



UNDERSTANDING COPYRIGHT

National Federation of State
High School Associations



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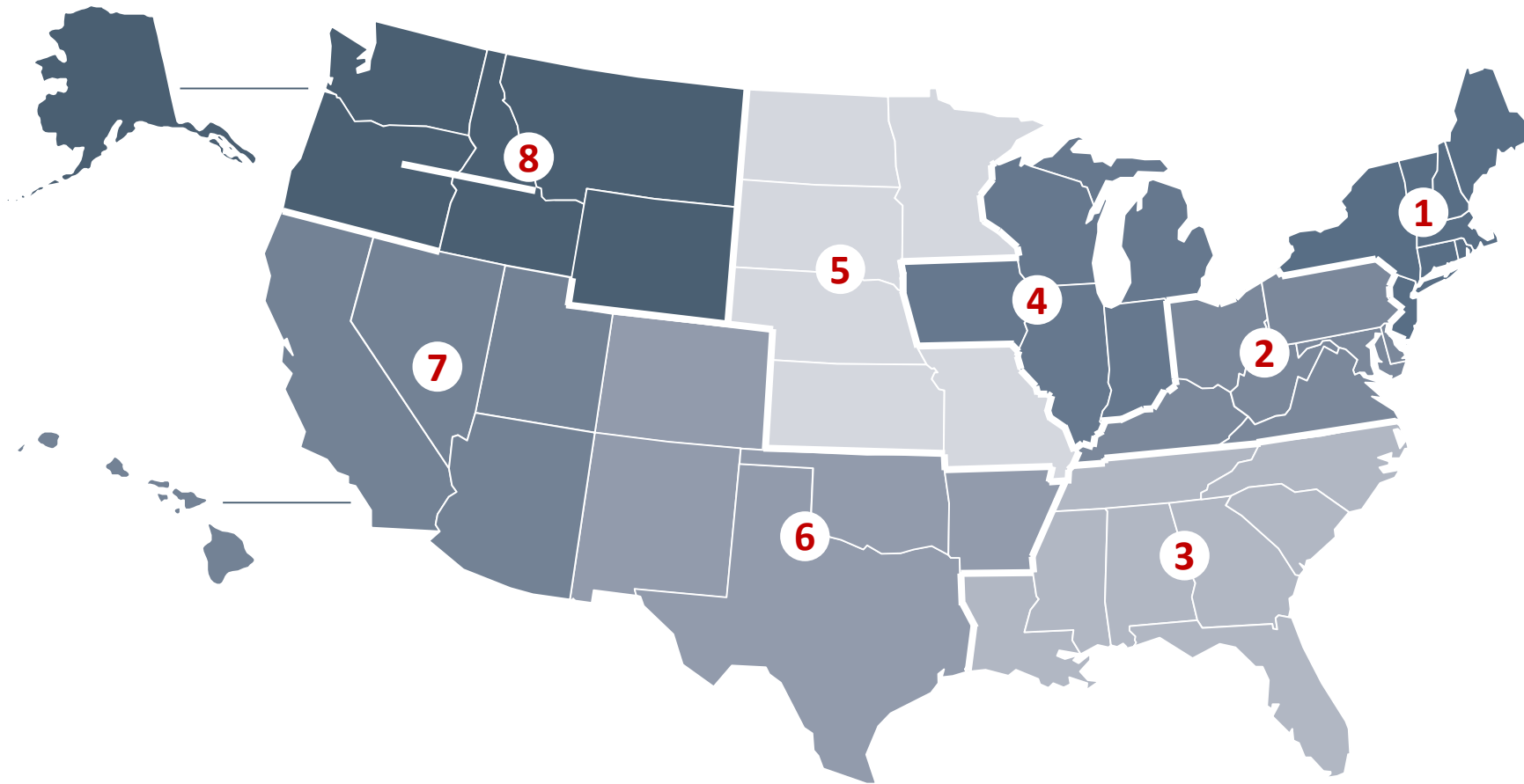
What the law says and how
we use it in education

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Director of Performing Arts

WHO IS THE NFHS



NFHS ACROSS THE NATION





LEGAL DISCLAIMER

This presentation is educational and is not intended to be legal advice. The information presented here is believed to be accurate at the time of publication. However, music copyright law is complex and it is recommended that you consult your legal counsel prior to taking action.





WHAT IS COPYRIGHT, WHY DOES IT MATTER

“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.”

CIRCULAR 92

Copyright Law of the United States
and Related Laws Contained in Title 17 of the United States Code

DECEMBER 2016



tru^{TV}



ADAM RUINS EVERYTHING





INTERCHANGEABLE TERMS

- Author
- Composer
- Photographer
- Inventor
- Publisher
- Producer

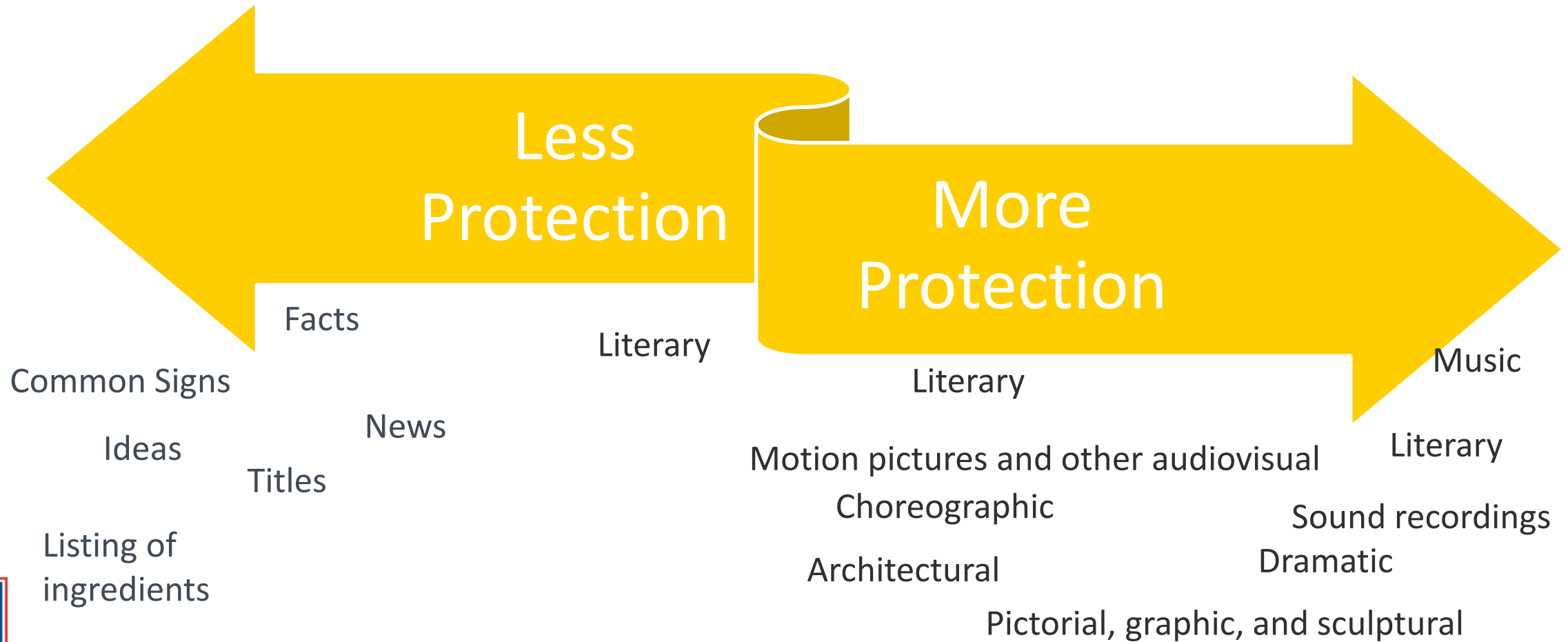


WHAT IS COPYRIGHT, WHY DOES IT MATTER

- Copyright laws protect creativity.
- The time and creative effort of the composer
- The investment of time and money by the publisher
- Your music retailer who supplies your musical needs
- Copyright owners' rights
- To make copies or recordings of a copyrighted work
- To prepare derivative works



COPYRIGHT CONTINUUM



HOW LONG DOES COPYRIGHT PROTECTION LAST

- 70 years after the author's death
- 95 years after the creation of an anonymous work
- Works created prior to 1923 are mostly in the public domain
- 1998 Copyright Act extended protection from 75 years to 95 years
 - Referred to as the “Mickey Mouse Act”
 - 1928 materials will be public domain beginning in 2024





COPYRIGHT INFRINGEMENT

- Using of a work protected by copyright law without permission, infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works.



HOW THINGS HAVE ALWAYS BEEN DONE

- Each school was typically told to make sure what they were doing was copyright compliant:
- Vicarious Liability: the host or sponsoring entity need to see the licensing/permission obtained, review it, and make sure of copyright compliance prior to allowing groups to perform.
 - Vicarious Liability is being used by several entities to enforce copyright compliance



ALWAYS GET PERMISSION

- Copyrighted work is protected by the person or organization that created the work
- You cannot use material without asking for the proper permissions
- Educational use is not an excuse to use copyrighted works without permission



Aerosmith,
Elton John,
R.E.M.,
Rolling Stones

Adele,
Luciano Pavarotti,
George Harrison



SCENARIOS

- **Question:** Does a work have to be registered in order to be copyright protected?
- **Question:** I have a visually impaired student that needs their scripts larger than the printed page. Can I make a copy that enlarges the size of the script from a legally purchased copy?
- **Question:** Can I sell or loan works from my library?
- **Question:** Can I make a recording of my students?





FAIR USE

- Purpose and character
- Nature of the work
- Amount of work being used
- Potential harm caused to the creator

When in doubt don't assume it's fair use





SCENARIOS

- **Question:** I plug my MP3 player into the PA system for speaker transitions which is completely ok because I bought each song from iTunes?
- **Question:** I purchased a recording that says it comes with performance rights, can I put this on my video and use it in my presentations?
- **Question:** I found a great photo and want to use it, I asked the photographer for permission, but didn't hear back.
- **Question:** I want to use an article for a publication, if it's factual it should be ready for publication, correct?





COPYRIGHT INFRINGEMENT PENALTIES

- Non-Willing
 - \$750 - \$30,000
- Willful
 - \$150,000
- Willful with Commercial Gain
 - \$250,000 up to 5 years in prison
- Statute of Limitations
 - 3 Years



HOW TO AVOID COPYRIGHT INFRINGEMENT

- Copyright laws are designed to protect the creator of original works, which are creative expressions from others using and profiting their work, without permission.
- Use Caution If It's Not Your Original Work.
- Don't Believe the Urban Legends.
- Look for Fair Use.
- Ask for permission



WHAT CAN WE DO?

- Educational Exemptions
 - Face-to-face instruction exemption
 - Emergency copying exemption
- Ask for permission!
- Music, Theatre, and Speech need Performing Rights on top of Royalty Rights



FIND A PUBLISHER



Search Results

Your search for **Walk** by any author returned the following results.
(Click any publisher name for more information.)

Total results: 41
Results 1 - 20



Search 21,798 plays
by title, author, or both

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Author:

Search the catalogues of
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Cakewalk	<input type="button" value="Buy Now"/>	Peter Feibleman	Dramatists Play Service
Dead Men Don't Walk		Clifford Wright	New Theatre Publications
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How Are Things With the Walking Wounded?		Tom Hendry	Playwrights Union of Canada
Julia Walks on Stilts		Alexis Kozak	Heuer Publishing
Long Walk to Forever		Based on the story by Kurt Vonnegut, Jr. Adapted by Bryan P. Harnetiaux.	Dramatic Publishing
Madam, Will You Walk?	<input type="button" value="Buy Now"/>	Sidney Howard	Dramatists Play Service





KNOW YOUR PUBLISHERS

- Required permissions
 - Publishers that require permission
- Limited Permissions
 - Broadway Play Publishing
 - 5 minutes or less no permission needed
 - Standard fees for full-length (\$50) and shortened plays (\$35)
- Green and Red Lists
 - Samuel French





RESOURCES

- NFHS Understanding Copyright and Compliance
 - Theatre and IE tracks coming in June 2019
- PRO negotiations
 - ASCAP
 - BMI
 - SESAC







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