbilly?
Kathy Kalin
author of

prod by Nanette Raines & Paul McIssac

MASTER BY: _____ **DUBBED BY:** _____ **DUBBED FOR:** KPFA
DATE: _____ **DATE:** _____ **WBAI Broadcasts**

LOCATION: _____

REMARKS: adjust levels of channels

TIME

Roger Riggins Life/Time presents

Archie Shepp

Scotch
MAGNETIC TAPE
1/4 IN. x 2500 FT.
(6.35mm x 760m)
1.5 MIL ACETATE
SPLICE FREE. PROFESSIONAL
ALL PURPOSE

3M

A couple more things...

- We are a non-profit institution
- Very few items have copyright registration

Thank you!!

- Contact Information

Jolene Beiser, Archivist

Jolene@pacificaradioarchives.org

Pacifica Radio Archives

North Hollywood, CA

<http://Pacificaradioarchives.org>