

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.).