

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

Ask for and obtain permission from the copyright holder

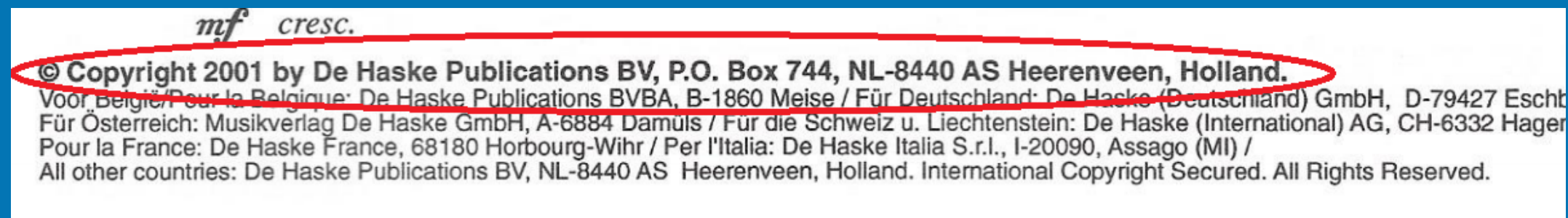
Follow through on requirements from the copyright holder



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



BMI ABOUT CREATORS MUSIC USERS NEWS VIDEO ADVOCACY

NOW VIEWING... **Songview** 175 results found

WRITER / COMPOSER

BOBROWITZ DAVID

175 Work Titles Current Affiliation: BMI IPI #: 56211111

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.

Help Print All Expand All

Title	BMI Work ID	SV Status	Writer / Composer	Performer	Expand
Writers / Composers					
% CONTROLLED BMI: 50% ASCAP: 0%					
WRITERS / COMPOSERS CURRENT AFFILIATION IPI #					
BOBROWITZ DAVID BMI 00056211111					
Publishers					
% CONTROLLED BMI: 0% ASCAP: 50%					
PUBLISHERS CURRENT AFFILIATION IPI #					
SOUTHERN MUSIC COMPANY ASCAP 00029259861					
Performers					
No Data Available					
Alternate Titles					
CHANUKAH FESTIVAL					

TOTAL % CONTROLLED BMI 50% WORK ID 7593033 ASCAP 50% 904871171

ISWC T0722431517

SONGVIEW ✓

Combined view of ASCAP and BMI works

ace Works in the ASCAP Repertory

ascap100% Works 100% controlled by ASCAP

THE AMERICAN ROAD

ISWC: T9026818451 Work ID: 506403930

Total Current ASCAP Share: 100%
Total Current BMI Share: 0%

Writers

ASCAP controls: 50% BMI controls: 0%	PRO	IPI
BRUBAKER JERRY R	ASCAP	474871712

Publishers

ASCAP controls: 50% BMI controls: 0%	PRO	IPI
ALFRED PUBLISHING COMPANY INC	ASCAP	40337613

Contact Info ^

(818)891-5999
permissions@alfred.com

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>



Available at <http://acbands.org/copyright>