



# Copyright for Musicians & Online Teaching



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**Disclaimers:** I'm not an attorney. This is not legal advice. Consult an attorney for specific scenarios.

# Overview

- Background on Copyright
- Fair Use
- Copyright FAQ (polls, anonymous)
- Tips for Teaching Online

How confident do you feel in  
your copyright knowledge  
and its relation to your work?

# INTELLECTUAL PROPERTY

3 Protections for IP



## Copyright

Original works of  
authorship

## Trademark

Words, phrases,  
logos

## Patent

Inventions, things

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# Copyright

Original works of authorship

- Books
- Musical compositions
- Sound recordings
- Movies
- Computer software
- Architecture
- Photographs
- Paintings
- Websites.....



# So Then, What is Copyright?

A set of exclusive rights granted to authors, which protect their original works of authorship.

- Exclusive right to reproduce, distribute, display the work
- Exclusive right to prepare derivative works
- Exclusive right to make recordings of the work and perform the work in public



# Why was Copyright Created?

*Article I, Section 8, Clause 8, of the United States Constitution grants Congress the power "To promote the progress of science and useful arts, by securing for **limited times** to authors and inventors the **exclusive right** to their respective writings and discoveries."*

Copyright Act, 1790

**FOR THE BENEFIT OF THE PUBLIC**







# Copyright: What Can Be Copyrighted?

- **Ideas = NOT copyrightable**
- **Expressions of those ideas= copyrightable\***
- You can't copyright minimalism
- But you CAN copyright your minimalist piece "Cycle in Cycles"
- Fixed in tangible form

*\* p. 89. David Baskerville. Music Business Handbook and Career Guide. 7<sup>th</sup> Edition.*



Musical  
Composition



Sound  
Recording

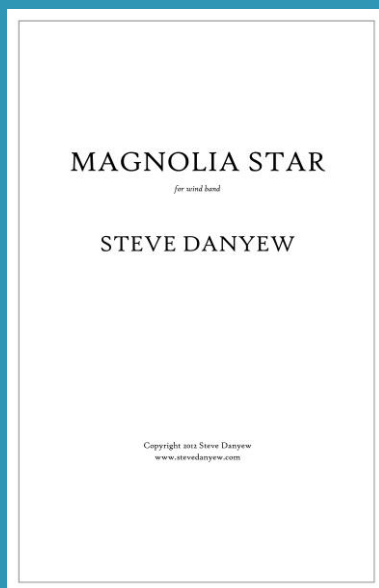




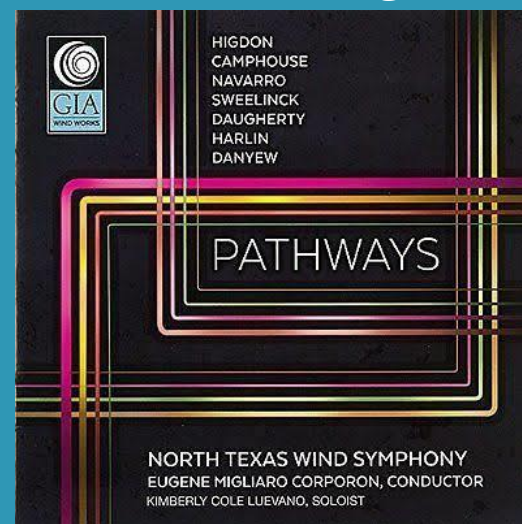
# Copyright for Musicians

A musical composition and a sound recording have separate copyrights.

## *Musical composition*



## *Sound recording*



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# Copyright for Musicians

Want to use the musical composition? Want to use the sound recording?

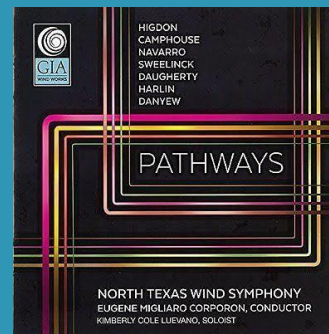
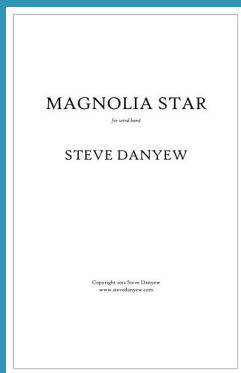
permission

permission

permission

***Musical composition***

***Sound recording***



# What Parts of Music are Copyrightable?

**Complete Works:** songs, compositions

**Melody:** possibly, if substantially unique and original

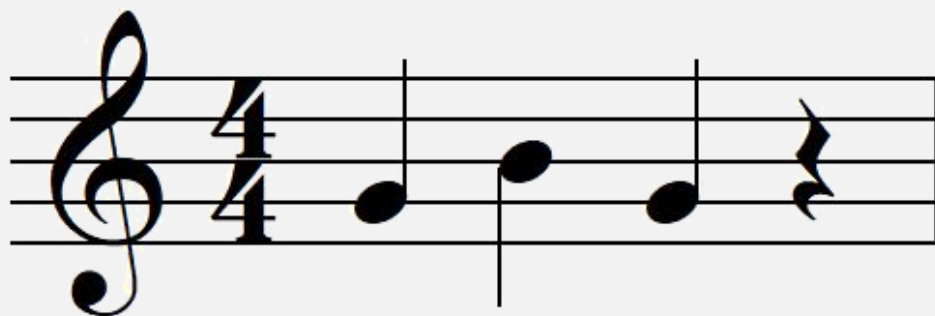
**"Beats":** possibly, if substantially unique and original

**Harmony:** possibly, but typically not. But, it contributes to overall copyrightability of the work.



Copyright  
Gray  
Area

# Copyrightable?



# What is the Length of Copyright?

- Currently, life of the author plus 70 years
- Allows author's family to benefit from copyright





# Not Protected by Copyright

## → **Public Domain**

- Can be used freely by anyone
- How does a work enter public domain?
  - Copyright expires
  - Older works not renewed
  - Pre-1925

# What is Copyright Infringement?

- Anyone who violates any of the exclusive rights of the copyright owner
- Infringement can have serious legal ramifications



# When Do You Need Permission to Use a Copyrighted Work?

- When in doubt, **SEEK PERMISSION**
- Perform: performance license
- Arrange: permission to arrange
- Record: mechanical license
- Use poetry in work: permission
- Display images: permission



If you want to use copyrighted material, you need permission from the copyright holder!  
*(Might be the author, might be a publisher, or someone else)*

# Exclusive Rights

1. To **reproduce** the work in copies or phonorecords
2. To prepare **derivative works** based upon the copyrighted work
3. To **distribute** copies or phonorecords of the work to public by sale or other transfer
4. To **perform** the work publicly
5. To **display** the work publicly
6. For sound recordings – to **perform** the work publicly by means of a digital audio transmission

# Fair Use

- Certain uses without permission  
MIGHT be ok, not infringement

Credit ~~=~~ fair use

Educational ~~=~~  
fair use

# Fair Use

## Section 107:

Notwithstanding the provision of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as **criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research**, is not an infringement of copyright.



# Fair Use

## Section 107:

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include: **(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;** (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work.

# Copyright in Education - FAQs



Copyright has some  
gray areas...

# Copyright in Education - FAQs

Can you photocopy an entire textbook (or entire piece of music) to distribute to students and use in classroom teaching?

# Copyright in Education - FAQs

Can you photocopy a small excerpt from a textbook (or piece of music) to distribute to students and use in classroom teaching?

# Copyright in Education - FAQs

Can you rearrange a piece of music you are performing, adding voice parts to an instrumental work and changing the ending?

# Copyright in Education - FAQs

Can you slightly modify the trumpet 1 part because it is too high?

# Copyright in Education - FAQs

Can you use copyrighted music in your marching band show without permission?

# Copyright in Education - FAQs

Can I record my concert  
(which includes copyrighted  
music) and post it to  
YouTube?



# Copyright in Education - FAQs

Does a copyright holder need to file for a copyright with the copyright office in order to receive protection?

# Copyright in Education - FAQs

When in doubt...

Seek Permission

# Copyright Resources

<https://nafme.org/my-classroom/copyright/>

<https://www.mpa.org/copyright-faq/>

Music Copyright Law

David Mosner and Cheryl Slay. 2012. Course Technology.

Copyright Term and the Public Domain in the US (Cornell University)

<https://copyright.cornell.edu/publicdomain>

Tresona vs. Burbank HS Summary Judgement

<https://cdn.ca9.uscourts.gov/datastore/opinions/2020/03/24/17-56006.pdf>

# Tips for Online Teaching

- Be highly organized online (modules, intros)
- But...also give students autonomy, choices, flexibility

The screenshot displays a course management system interface. On the left is a 'Table of Contents' sidebar with a list of items: Module Overview, Activity 2.1: Introduction, Activity 2.2: Key players in the business and copyright, Activity 2.3: Copyright transfer/assignment, Activity 2.4: Exclusive rights of the copyright holder, 2.5: Guest Speaker, Dan McIntosh, Activity 2.6: Readings, Activity 2.7: Optional Resources for Review, and Activity 2.8: Module 2 Quiz. The main content area is titled 'Module 2: Copyright Part 2 (January 27 - February 2)'. Below the title are navigation tabs: 'Build Content', 'Assessments', 'Tools', and 'Partner Content'. The 'Module Overview' section is active, featuring a document icon and a dropdown arrow. It contains an 'Overview' paragraph, 'Learning Objectives' (a list of three items), and 'Learning Activities' (a list of five items). At the bottom, there are three red links: 'Assignments:', 'Activity 2.6: Readings', 'Activity 2.7: Optional Resources for Review', and 'Activity 2.8: Copyright Quiz 2'.

Table of Contents

- Module Overview
- Activity 2.1: Introduction
- Activity 2.2: Key players in the business and copyright
- Activity 2.3: Copyright transfer/assignment
- Activity 2.4: Exclusive rights of the copyright holder
- 2.5: Guest Speaker, Dan McIntosh
- Activity 2.6: Readings
- Activity 2.7: Optional Resources for Review
- Activity 2.8: Module 2 Quiz

Module 2: Copyright Part 2 (January 27 - February 2)

Build Content ▾ Assessments ▾ Tools ▾ Partner Content ▾

**Module Overview**

Overview

In this module, we will discuss ownership of copyrights, transfer of copyrights, and the exclusive rights that their copyright.

Learning Objectives

At the end of this module, you will be able to:

1. Understand how copyright ownership works
2. Understand key issues related to transfer and assignment of copyrights
3. Identify and understand the six exclusive rights given to copyright holders

Learning Activities

1. Activity 2.1: Introduction
2. Activity 2.2: Instructor presentation: Key players in the business and copyright ownership
3. Activity 2.3: Instructor presentation: Copyright transfer/assignment
4. Activity 2.4: Instructor presentation: Exclusive rights of the copyright holder
5. Activity 2.5: Guest Speaker

Assignments:

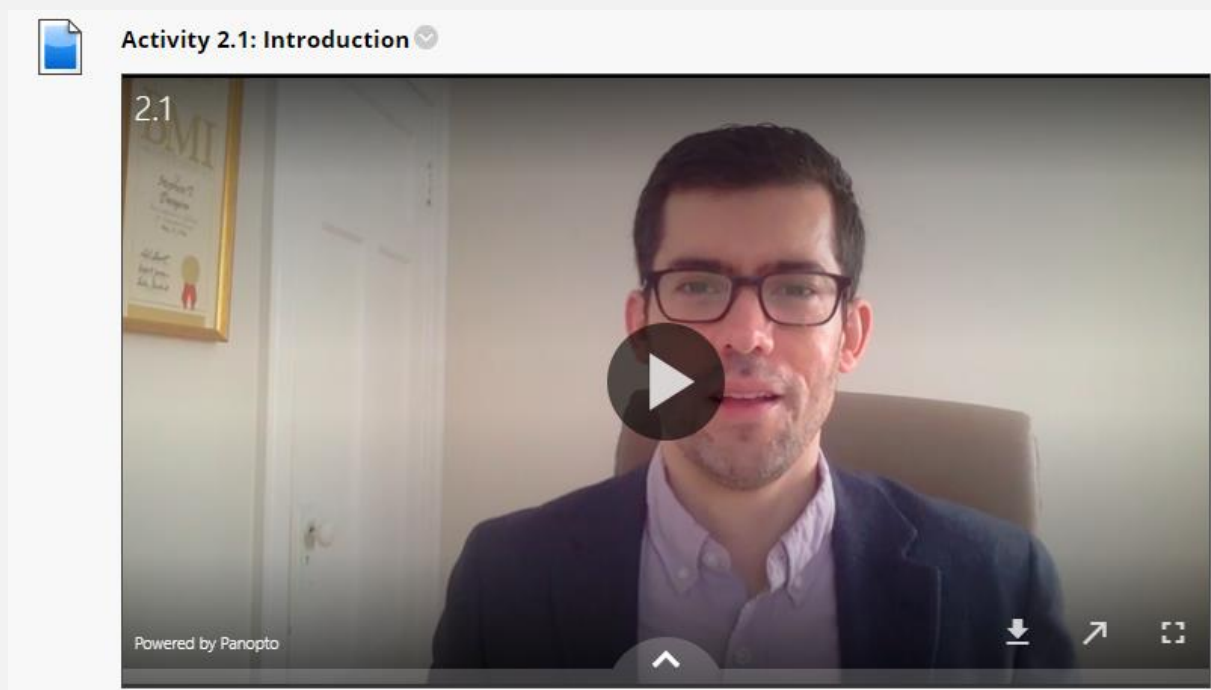
Activity 2.6: Readings

Activity 2.7: Optional Resources for Review

Activity 2.8: Copyright Quiz 2

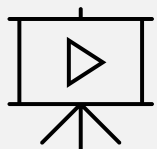
# Tips for Online Teaching

Keep Video Content SHORT: 5-15 minutes



# Tips for Online Teaching

Utilize different types of content



Video



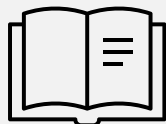
Research



Audio



Collaborate



Reading



Assessments

# Tips for Online Teaching

Seeing you is more engaging (Use Loom, PP, Panopto)

3.2

## Review

- Copyright Ownership
- Six exclusive rights

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EA SCH UNI

00:21 / 05:41

1x

# Tips for Online Teaching

## Camera Angle



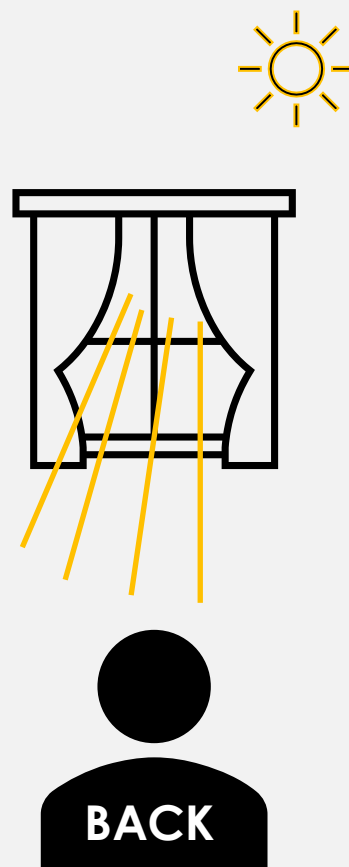
Not Ideal...



Better!



# Tips for Online Teaching



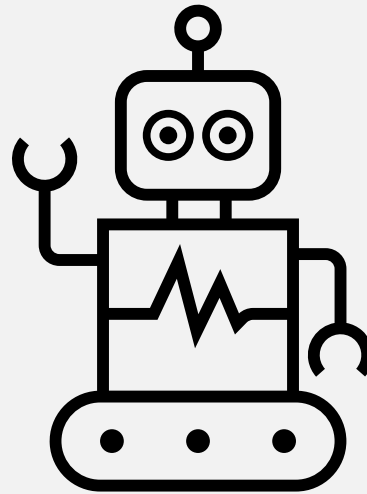
# Tips for Online Teaching



Blue Yeti

# Tips for Online Teaching

Give students grace with technology issues



# Resources

<https://iml.esm.rochester.edu/#onlineSupportFaculty>



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## Online Learning Support for Faculty

 [Presentations for Eastman Faculty](#)

 [Additional Online Learning Resources](#)

[Policy and Advice for Online](#)

### Presentations and Handouts from Online Learning Support Sessions for Eastman Faculty

In addition to the following, please visit the University's page, **Teaching During Times of Disruption**, which offers a wealth of quick how-to instruction for faculty and instructors using University supported tools such as **Blackboard**, **Box**, and **Zoom**.

ZOOM Classes – Holding live class sessions, lectures, and class discussions

[Video](#) | [Slides](#) | [Handout](#)

ZOOM Lessons – Teaching applied lessons

[Video](#) | [Slides](#)



BOX – Share and receive documents with students through BOX

[Video](#) | [Handout](#)



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# Programs

Eastman Career and Leadership Certificate: Online

<https://iml.esm.rochester.edu/eclc/>

Master of Arts in Music Leadership

<https://iml.esm.rochester.edu/master-of-arts-in-music-leadership/>

# Thank you!

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