# Copyright Issues and State Music Associations

WHAT YOU DON'T KNOW MAY COST YOU

BRIAN J. HUMKE

NYEMASTER GOODE, P.C.

**Direct Number: (515) 956-3911** 

Facsimile: (515) 956-3990 | E-Mail: bjh@nyemaster.com

1416 Buckeye, Suite 200 | Ames, IA 50010

# Why are copyright issues important to State Associations?

- Associations are commonly the entity responsible for the sponsorship and/or sanctioning of music events that provide for participation and competition by member schools
- Associations have responsibility to understand their role in ensuring compliance with federal copyright laws by member schools

3. Associations should be aware of risks for failing to do so

### Common copyright issues faced by Associations

Photocopying of copyrighted music

Distribution of recorded performances

Custom arrangements of copyrighted music

# Copyright basics for schools

- Printed or published music is protected by federal copyright laws
- Arrangements of popular songs are often needed by high school bands and choirs
- In order to arrange or alter copyrighted work, it may be necessary to obtain permission or a license to arrange from the copyright holder to avoid infringement
  - When several songs are made into a medley, a license for each song is required
  - Cost of arrangement license is usually \$150 to \$300 per song

## Vicarious liability for copyright infringement

1. Defendant had the right and ability to supervise the infringer's acts



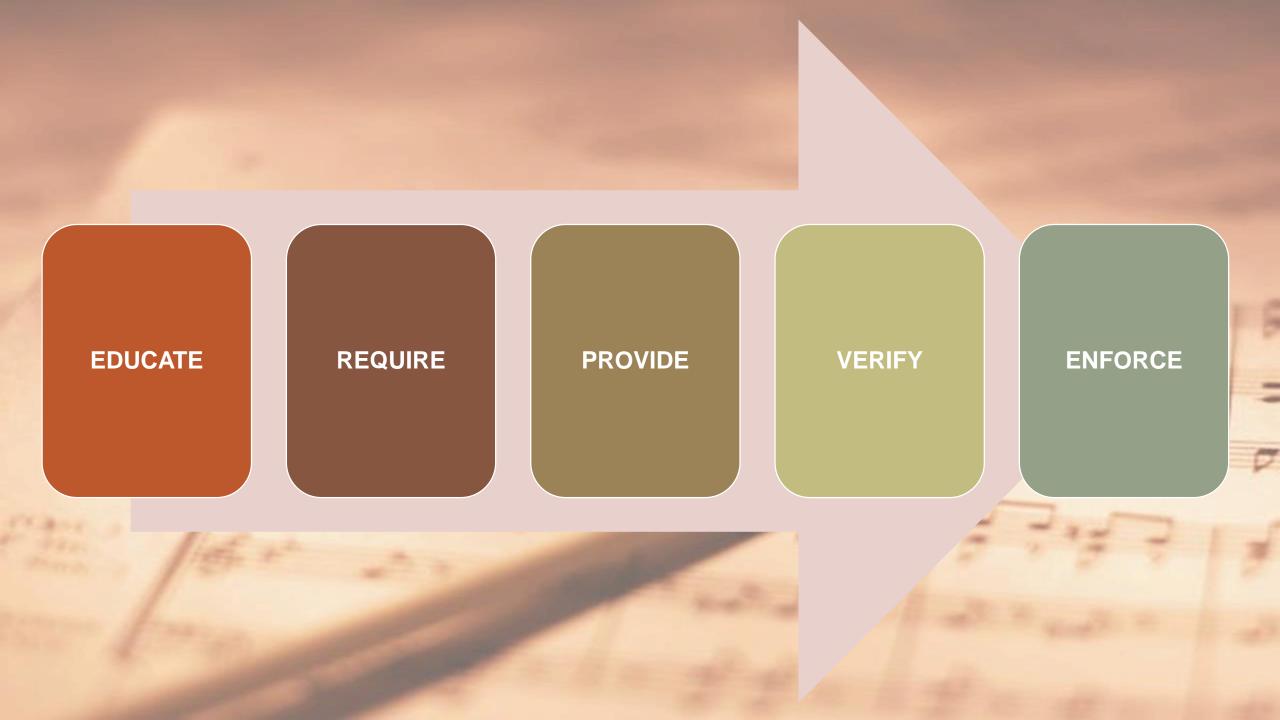
2. Defendant received a direct financial benefit from the infringer's acts

3. Knowledge by Defendant of acts of infringement is not required

# Penalties for infringement

 Statutory damages can range from \$750 to \$30,000 for each infringed work

 Attorneys fees and costs may be awarded



#### **EDUCATE**

 Educate member schools as to their responsibility to obtain proper arrangement licensing and the methods to secure such licenses

#### **REQUIRE**

 Require that participating schools obtain proper arrangement licensing for ALL music to be performed at a sponsored event

#### **PROVIDE**

 Participating schools must provide a copy of license for each song to the Association prior to performance

#### VERIFY

A. Sax. Hot

 Verify that the participating school has submitted appropriate licensing for each song it will be performing at an event

#### **ENFORCE**

 Participants should not be allowed to perform a song for which the proper licensing has not be secured or if license has not been provided to the Association



BRIAN J. HUMKE

NYEMASTER GOODE, P.C.

**Direct Number: (515) 956-3911** 

Facsimile: (515) 956-3990 | E-Mail: bjh@nyemaster.com

1416 Buckeye, Suite 200 | Ames, IA 50010