

## Copyright and Music

*Disclaimer: These guidelines represent the library's best effort at articulating copyright principles. They neither represent general legal advice nor a legal response to a specific situation.*

**Copyrights in music:** Multiple copyrights may exist since there may be a number of entities contributing to a given rendering of music. Separate copyrights might exist for actual printed music, text or lyrics, and recording/performance of music.

**Rights of copyright holders** (e.g., composers, performers)

- making copies of printed music
- altering, simplifying, or arranging their musical works
- performing their music publicly
- recording their music
- copying their recordings (in case of performers)
- Copyrights are often signed over to licensing agencies, publishers, etc., who can help ascertain copyright ownership, who help attain necessary performance, recording, copying licenses; and who collect fees and royalties. (See list at end for major agencies.)

**Teachers/ Educators** (Special guidelines relating to educators' use of music that have been endorsed by MENC, NASM, MPA, MTNA)

1. Emergency copying to replace purchased copies (i.e. for an imminent performance when a replacement copy will be ordered)
2. For academic purposes other than performance, excerpts may be copied up to 10% of work and not an entire portion (i.e. a movement). This can be copied for all of the students in the class.
3. Simplified or edited versions may be made of purchased print music for educational purposes, as long as they do not change the "fundamental character" of the work
4. Single copy of recordings of student performance for evaluation or archival purposes
5. Single copy of recording owned by educational institution for purpose of creating aural exercises or exam
6. However, they are prohibited from doing the following:
  - a. Copying to substitute for an anthology
  - b. Copying consumable parts (i.e. workbook pages)
  - c. Copying to substitute for purchase
  - d. Copying without inclusion of copyright notice
  - e. Copying for performance not connected with fair use

**Public Performance:** Performance of copyrighted music is permitted in face-to-face (e.g., classroom) instruction as well as performances by school ensembles as long as there is no commercial advantage (e.g., to performers). If admission fee is charged, proceeds must go to educational or charitable purpose. Otherwise, copyright permission is needed.

**Recording:** Recording of a student's performance for evaluation is permitted. Otherwise, permission is needed (including recording of school performances).

#### **Arrangements and transcriptions**

- Making arrangements or transcriptions of copyrighted music for other than educational purposes is considered derivative. Copyright permission is needed.
- Making arrangement or transcription of public domain work, that arrangement or transcription can now be copyrighted by arranger/transcriber.

**Making extra parts:** (e.g., if needed for ensemble). Not permitted. Must contact publisher for extra parts or for permission to copy.

**Copying a page to make page-turning easier** = fair use.

**Making copies of music for class:** Fair use allows copies of excerpts of music, but not a whole performable unit (e.g., movement).

**Downloading music:** not legal unless copyright free or unless notice is given that you may copy. This includes downloading from licensed databases (e.g., Naxos).

#### *Helpful Resources*

Althouse, Jay. *Copyright: The Complete Guide for Music Educators*. 2nd ed. Van Nuys, CA: Alfred, 1997.

Music Library Association. Homepage. < [http://www.lib.jmu.edu/Org/MLA/ Guidelines/](http://www.lib.jmu.edu/Org/MLA/Guidelines/)>

Schlager, Ken. *Copyright Law: What Music Teachers Need to Know*. Music Educators National Conference (MENC) <<http://menc.org/resources/view/copyright-law-what-music-teachers-need-to-know>>

*The United States Copyright Law: A Guide for Music Educators*. Rev. ed. 2003.

<<https://www.menc.org/information/copyright/copyr.html>>

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#### **Major Music Licensing and Publishing Agencies**

- For permission **to perform works**, begin by contacting the following organizations. Often, forms can be found on the organization's website.

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

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

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

- For permission **to copy works**, first contact these agencies to identify copyright holders.

National Music Publishers Association (NMPA)- [www.nmpa.org](http://www.nmpa.org)

Music Publishers Association (MPA)- [www.mpa.org](http://www.mpa.org)

- For permission **to record music**, contact The Harry Fox Agency, [www.harryfox.com](http://www.harryfox.com)