

Copyright Issues and State Music Associations

WHAT YOU DON'T KNOW MAY COST YOU

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Why are copyright issues important to State Associations?

1. Associations are commonly the entity responsible for the sponsorship and/or sanctioning of music events that provide for participation and competition by member schools
2. 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

REQUIRE

PROVIDE

VERIFY

ENFORCE

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

- 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



Thank you for your time.

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