



Copyright: What can I do and what can I not do?

Bob and Pam Phillips

If you are in doubt, its probably not ok! Copyright is about as clear as tax law. Even intellectual property lawyers find it confusing. We don't pretend to have every answer so please don't use this clinic as your final word on an issue.

Music written prior to 1922, should be public domain, however, new arrangements of PD tunes will be copyrighted.

Why have copyright?

Where to look for copyright?

Bottom of the piece of music

On the CD or the CD booklet

Copyright holder is who you would contact for permissions

Each educational publisher has a spot on their website for this

Other publishers or recording artists – look on websites below for publisher contact info.

Excerpts from www.menc.org, United States Copyright Law: A Guide for Music Educators

“Two basic factors must be taken into consideration in the law:

1. The pedagogical need of music educators for reasonable access to copyrighted material
2. The practical need for music creators and their publishers to stay in business”

Copying

Out of Print does NOT mean PD. Permission from publisher required to copy.

“... the intent of the law seems to be that music educators can do several things, without having secured permission of the copyright owner:

1. Make a copy of a lost part in an emergency, if it is replaced with a purchased part in due course
2. Make one copy per student of up to 10% of a musical work for class study as long as that 10% does not constitute a performable unit
3. Make a single recording of a student performance for study and for the school's archive
4. Make a single recording of aural exercises or tests using copyrighted material
5. Make up to three copies to replace a copy that is damaged, deteriorating, lost, stolen from a public library or archive (or if the existing format has become obsolete, and if, after reasonable effort by the library/archive, an unused replacement cannot be obtained at a fair price)
6. Make one copy of a short verbal or a graphic work for teacher's use in preparation for or during a class

The following, however, are expressly prohibited:

1. Copying to avoid purchase
2. Copying music for any kind of performance (but note the emergency exception above)
3. Copying without including a copyright notice
4. Copying to create anthologies or compilations
5. Reproducing materials designed to be consumable (such as workbooks, standardized tests, _and answer sheets)
6. Charging students beyond the actual cost involved in making copies as permitted above”

www.phillipsfiddlers.com

Alfred P.O. Box 10003 • Van Nuys, CA 91410-0003
www.alfred.com

Mechanical licensing

This is the licensing required to put a recording of a song on a CD. Easy to apply for and pay. Can't be denied once a song has been recorded. Obtain either through the publisher or through Harry Fox Agency, harryfox.com. Check Harry Fox first.

Synchronization

This means music that is put on video. Each one must be negotiated individually. Difficult and expensive. Consult an intellectual property lawyer.

Internet

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Publishing

The © is not required on the bottom of the piece of music for it to be protected by law, but is required for recourse to the courts. If you write a piece of music, put ©DateName. Assume that any new works are copyrighted.

Performance

Performing rights organizations, ASCAP, BMI and SESAC, handle payments to artists when their songs have been performed. These royalties are paid by the venue. Educational performances are in a gray area.

Arranging

Contact the permissions dept. at the publisher who owns the piece or the copyright holder prior to doing the arrangement. Allow 6 weeks for your request.

Excerpts from www.menc.org, United States Copyright Law: A Guide for Music Educators

“Making arrangements of a piece of music is an exclusive right of the copyright owner, but under the legal compromises surrounding the law, some things are considered to be reasonable exceptions:

1. Music teachers can edit or simplify purchased, printed copies, provided that the fundamental character of the work is not distorted or the lyrics, if any, are not altered or lyrics added if none exist.
2. Music teachers who get a compulsory license for recording can make a musical arrangement of a work to the extent necessary for their ensemble (actually, "to conform it to the style or manner of interpretation of the performance involved"). This arrangement, however, cannot change the basic melody or fundamental character of the work. This privilege is not meant to extend to "serious" compositions.

Anyone wishing to arrange a copyrighted work that falls outside the exceptions noted above must obtain permission from the copyright owner. To simplify this process, organizations that have participated in the preparation of this booklet have also prepared a standard form for request and grant of permission and worked out an expedited method for obtaining approval by e-mail.”

Resources – each site has many helpful links

<http://www.menc.org/resources/view/copyright-center>

Nmpa.org

Harryfox.com

Mpa.org

Musicforall.org/resources/copyright

ASCAP.com

BMI.com

By the Book, Rob Monarth, Hinshaw Music

Copyright: the Complete Guide for Music Educators, Jay Althouse, Alfred Publishing – out of print and some information is out of date but it's a good start, try Amazon.