

Copyright Considerations for Virtual Ensembles

- Music is protected by several forms of copyright.
- Permission needs to be sought prior to starting the project - it can take time to secure these rights, so start early.
- Print Rights and Synchronization Rights are the most common needed for these virtual ensemble projects for bands.
- These rights are retained by the copyright holder, and there is no set fee structure.
- There are some exceptions to needing permission that are determined by the music.
- ASCAP and BMI agreements with YouTube and Facebook are for Livestreaming, which is different than these virtual ensembles.

What are Print & Synchronization Rights

Print Rights: Refers to the duplication of the score and parts. Without obtaining these rights one may not make photocopies or scans of music nor distribute the music in print or digital form which includes posting a copy of the sheet music online for download.

If your musicians already have the sheet music in their possession or you would have a way to get them the original sheet music from your library, this is not necessary.

Synchronization Rights: Refers to synchronization of the musical composition in timed relation with audio-visual images.

General Process for Seeking Permissions

Identify Copyright holder

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graph TD; A[Identify Copyright holder] --> B[Ask for and obtain permission from the copyright holder]; B --> C[Follow through on requirements from the copyright holder];
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Ask for and obtain permission from the copyright holder

Follow through on requirements from the copyright holder

How to obtain Print & Synchronization Rights

Step 1: Find out who owns the copyright

- Look for the copyright notice on the music
- Check BMI Repertoire and ASCAP Clearance Express ("ACE") databases

mf cresc.
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The screenshot shows the BMI Songview interface. At the top, there are navigation tabs: ABOUT, CREATORS, MUSIC USERS, NEWS, VIDEO, and ADVOCACY. Below the navigation, it says "NOW VIEWING... Songview" and "175 results found". The main content area is for "WRITER / COMPOSER BOBROWITZ DAVID". It shows "175 Work Titles", "Current Affiliation: BMI", and "IPI #: 56211111". There are buttons for "Help", "Print All", and "Expand All". A note states: "All 100% BMI works are considered reconciled, though some will not show a green check mark at this time as we continue to process our full repertoire through the Songview platform." Below this, there are sections for "Writers / Composers", "Publishers", and "Performers". The "Publishers" section is circled in red and shows a table with columns for "PUBLISHERS", "CURRENT AFFILIATION", and "IPI #". The entry for "SOUTHERN MUSIC COMPANY" is highlighted, with "ASCAP" as the affiliation and "00029259861" as the IPI number.

The screenshot shows the ASCAP ACE database interface. At the top, there are three tabs: "SONGVIEW" (checked), "ace", and "ascap100%". Below the tabs, it says "Combined view of ASCAP and BMI works", "Works in the ASCAP Repertory", and "Works 100% controlled by ASCAP". The main content area is for "THE AMERICAN ROAD" with "ISWC: T9026818451" and "Work ID: 506403930". It shows "Total Current ASCAP Share: 100%" and "Total Current BMI Share: 0%". Below this, there are two tables: "Writers" and "Publishers". The "Writers" table has columns for "ASCAP controls", "BMI controls", "PRO", and "IPI". The entry for "BRUBAKER JERRY R" is shown with "ASCAP" as the affiliation and "474871712" as the IPI number. The "Publishers" table has columns for "ASCAP controls", "BMI controls", "PRO", and "IPI". The entry for "ALFRED PUBLISHING COMPANY INC" is shown with "ASCAP" as the affiliation and "40337613" as the IPI number. A "Contact Info" section is also visible, showing the phone number "(818)891-5999", email "permissions@alfred.com", and address "16320 ROSCOE BLVD SUITE 100 VAN NUYS, CA 91406".

Step 2: Seek Permission

- Determine how the copyright holder wants requests for permission by going to their website.
 - Look for links that say "**Permissions**" or "**Licensing**"
 - Instructions may direct you to form to fill out or and email address to contact.
 - Information to have ready:
 - title
 - composer/arranger
 - band name
 - project description
 - planned release format
 - proof of purchase.
- If unable to find a website, try the contact information from the ASCAP and BMI's databases.

Step 3: Follow the instructions/restrictions that came with the permission

- *If permission is not granted - pick a new piece*
- If permission is granted, make sure you follow all the requirements and restrictions which may include:
 - Putting a special copyright notice on the music files
 - Destroying all photocopies and digital files when the project is completed
 - The method for distributing the scanned music - might need to be emailed to each musician and not put online for download.
 - Specific Copyright notice/Permissions in the video
 - Post release information such as number of views

Exceptions to Needing to Seek Permission

Public Domain (PD) Music -

- Music with a copyright date prior to 1925

NOTE: An arrangement of public domain music that has been published more recently IS NOT public domain. [Ex. Brion & Schissel arrangement of *Manhattan Beach* (1996) is not PD; the John Phillip Sousa Manhattan Beach (1893) is public domain]

- *Common Sources:* "The Complete Marches of John Philip Sousa" from the Marine Band and BandMusicPDF.org

Creative Commons licenses - <https://creativecommons.org/>

- The composer may apply a Creative Commons license to their work granting certain permissions and requirements. Need to see review the details.

- *Common Source:* International Music Score Library Project (IMSLP) / Petrucci Music Library https://imslp.org/wiki/Main_Page



Other Possible Considerations

These rights may not be necessary to be acquired depending on your project.

Digital License - If you want to store these videos on your website (and not social media account) you will need to get a digital license from ASCAP and BMI directly.

Mechanical Rights and Master Rights

- **Mechanical Rights** - allows the recording of interactive (on-demand) audio only - Granted by copyright holder of the music being recorded.
- **Master Rights** -allows the use of a prerecorded track in a recording (audio or visual) - Granted by the producer of the specific recorded track. *If you are using an accompaniment track that was created by someone else and distributed through a publisher, this could be necessary.*

Copyright Quick Reference Cards

COPYRIGHT QUICK REFERENCE FOR SHEET MUSIC

SHEET MUSIC

Covered by Print Rights which refers to the duplication of the score and parts. These rights remain with the copyright holder, and are not transferred when one purchases sheet music.



PRINT RIGHTS

Says NO photocopying or scanning without permission. Seek permission from the copyright holder directly.

WHO OWNS THE COPYRIGHT?



- Check the music itself for a copyright notice.
- Check databases: ASCAP Clearance Express ("ACE"); BMI Repertoire; SESAC Repertory

ALWAYS ASK FIRST

HOW TO GET PERMISSION



- Go to the copyright holder's website to find out if they have a preferred method for requesting permission.
- Look for links for "Licensing" or "Permissions"
- You may need to submit a form, send a letter or email, or start with a phone call.
- There may be fees or other requirements. That is up to the copyright holder.

For more information on copyright and suggestions for how to obtain these rights visit <https://acbands.org/copyright>



COPYRIGHT QUICK REFERENCE FOR CONCERTS

LIVE CONCERT

Public Performance Rights required



VIRTUAL ENSEMBLE

Synchronization agreement from the copyright holder is required.



AUDIO RECORDING

Mechanical License required



LIVE STREAMING

Some streaming platforms are licensed to livestream, (e.g. YouTube, Facebook) without additional licensing. Video cannot be archived on the platform without other rights



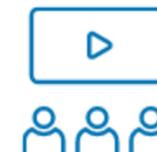
VIDEO OF A CONCERT

Synchronization agreement from the copyright holder is required.



VIDEO OF A LIVESTREAM

Synchronization agreement from the copyright holder may be required.



For more information on copyright and suggestions for how to obtain these rights visit <https://acbands.org/copyright>

