

GALA LEADERSHIP SYMPOSIUM



Advanced Copyrights and Licensing

Fundamentally, copyright compliance is about honoring the creators of our music, helping them make their living from their music so that they can make more of it for us.

Kristan Burkert, Portland Lesbian Choir

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Introductions

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- Tier 1** **Purchasing** choral music, arranging music

- Tier 2** **Performing** choral music

- Tier 3** **Recording** choral music (audio or video)

- Tier 4** **Web or broadcast** rights, synchronization, Grand Rights...
and more complicated rights

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Tier 1 Purchasing choral music

A: **Published music** – purchase from distributor

B: **Copying out of print music** – purchase from distributor

C: **New arrangement** – secure permission from copyright holder

D: **Existing arrangement** – secure permission from copyright holder

E: **Original Manuscript** – secure permission from copyright holder

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2014

A: Published music

This one is easy – BUY your music legally. One copy for every singer, instrumentalist, ASL interpreter, etc.

Note: if you re-program music that you previously purchased and have lost copies or have a larger choir you must **purchase additional copies.**

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B: Copying Out of Print Music – or from a collection

Alfred Music
LEARN • TEACH • PLAY

Instruments ▾ Ensembles ▾ Artist/Composer ▾ Events Distrib

NEW REQUEST
License Request
Festival Permission

Home / [Licensing & Permissions Requests](#)

Licensing & Permissions Requests

Welcome to Alfred Music Publishing Co., Inc.'s online Licensing website.

[NEW USERS](#) [RETURNING USERS](#)

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All Rights Reserved including Public Performance for Profit

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C: NEW Arrangement - Requesting a license to arrange

Costs: Payment to the copyright holder
AND payment to the arranger

How to get permission:

Alfred Music Publishing

Hal Leonard

Tresona

Call the **copyright holder** directly

REQUEST FOR PERMISSION TO ARRANGE

All fields are required. All fields are required for each song you enter.

Title:

First Name:

Last Name:

Organization:

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D: EXISTING non-published arrangement - Request a sub license

1. **Start the request process at least 6 months** before you want to begin rehearsing. Earlier if a large or complicated arrangement.
2. **Never assume** you can re-use an arrangement simply because another chorus performed it.

Most common licensing options for requesting to re-use an arrangement.

Alfred Music Publishing – existing sub-license

Tresona – licensing assistance especially for large works. Current status update.

Hal Leonard – currently negotiating sub-license options

Contact the **copyright holder** directly

Note: a **choir or composer** that arranged a piece of music **cannot** grant you the right to purchase that arrangement unless they own the copyright (which is rare).

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D: EXISTING non-published arrangement - Request a sub license



Please select type of license you request:

- Arrangement**
Creation of a new version of an existing composition.
- Sub-Out**
Selling your original arrangement of an existing composition.
- Print**
Use of lyrics or music in a publication (eg. Books, periodicals, and other printed media).
- Mechanical**
An audio recording of a composition on a tape, CD, or Digital Download format.
- Synchronization**
A video recording of a composition on a video tape, DVD, or Digital Download format.
- Broadcast**
A broadcast of a recorded performance for Television, Film and Radio.
- Performance**
Public performance of copyrighted material.
- Photocopy**
Requests to make photocopies of compositions that are no longer in print. Not for festival/adjudication copies.
- Web Posting**
Posting of copyrighted material on the Internet.

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O Tresona!



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PS. PDF Versions for I-pads and Tablets (a grey area)!

1. See the **GALA Resource Center**: search “Tablets”
2. A **PDF is like a photo copy** of a song: first purchase legal copies for each singer in your chorus.
3. Any singer using a PDF version must **delete the file** after the rehearsal period ends (slippery slope here)!
4. When scanning music to PDF, **include a disclaimer** like:
"This file is for use by current singing members of _____ (your chorus) only. It must be deleted on or before _____ (the day after your last performance.)"

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Tier 1: The risks of non-compliance...

Decide **who in your chorus is responsible** for ordering legal music and make sure they are complying.

The **chorus board is ultimately responsible**. Make sure the chorus budget includes sufficient funding for legal choral music. If you are dramatically under-running your music budget it is not necessarily good news. You **must** follow up and find out why.

Notes: GALA choruses have been **fined** for non-compliance of these laws.

Buying legal music is also an important way to **support composers** and artists.

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Tier 2 Performing choral music

Every chorus is also responsible to pay license fees for each performance that you produce. Most choirs pay an annual blanket fee which covers these licenses.

[BMI](#): Broadcast Music, Inc (US choirs)

[ASCAP](#): American Society of Composer, Authors and Publishers (US Choirs)

[SOCAN](#): Supports licensing for Canadian and international composers and publishers

Board members need to ask if their chorus has licenses in place with ASCAP and BMI and if the quarterly reports and payments are current.

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Tier 3 Recording choral music

If you record and distribute recordings of copyrighted songs you must obtain a **mechanical license**.

1. [Harry Fox](#) offers an on-line SongFile that may be used if you are producing 2500 or fewer copies of a recording.

2. Alfred Music: www.alfred.com/Licensing.aspx

3. Request a mechanical license directly from the **copyright holder**.

4. [Tresona](#) www.tresonamultimedia.com

- Tresona can assist with securing mechanical licenses.
- You may **sell your recordings** for download through Tresona who will get your recordings out on web distributors such as CD Baby and Amazon.

Scenario:

You made an archival recording of your concert containing music under copyright. You decide to distribute this to your members for free or at cost. Are you compliant?

Red face?: Not very. Not ripping anyone off.

Safety in numbers: Probably. At least low risk.

The law: You are in violation.

The compulsory licensing provision says a license is required, even if no money changes hands. You may decide this is a manageable risk.

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Recording choral music – Grey areas

1. “Archive” recordings of concerts.
2. Distribution of concert recordings to **singers vs the public.**
3. **Rehearsal Tracks**

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**Tier 4 Web or broadcast rights, synchronization...
Grand Rights** and more complicated rights

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Tier 4 Web or broadcast rights, synchronization

Synchronization (“synch”) rights are the rights to include a composition in an audio-visual work such as YouTube videos.

Want to post your concerts or individual songs on YouTube?
Typically, the **song publisher grants synch licenses**.

You may include samples of copyrighted music on your website as long as the sound excerpt is 30 seconds or fewer.

Scenario:

You made an archive audio or video recording. Can you post any excerpts from it online without permission and still act within the law?

Red face?: No \$ exchanged.

Safety in numbers: Are you kidding? Look at YouTube!

The law: *Someone* needs a mechanical license.

You are running a risk by publishing it on your web site, but it is relatively low. As far as YouTube goes, the company made an agreement with the Music Publishers Association that appears to be in our favor...

YOUTUBE AND YOU

On August 17 of this year, the National Music Publishers' Association announced that it had reached a resolution with YouTube in a copyright infringement lawsuit filed in 2007.

As a result of this resolution, music publishers will have the opportunity to enter into a License Agreement with YouTube and receive royalties from YouTube for musical works in videos posted on the site.

The license opportunity will enable music publishers to grant the rights necessary for the synchronization of their musical works with videos posted by YouTube users and to receive royalties from YouTube for user-generated videos for which YouTube receives advertising revenue worldwide.

The Harry Fox Agency, which handles mechanical licensing for much of the industry, will be administering these licenses. More information will be on their web site soon.

–Source, The Harry Fox Agency web site

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Tier 4 and beyond: Grand Rights

ASCAP clarifies the stipulations for Grand Rights as:

a **performance of a dramatico-musical work** (including a musical comedy, opera, play with music, revue, or ballet) in its entirety;

or, performance of **one or more compositions from a dramatico-musical work** accompanied by dialogue, pantomime, dance, stage action, or visual representation of the work from which the music is taken.

Scenario:

You have secured all the rights that you know of to perform "You Can't Stop the Beat" from the musical "Hairspray." Your choreographer has some great ideas. Any problems?

Red face?: No. Why does the movement matter?

Safety in numbers: All the GALA choruses do it.

The law: Heads up! This is from a *musical*.

Musical theatre works are considered works for hire. You are restricted from the use of choreography or costumes when doing musical arrangements outside a full production of the show. (Lojeski and HL do not agree on the matter, according to the first page of this music, however!)

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How to Request (or avoid) Grand Rights

Performance rights organizations such as **BMI and ASCAP do not license** grand rights.

Grand rights must be negotiated between the **producer of a production** and the **publishers and owners** of the copyright of the work.

Typically a royalty will be paid to the publishers and owners of a work in exchange for the permission and right to stage the work.

GALA Resource Center: Search “Copyright”

[About Gala Choruses](#)[Membership](#)[Events](#)[Resource Center](#)

Copyright & Licensing

Fundamentally, copyright compliance is about honoring the creators of our music and helping them make their living from their music so that they can make more of it for us. Whether your chorus is performing a free community concert or in a ticketed venue, if you are performing copyrighted music you are legally (and morally) responsible to pay the composer and those institutions that support the work of composers.

Here's a concise summary of copyright information by Kristan Burkert- [The Legal Side of Choral Music](#).

Kevin Robison presented this workshop on Copyrights and Wrongs at the 2011 GALA Leadership Conference.

[Copyrights and Wrongs - PDF](#)

▶ [Print Music](#)

▶ [Fees for Performance Rights](#)

▶ [Recording Music](#)

▶ [Permission to Arrange](#)

▶ [Music on the Web](#)

▶ [Staged Performances](#)

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Questions and Discussion

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TIPS FOR GOING FORWARD

- No response does not imply permission, even if you declare that it does.
- Understand that this is complex for EVERYONE involved.
- Alfred and Hal Leonard have no known contracts with the devil.
- Everyone in this process is a real person, and *no one* wants a red face.
- Have discussions, ask questions, send emails, make phone calls.
- When in doubt, err on the side of caution.
- Plan MONTHS in advance if you are seeking permission for anything.
- Decide who in your organization is responsible for this work.
- Compliance is a choice, not a process.
- At the very least, take your compliance to the next level.

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Questions? Contact

Robin Godfrey, Executive Director

ExecutiveDirector@GalaChoruses.org

Jane Ramseyer Miller, Artistic Director

for question about Festival programming

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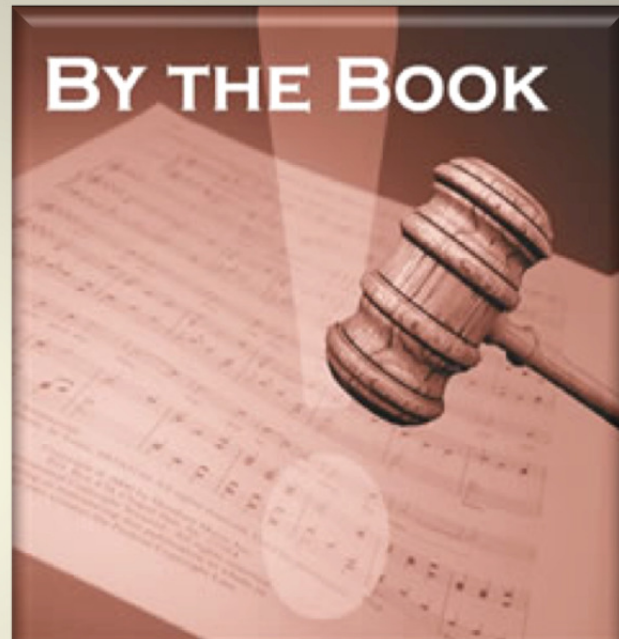
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BY THE BOOK

by **Rob Monath**
Attorney/Music Publisher

(BUY THE BOOK SO WE DON'T GET SUED)

BY THE BOOK



A Simple Copyright Compliance
Method for Musicians and Music Professionals

ROB MONATH
Attorney/Music Publisher

MONATH'S METHOD

Three Questions



1. Does it pass the red-face test?



2. Is there safety in numbers?



3. What does the law say?



MONATH'S METHOD

Three Questions

1. Does it pass the red-face test?

Am I getting something for nothing?

Does it feel like I'm getting away with something?

Is someone not getting paid?

Should any of the revenue go to anyone else?



MONATH'S METHOD

Three Questions

2. Is there safety in numbers?

If others are getting permission...

Driving analogy: emergency lane vs. median u-turn

Enlarging a part for the visually impaired

Reference copies



MONATH'S METHOD

Three Questions

3. What does the law say?

Tells you what is required

Doesn't say much about how to do it

If #1 and #2 don't stop you, go to the law

Achieve the highest level of comfort possible

Determine your best practices