

Copyright Compliance at Performance Assessment

Information compiled by
Lesley Maxwell Mann, Belmont University



Copyright compliance in choral music can be a confusing endeavor. “How do I know if something is in the public domain?” “If a piece of music is out of print, can’t I just photocopy it?” “My school hasn’t provided me a budget to purchase music from a publisher – I just have to get by. My students still deserve to sing great repertoire even if we don’t have any money....”

These are some oft-heard remarks from well-intentioned, incredibly busy choral directors who may not have all the resources (both knowledge and fiscal) needed to intentionally comply with the rules of copyright. This article will serve as a quick guide to remaining compliant as we enter performance assessment season, where misunderstanding copyright rules can result in disqualification.

At its heart, copyright is about honoring the creative endeavors of our fellow musicians. If our aim as choral directors is to further the craft of choral music, we should do our very best to support the efforts of composers with our attendance at concerts, our purchase of recordings, and, most especially, paying them for their work. Here are a few common questions and answers to help you navigate this tricky but vitally important topic:

How can I tell if a work is protected by copyright or if it’s in the public domain?

Works created after January 1, 1978 will be protected for the life of the last living composer plus 70 years. Copyrights existing prior to that date will continue for 95 years from the date copyright was originally secured. The Choral Public Domain Library, www.cpd.org, and the Petrucci Music Library, www.imslp.org, are two terrific resources for finding music in the public domain. You may freely photocopy anything found on these sights. For those choral directors with limited budgets, this can alleviate a lot of stress. As an added bonus, using music from these sights expands the historical style periods to which we’re exposing our singers.

How can I identify the copyright owner?

The copyright owner of a work can be found in the copyright notice generally located at the bottom of the first page of music. If you are unable to locate the copyright owner by looking at the music, you can check searchable databases of the three major

performance rights societies: ASCAP, www.ascap.com, BMI, www.bmi.com, and SESAC, www.sesac.com.

When is photocopying something NOT in the public domain legal?

Digital Files: Many publishers and distributors, such as www.musicspoke.com, www.sheetmusicplus.com, and www.jwpepper.com are offering digital files for purchase, in which directors will buy a pdf file and a license which give specific rights to print/copy the purchased number of the file. If you pay for the rights to 40 copies, you may only legally make 40 photocopies. You do not have permission to make 40 photocopies for your choir, plus 3 more for the judges at performance assessment. You should use 3 of the 40 you printed for the choir to provide to the judges, or purchase the rights to 43 copies. When you purchase a digital file, the copy will be sent to you with a letter explaining your permissions, or often the music will actually have the purchaser's name on it. Be sure to bring such a letter with you to Performance Assessment so that your photocopied music can be verified as compliant.

Out of Print Scores

If you've found the perfect piece for your singers needs accompanied by the devastating news that the piece is out of print, there is an option to photocopy the music. It is NOT enough to simply note that the edition is out of print. You must contact the publisher to request permission to photocopy the score due to its unavailability. Many publishers have quick e-forms on their websites to seek permissions such as this. The publisher will consider your request and if permission is granted, provide you with a letter including the words "copied by permission" and a reference number.

Music on Backorder

If the music you are hoping to learn in the next three weeks is available for purchase but currently on backorder, some publishers will grant permission to make temporary copies while waiting for the purchased copies to arrive. Again, compliance in this case relies on contacting the publisher and receiving explicit permissions for this purpose. Once the purchased copies arrive, the photocopies should be destroyed.

Can I purchase enough copies of a piece for each student in my choir to keep in the library, but hand out photocopies to protect the music? Students are so rough on scores!

Unfortunately, this is NOT legal. Purchasing sheet music allows for reading, studying, practicing, marking on, etc, but never photocopying, even if you plan to destroy the copies later. Consequences for copyright infringement can be significant. Fair use understands that some degradation of the physical copy of the music will occur, and prices are set with this in mind. If publishers intended to sell copies that would last forever, or could be duplicated for life, prices would be quite different.

Finally, if in doubt, ASK! Publishers are very easy to contact, and they are generally quick in their responses to inquiries concerning copyright. You and your students work hard in preparing for Performance Assessment – a disqualification or lowered score due to noncompliance is a punishment that detracts from the real purpose of adjudication – engaging with our art form in an environment where the hard work of preparing music can be celebrated and the music making process can be enhanced with valuable feedback.

Quick resources for more information:

U.S. Copyright Office Home Page - www.lcweb.loc.gov/copyright

National Music Publishers' Association - www.nmpa.org

Music Publishers' Association of the United States - www.mpa.org

Christian Copyright Licensing, Inc. - www.ccli.com

The American Society of Composers, Authors and Publishers - www.ascap.com

Broadcast Music, Inc. - www.bmi.com

SESAC, Inc. - www.sesac.com

Hinshaw Music Publishing – <http://hinshawmusic.com/licensing.php>

Hal Leonard – www.halleonard.com/permissions