

Copyright Do's and Don'ts:

What Music Educators and School Administrators Need to Know

By Alan Greiner, Executive Director,
Iowa High School Music Association



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(Disclaimer: I'm not a copyright attorney or copyright expert. The guidance provided below is based upon my current understanding of copyright law, as it relates to music education, through research, various national presentations, correspondence and discussion.)

1. Your students are participating in a solo-small ensemble contest. You have purchased the printed musical score your students will be performing but don't want the students to lose it so you provide photocopies of the printed music for your students to practice, mark up, and perform from thus keeping your purchased copies pristine. Is this legal? **No. Printed musical scores are intended to be consumable. The student must practice and perform using a legally purchased copy of the musical score.**



2. With the standard “permission to arrange” from the copyright holder, you write a creative arrangement of a popular song. Can you do anything further to promote and market your unique version? **No, typically permission to arrange is for a one-time performance unless otherwise specified. You would need to get additional permission from the copyright holder.**
3. Sections of the 1st clarinet part in the march we want to perform is way too high for my clarinets to play in tune. Can I have them perform it down an octave? **Yes. You can rearrange, edit, or simplify a copyrighted work for educational purposes, provided you do not change “the fundamental character” of the work. More significant alterations require permission from the copyright holder.**
4. Each year you like to use some favorite band etudes (copyrighted) from a book in your library. Your set has only 8 flute parts, but this year you have 14 flutes in the band. Can you legally photocopy the extra needed parts? **No. You must purchase the additional parts from the publisher. If the parts are not available for purchase you must get permission from the copyright holder to make the needed copies.**
5. Your parent group wants to fund and produce a CD of your choir's spring tour and present each senior with a not-for-sale copy as a souvenir. Do you have to acquire any licenses for the copyrighted songs on the CD? **Yes.**
6. You purchase a collection of vocal solos for festival use, none of which are available as single editions. Under Fair Use, can you photocopy individual songs for different singers and their accompanists to use? **No. You must share books or purchase additional ones.**

7. Your principal asks you to organize a holiday sing-along for the entire school and parents who may want to attend. You assemble booklets of lyrics of many favorites including Silent Night, Rudolph the Red-Nosed Reindeer, Up On the Housetop, Sleigh Ride, Deck the Halls, etc. Is permission needed for this type of lyric collection that will only be used for this purpose? **No permission is needed as long as the lyrics to the songs used are in public domain. In this instance, the lyrics to Rudolf the Red-Nosed Reindeer and Sleigh Ride are copyrighted so permission must be obtained. The others are in the public domain - no permission is needed. Research before you copy!!!!**
8. You purchase a very expensive new work for your orchestra, photocopy each part for the students to play from, mark bowings, etc. and keep the pristine originals in your file for later use. Permissible under the law? **This is not permissible unless specific permission to do so has been obtained.**
9. Your musical is videotaped and programmed on your district's educational cable channel that only broadcasts school-related activities to your local community. Is this allowed? **No. A broadcast license must be obtained from the owner of the musical. Cable networks often have blanket performing licenses from ASCAP or BMI, but a musical is not covered under these licenses.**
10. You want to write your own educational version of Gliere's Russian Sailor's Dance for your beginning strings. Because it was written in 1926 and you have seen numerous versions on the market, copyrighted by many different publishers, no license is needed. Yes or No? **Yes. Russian Sailor's Dance is still copyrighted due to a recent treaty agreement where the United States now recognizes Russian copyrights. Music written by Kabalevsky and Gliere used to be in public domain, but are now copyrighted. Research, don't assume!**
11. You have purchased your own video of the recent music production of BLAST. You are out ill for several days and leave it for your substitute to fill the class time. Is this allowed? **No, the purchase of a video is only meant for private, in home, use. Showing that video in class would be a public display of that video and in violation of Federal Copyright Law.**
12. Your music department web site features your own MIDI accompaniments to Rubank scale and etude exercises for which you have been granted permission by the copyright owner for students to practice at home. Another director downloads the accompaniments and puts them on his site. Is this legal? **No, they would need to secure permission from the copyright owner as well. The permission secured only extends to the entity (school) that requested it.**
13. You are a church music director of a large church with a projection screen used during the service. It is permissible to project a transparency of copyrighted music and lyrics to the congregation if the original edition is purchased legally. Yes or No? **Only if**

specific permission is granted for such display as part of the original purchase, otherwise permission must be obtained.

14. You are getting ready for a jazz festival in two days and your bass player loses his folder. One of your colleagues in another state has many of the same charts and has his student library photocopy and fax you the parts. Is this OK? **Yes, the emergency provisions in copyright would allow for this as long as “legal” replacement parts are later secured from a warehouse or from the publisher.**
15. You are a veteran teacher and have used various band methods. Over time you assemble the exercises from several method books and compile them into a collection for your own classroom use. Since you extracted no more than 10% from any individual source, is this permissible under Fair Use? **No, each exercise is probably considered a work in itself, permission must be obtained.**
16. Since no recording was available, you make an accompaniment recording of an octavo in order to rehearse choreography with your show choir students. Is this recording legal? **Yes.**
17. You travel from room to room with a small cart and often photocopy songs or lessons from favorite texts because the books are too large to carry around. Is this allowed as long as you own the original copy? **It is only permissible if less than 10% of each work is being photocopied, otherwise permission must be obtained.**
18. You have created your own arranging basics course at a small college. In your own printed workbooks, you have short 4 – 8 bar segments of famous themes and songs (copyrighted) to illustrate arranging techniques such as rhythmic variation, melody, and chord alterations, etc. Is this OK? **As long as 4-8 bars does not comprise more than 10% of a given work it is permissible.**
19. You have a video-hobbyist father who has offered to videotape your concerts and make copies available to your students and parents. He will only charge minimum costs and any additional income will be donated to your music fund raising efforts. Can he do this? **No. Synchronization licenses for all tunes must be obtained. You may ask the copyright owner to waive the fee – some might, but others might not.**
20. Your school’s fight song is based on Notre Dame Victory March and you would like to write a new version for your band. During the process, you find out that it is still under copyright. Could your school have a legal problem? **Depends. The music to Notre Dame Victory March is in the public domain, so you may arrange it for your school without any legal problems. However, the words are copyrighted, you can’t use the same words unless you’ve obtained permission from the copyright holder. Research before you write!**
21. You want to play a selection featuring an oboe solo, but you don’t have an oboist. Can you legally transpose the oboe part to another instrument without obtaining permission from the publisher? **First, why did you select a composition featuring an oboe solo when you don’t have an oboist? Technically, it is NOT permissible to transpose or alter a part for another instrument without permission. That said, most copyright holders will have no problem granting this permission but you need to ask.**



22. You wish to perform a marching band show of music that has not been arranged for marching band or you don't care for the arrangements that do exist. You have a colleague in the industry that is a gifted arranger and he agrees to arrange the music for you. Is this legal? **Yes, as long as the colleague has secured permission from the copyright holder to make the proposed arrangement. That permission must be secured prior to the arrangement being written. It is strongly recommended that you obtain copies of that permission so you can be assured that it has indeed been secured. A caution: obtaining this permission CAN be a lengthy process (in some instances up to a year) - start early!!!! Should the copyright holder deny permission, the arrangement CANNOT occur.**

Resources:

United States Copyright Law. <http://www.copyright.gov/title17/>

The United States Copyright Law: A guide for music educators, Issued jointly by Music Educators National Conference, Music Publishers' Association of the United States, Music Teachers National Association, National Music Publisher's Association, and the National Association of Schools of Music.

Copyright Law: What Music Teachers Need to Know, by Ken Schlager, <http://musiced.nafme.org/resources/copyright-center/copyright-law-what-music-teachers-need-to-know/>

Performing Rights in Music and Performing Rights Societies, by Bernard Korman, Journal of the Copyright Society of the USA, Vol. 33, No. 4, 1986

Music Publishers Association (www.mpa.org), Frequently Asked Questions

Understanding Copyright: What Music Educators Need to Know, Paul Lavender, Hal Leonard Corporation