

Copyright for Ensemble Directors and Music Teachers

Accompanying Clinic Materials



A Presentation by

Dr. Joseph M. Pisano

Friday, March 12th, 2010

10:15 a.m.

*E-CBDNA/PA-ICB –Swope Music Hall, West Chester, PA
Gates Recital Hall*

Brief Biography:

Dr. Joseph M. Pisano is currently the Associate Chairman of Music and Fine Arts at Grove City College where he is an Associate Professor of Music and Music Technology and serves as the Associate Director of Bands. Grove City College is a private, four-year institution located in Grove City Pennsylvania.

Prof. Pisano is an active instrumental ensemble conductor, guest conductor, ensemble adjudicator, jazz trumpeter, technology expert, and Arts Advocate. His academic degrees include: A Bachelor of Music Degree and Public School Teaching Certification from Grove City College, A Master of Music Degree in Instrumental Conducting from the State University of New York at Binghamton (S.U.N.Y), and A Ph.D. from Kent State University in Music Education with a Doctoral Minor in Instructional Technology. His professional memberships include: MENC, NBA, ISME, PMEA, ATMI, TI:ME and Phi Beta Mu.

Dr. Pisano has written numerous articles, publications and composition anthologies, and is an active music, education, and technology lecturer and clinician. He currently serves as the Music Education Guide writer for *In-Tune Monthly* magazine and is the founder of the very popular music, education, and technology Website: **MusTech.net**.

Contact Information: <http://mustech.net/contact>, <http://google.com/buzz/pisanojm>,
<http://twitter.com/pisanojm> (@pisanojm), <http://jpisano.com>.

"The primary objective of copyright is not to reward the labor of authors, but [t]o promote the Progress of Science and useful Arts.' To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work. This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art."

Justice Sandra Day O'Connor
Feist Publications, Inc. v. Rural Telephone Service Co.
499 US 340, 349(1991)

Online Copyright Information Resources:

American Society of Composers, Authors, and Publishers (ASCAP):

<http://www.ascap.com/>

Broadcast Music Inc. (BMI):

<http://bmi.com>

Copyright for Music Librarians:

<http://www.musiclibraryassoc.org/copyright/Main/HomePage>

Guidelines for Educational Uses of Music

<http://www.utsystem.edu/OGC/IntellectualProperty/musguid.htm>

Harry Fox Agency:

<http://harryfox.com>

MENC Copyright Center:

<http://www.menc.org/resources/view/copyright-center>

Music for All

<http://www.musicforall.org/>

Music Publisher's Association (MPA)

<http://mpa.org>

Recording Industry Association of America (RIAA)

<http://riaa.com>

Society of European Stage Authors & Composers (SESAC)

<http://sesac.com>

Stanford University on Copyright & Fair Use:

<http://fairuse.stanford.edu/>

U.S. Copyright Office – Copyright Law:

<http://www.copyright.gov/title17/>

United States Copyright Law: A Guide for Music Educators

<http://www.menc.org/resources/view/united-states-copyright-law-a-guide-for-music-educators>

"Only one thing is impossible for God: to find any sense in any copyright law on the planet . . . Whenever a copyright law is to be made or altered, then the idiots assemble."

~Mark Twain

Useful Related Print Publications:

***The Teacher's Guide to Music, Media, and Copyright Law**

James Frankel, Hal Leonard Books, New York. 2008

Copyright's Highway: From Gutenberg to the Celestial Jukebox

Paul Goldstein, Standard University Press, Stanford , CA. 2003

Copyright: Examples & Explanations

Stephen M. McJohn, Aspen Publishers, New York. 2005

Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions

Kenneth D. Crews, American Library Association, Chicago, IL. 2006

Digital Copyright

Jessica Littman, Prometheus Books, Amherst, NY. 2001

Fair Use, Free Use, and Use by Permissions: How to Handle Copyrights in All Media

Lee Wilson, Allworth Press, New York. 2005

Steal the Music: How Intellectual Property Law Affects Musical Creativity

Joanna Demers, University of Georgia Press, Athens, GA. 2006

The Future of Music: Manifesto for the Digital Music Revolution

David Kusek and Gerd Leonhard, Berkeley Press, Boston, MA. 2005

The Public Domain: How to Find and Use Public Domain Writings, Music, Art and More

Stephen Fishman, Nolo Publication, Berkley, CA. 200

"To promote public education and creative exchange, [copyright law] invites audiences and subsequent authors to use existing works in every conceivable manner that falls outside the province of the copyright owner's exclusive rights. Copyright law's perennial dilemma is to determine where exclusive rights should end and unrestrained public access should begin."

*Neil Weinstock Netanel
"Copyright and a Democratic Civil Society"
Yale Law Journal, 1996*

Permission to Arrange or Adapt Resources:

Alfred Music Publishing/Licensing Requests:

<http://www.alfred.com/Licensing.aspx>

American Society of Composers, Authors, and Publishers (ASCAP):

<http://www.ascap.com/>

Broadcast Music Inc. (BMI):

<http://bmi.com>

Hal Leonard/Licensing Requests:

<http://www.halleonard.com/permissions/index.jsp>

***Music for All**

<http://www.musicforall.org/>

***Music Publisher's Association (MPA)**

<http://mpa.org>

Society of European Stage Authors & Composers (SESAC)

<http://sesac.com>

EXAMPLE OF LICENSE REQUEST OPTIONS FROM ALFRED PUBLISHING:

○ **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.

Requests for Obtaining Mechanical Licensing Resources:

American Society of Composers, Authors, and Publishers (ASCAP):

<http://www.ascap.com/>

Broadcast Music Inc. (BMI):

<http://bmi.com>

Harry Fox Agency:

<http://harryfox.com>

*Music Publisher's Association (MPA)

<http://mpa.org>

Society of European Stage Authors & Composers (SESAC)

<http://sesac.com>

Harry Fox Agency's Mechanical Rights (Songfile) Options:

Songfile®

1. TYPE OF LICENSE?

- PHYSICAL PRODUCT (CD, Cassette, or Vinyl LP)**
- PDD (Permanent Digital Download)**
- RINGTONE**

If you would like to license another configuration, please contact HFA Publisher Services at 212-834-0100 or publisherservices@harryfox.com.

Note: Licenses obtained through Songfile are limited to the making and distribution within the United States of phonorecords of musical compositions, as defined by Section 115 of the U.S. Copyright Act, in the configurations indicated above. You cannot obtain a karaoke, CD+G, or DVD Audio license through Songfile. A Ringback substitutes for the sound a caller normally hears to indicate that the dialed number is available (i.e., not busy) and may be a short clip of tones or an excerpt of a master sound recording. Ringback licenses may not be obtained through Songfile® under any of the available configurations including but not limited to PDD's and Ringtones. Also, if you are using a sample of another song or sound recording in your recording, you cannot obtain a license through Songfile. For more information on what can be licensed through Songfile, click [here](#).

Fair Use Guidelines – The FOUR Fair Use Factors:

- 1. What is the character of the use?**
- 2. What is the nature of the work to be used?**
- 3. How much of the work will be used?**
- 4. What effect does the use have on the market with regard to the author's ability to claim remunerations or further market penetration?**

Factor One: What is the character of the use?

Could be considered fair-use application: Nonprofit, Educational, Personal
Criticism, Commentary, News, Parody

Not likely considered fair use: Commercial Applications

Factor Two: What is the nature of the work to be used?

Could be considered fair-use application: Fact

Not likely considered fair use: Imaginative or Mixture of Fact and Imag.

Factor Three: How much of the work will be used?

Could be considered fair-use application: Small Amount

Not likely considered fair use: More than a Small Amount

Factor Four: What effect does your use have on the market with regard to the author's ability to claim remunerations or further market penetration?

Could be considered fair-use application: Top 3 factors are Favoring Fair-Use, No/Low
Impact

Not likely considered fair use: Competes With, Avoids Paying, Takes Away From
Market Share

NOTES:
