



Copyright Fun:
How to Avoid
the Grey

Alex Gardner

MUS 461
Winter 2015

Copyright Laws in the Music Classroom

- ◉ There are many exemptions that were introduced in 1976.
- ◉ School-use does not allow everything...
- ◉ To find exemptions, first determine “Fair Use.”

What is Fair Use?

- Fair Use is the legal terminology referring to exemptions of the Copyright laws.
- To avoid the grey, simply know the Six exemption categories: **Reproducing, Recording, Preparing Derivative Works** (*such as a new arrangement*), **Distribution, Performance, and Display.**

Exemption 1: Reproducing

- Reproducing refers to making photocopies of a piece of music.
- What's allowed without seeking permission?...
- You're allowed to make **“one copy per student of up to 10 percent of a musical work for class study as long as that 10 percent does not constitute a single performable unit.”**
- Same applies for large-scale publications containing many different songs.

Exemption 2: Recording

- This refers to making and distributing recordings.
- What's allowed:
Teachers may make a single recording of a student performance of copyrighted material for educational or archival purposes.
- **You can make a single copy of an aural exercise or test.**

Exemption 3: Derivative Works

- This refers to the act of altering or preparing any musical work that is copyrighted, for education purposes.
- What's allowed: ***You can rearrange, edit, or simplify a copyrighted work for educational purposes, provided you do not change “the fundamental character” of the composition or alter or add lyrics.***

Exemption 4: **Distribution**

- This refers back to the recording exemptions.
- Which: ***allow for classroom distribution of fragments of copyrighted works or a single copy of a recording for educational purposes.***

Exemption 5: Performance

- Most performances of Copyrighted works require a license from the publisher.
- What's allowed: ***“Performing a song live to demonstrate technique during a music class or playing a song on CD as part of a music history class.”***
- However, longer works like a Ballet, Opera or Musical require special licensing to be purchased through a licensing agency.

Exemption 6: **Display**

- Display refers to the use of Copyrighted material for presentations, like this one!
- What's allowed: **Any material, such as videos, that the presenter has legally obtained.**

Not Exempt?...

- If any action you desire to take is not specifically outlined in the Exemptions category, **ASK for PERMISSION!**
- Penalties for infringement in simple cases can run \$750–\$30,000. More serious infringements can trigger fines up to \$250,000 and up to five years' imprisonment. No one wants that.

Out of Print

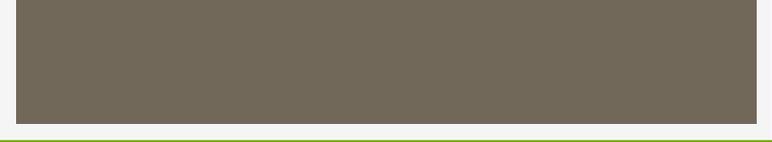
- If the music you require is out of print, and therefore unavailable from a retailer, you **must contact the print publisher** to acquire the original music and any copies that you need. However, “out of print” is not synonymous with “public domain.”

Public Domain

- Refers to any work published before 1922.
- The timeline can be rather grey, so be careful.
- Publishers can renew out-of-date publications, and can still hold copyrights for Portfolio collections of Public Domain works.
- **New** arrangements of old works are also able to be Copy written. (ie: “*Jesu, Joy of Man’s Desiring*” arr: A.C. Gardner)

In Practice:

- Publishers understand the tight budgets we, as Music Educators are faced with.
- Many will waive fees for educational uses, or make them very nominal.
- The Moral, that we'll deduce is:
Just ask!



Questions?

Sources:

- <http://musiced.nafme.org/resources/copyright-center/copyright-law-what-music-teachers-need-to-know/>
- <https://www.youtube.com/watch?v=jFUs3O81IX4>