

## Risk Factor Assessment for Copyrighted Tapes at PRA

This chart can be used to determine the risk factors for copyright status of tapes at the Pacifica Radio Archives. PRA staff must weigh the various factors together before determining whether it is appropriate to disseminate a tape for broadcast, re-transmission, etc.

<b>Risk factor</b>	<b>Low-risk</b>	<b>Medium-risk</b>	<b>High-risk</b>
<b>Copyright/distribution notice on tape?</b>	No notification or 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
<b>Producer credit?</b>	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
<b>Music used in program?</b>	No music used in program or recording falls in public domain	Contains small amount (less than half) of music not in public domain (fair use)	Contains large amount (more than half) of music not in public domain (not fair usage)
<b>Literature in program?</b>	No literature recited or performed or excerpt used falls in public domain	Contains small amount (less than half) of a total work not in public domain (fair use)	Contains large amount (more than half) of a total work (e.g. novel, book of poems) not in public domain (not fair usage)
<b>Excerpts from other broadcasts/radio programs/TV shows?</b>	No such excerpts in program, or it can be demonstrated that producer was granted usage of that excerpt by licensee	Contains small amount (less than half) of an older broadcast in the new recording (fair use)	Contains large amount (more than half) of an excerpt in the new recording (not fair usage)
<b>Station ID announced on recording?</b>	Pacifica ID (i.e. KPFA, KPFK, WBAI, KPFT, WPFW, Pacifica National Broadcast)	No ID announced	Non-Pacifica ID announced
<b>Known litigious entities associated with tape?</b>	None	Risk factor of personalities unknown	Yes