

Providing Proof for Copyright Clearance for Competition

Get some information and examples of getting copyright clearance.

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Here's a second article concerning copyright laws that are extremely important for every quartet that plans to compete in 2006 and beyond. The Society's C&J Committee has endorsed a new procedure for providing proof for copyright compliance in our Society contests. The committee is in the process of modifying the CJ-20 form and the changes will soon be on line.

The responsibility to acquire and perform legal music belongs to every performer. The Society quartets and choruses have worked diligently to comply with the Federal Copyright laws in the past. To further assist our ensembles in understanding and complying with copyright laws, particularly in the contest venue, the following procedures will be adopted for entry into a contest at any level.

Points to Consider

This procedure seeks to ensure and provide documentation for the legality of the music performed in the contest.

Performers and arrangers are still responsible for ensuring the legality of music in all other public performances, such as shows and singouts.

An arranger can NOT distribute copies of an arrangement prior to receiving permission to arrange. As has been proven in the past, the answer for permission to arrange from the publisher may be "no."

Parodies and/or satires using copyrighted materials create some unique circumstances regarding copyright infringement. We are seeking legal counsel regarding their use and will provide information as soon as possible. Parodies or satires of public domain songs are legal (1922 or earlier).

Securing permission takes time. Performers and arrangers should plan ahead and be prepared to use another song if permission is not received for the arrangement requested prior to a specific performance. The publisher is under no obligation to provide a speedy response to the request for permission to arrange. **Not receiving a response cannot be construed as permission granted to arrange the song. Also, remember, the response may be "no."**

Complying with the copyright laws is an obligation of all performers and something Society members should take seriously. **Our efforts to uphold these standards establish credibility with publishers, BMI, ASCAP, and minimize the potential risk of lawsuits for non-compliance.**

Procedure

Before entering a contest, (division, district, international preliminary, and international), a performing group, (quartet, chorus), must provide proof of copyright clearance to the DVP for C&J by completing the CJ-20 entry form. Examples of the two most likely situations are shown below:

1. Your quartet or chorus is singing a Society published or legal unpublished arrangement purchased from the Society. In order to enter the contest, on the entry form where it indicates song selections, list the name of the song, the lyricist, composer, date of copyright, copyright owner(s), arranger, date of arrangement and the stock number(s) for each song intended to be sung in the contest, i.e.,

Published:

Song: "Coney Island Baby/We All Fall Medley"
Words/music: Les Applegate, Joe Goodwin and George Meyer
Copyright date, 1999
Copyright owner, SPEBSQSA
Arranger: SPEBSQSA
Date of arrangement, 1999
Stock # 8601

Legal Unpublished:

Song: "For Sale, One Broken Heart"
Words/Music Val Hicks
Copyright date 1986
Copyright owner Val Hicks
Arranger: Val Hicks
Date of arrangement: 1986
Date of permission May 15, 1989
Stock # U14282

In both of these examples, the arrangements are distributed by the Society, so they are legally cleared.

2. Your quartet or chorus is singing a custom arrangement of a copyrighted song owned by a barbershopper, individual composer, or a publisher. In order to enter the contest, on the entry form where it indicates song selection, list the name of the song, the lyricist, composer, date of copyright, copyright owner(s), arranger, and date of arrangement for each song intended to be sung in the contest i.e.,

Song: "Heart Of My Heart (Story Of The Rose)"
Words/Music Alice, Bill Rashleigh/Andrew Mack, Bill Rashleigh
Copyright date: 1899
Copyright owner Bill Rashleigh
Arranger(s): Lyne/Spencer/Rashleigh
Date of arrangement 2002
Date of permission August 20, 2003

Song: If I Loved You
Words/Music Oscar Hammerstein II/Richard Rogers
Copyright date: 1945
Copyright owner: Williamson Music
Arranger: Jay Giallombardo
Date of arrangement 2004
Date of Permission June 15, 2004

In the first example of number two, the song is either an original composition or an arrangement of a song written prior to 1922 where the song is in public domain, but the arrangement is owned

by the copyright owner. In the second example, song is owned by a single publisher. Songs can be owned by more than one publisher, such as, "Good Luck Charm," © Gladys Music, Inc.; Rachel's Own Music, 1962, the song is controlled by two publishers, both would have to give permission to arrange and both control all rights to the song. The arranger usually contacts the Society headquarters for help in seeking permission from the publisher or contacts the publisher directly. Typically a publisher takes at least 30 to 60 days to answer a request for permission to arrange. Be sure you plan well enough ahead of the competition/performance to ensure the arranger receives permission to arrange the song and you have the documented proof of permission from the copyright owner.

IMPORTANT:

In all cases, the quartet or chorus must verify that they have proof of license to arrange/perform the song and that would be indicated by confirming the statement, "Copy is available upon request."

For medleys, use the separate Medley Page, noting each individual song or portion of song used.

The quartet or chorus may change the choice of song to be used in the contest, but then would be required to provide a hard copy of the song and/or permission to arrange/perform license to the Contest Administrator prior to the start of the competition.

Complying with the Federal copyright laws is everybody's responsibility. This procedure is designed to make compliance simple. Failure to comply with copyright laws may result in disqualification.

References to Assist You:

Althouse, Jay. *Copyright: The Complete Guide For Music Educators*. Van Nuys, CA: Alfred Publishing Co., Inc., 1997.

Kohn, Al, Kohn, Bob. *Kohn On Music Licensing*. New York, NY: Aspen Law & Business, 2002.

www.ascap.com – **American Society of Composers, Authors, and Publishers** Very good website for title searches to find who owns the rights to a particular song.

www.barbershop.org – **Copyright basics for Barbershoppers** Gain some basic knowledge about copyright, including some examples specific to Barbershoppers.

www.bmi.com – **BMI** represents more than 300,000 songwriters, composers and publishers. Their search engine will also assist you in securing the copyright owner of a song.

www.copyright.gov – **Copyright Office of the United States** provides information about copyright protection and the laws pertaining to the topic.

www.harryfox.com – **Harry Fox Agency** Excellent source for information related to royalties for recording CDs. It includes searchable databases of songs and publishers for confirming copyright owners.

www.pdinfo.com – **Public Domain Information** This website explains the conditions when a song would become public domain and lists about 3500 PD songs.