

## **A Practical Guide to Coping with Copyright (amended Feb 2004)**

### **1. What you CAN NOT do!**

- Copy to avoid purchase
- Arrange/copy for any kind of performance
- Copy to create anthologies or compilations
- Reproduce “consumable” materials
- Charge students beyond the actual cost involved in making authorized copies.

### **2. What you CAN do!**

- Make emergency copies as temporary replacements
- For academic use other than performance, copy less than 10% of a work (as long as portion copied does not constitute a performable unit)
- Edit or simplify music you purchased provided that you do not alter the basic character of the work
- Make a single copy of a student recording for evaluation or rehearsal purposes

### **3. How do I get permission to do the things I want to do?**

- What kind of permission am I looking for?
- Identifying © owners/administrators
- Helpful websites and the future of “music on the web”

Music Publishers (i.e. copyright owners) license their songs for a variety of usages.

**Print** – Most publishers are represented by a music print company via exclusive agreements that allow the print company to act as the agent for the publisher in all aspects of “print” exploitation. This includes the right to create new arrangements and to make copies of existing or out-of-print publications. The use of lyrics in all print formats is also typically controlled by the Print Agent.

**Mechanical** – Mechanical Licenses are needed when one wants to manufacture and distribute recorded music in any form or format; including so-called Midi files (even in cases when the “recording” is being given away or sold for charitable or promotional purposes). The Harry Fox Agency issues Mechanical Licenses on behalf of the great majority of music publishers in the U.S.

**Synchronization** – A “Sync” License is needed when music is going to be used in a film or video. The copyright owners typically control these rights directly and have to be contacted directly in order to clear and license these rights.

**Public Performance** – In the form of “small rights” (i.e. public concerts, recitals, etc.), the right to perform music in public is a controlled right; regardless of whether or not an admission fee is being charged (though it is rarely, if ever, enforced at the Secondary or Elementary School level). Another right known as “Grand Rights” applies to performance situations such as the staging of

an Opera or Broadway Musical. Licensing Agents for Grand Rights materials typically include a charge for Performance Fees when performance materials are rented and/or purchased. There are 3 Performing Rights Societies which operate in the U.S. (ASCAP, BMI & SESAC) and each has a website which can assist you with any questions or concerns you might have about this area of copyright.

**Broadcast** – Broadcast rights (Television, Cable, etc.) are controlled directly by the Music Publisher (copyright owner) and must be negotiated and licensed on a direct basis.

**Helpful Websites** – The following websites can be extremely useful when you need to obtain various permissions and licenses.

**Performing Rights Societies** – All three U.S. based PRS groups have websites that will help identify copyright owners and provide contact information. Their search engines are designed to process requests by song title, composer name, publisher name and/or recording artist.

- [www.ascap.com](http://www.ascap.com)
- [www.bmi.com](http://www.bmi.com)
- [www.sesac.com](http://www.sesac.com)

**Publishing Industry Groups** – A number of publisher organizations have websites that will guide and assist you in copyright related matters.

[www.nmpa.org](http://www.nmpa.org) – The National Music Publishers' Association represents over 800 U.S. music publishers and provides links to contact most of them. Most especially, the NMPA site is directly linked to The Harry Fox Agency ([www.harryfox.com](http://www.harryfox.com)). The HFA website can be used to obtain recording licenses on-line!

[www.mpa.org](http://www.mpa.org) – The Music Publishers' Association was organized to specifically represent the many companies involved in the printing and distribution of music and provides detailed information about which music print companies represent which music publishers and how to get in touch with any or all of them.

Most **Music Publishers** also have individual websites designed to offer information about the songs they own and/or administer and the means to contact them with your licensing inquiries.

**Music On-Line** – There are several websites where customers can actually purchase and download individual songs (legally!) to be printed out at home or school. Included among them are:

- [www.sheetmusicdirect.com](http://www.sheetmusicdirect.com)
- [www.jwpepper.com](http://www.jwpepper.com)
- [www.boosey.com](http://www.boosey.com)