

**Accessible Publication:  
Copyright and Integration of 21<sup>st</sup> Century Means of Publishing  
for Academic, Personal, and Professional Use of Printed  
Music:**

**Part I - Copyright Law  
Part II – Singers, Voice Teachers, Collaborative Pianists  
Part III - Publishers**

Individual interpretation of copyright law, with regard to the music we use as singers and teachers of singing, varies enormously from person to person, from genre to genre, and from entity to entity. Evidence of these variables can be seen on websites for music stores, major professional organizations that sponsor auditions for singers, performance organizations that hold vocal auditions, including state solo and ensemble competitions, national professional organizations, opera companies, colleges and universities, amateur and professional ensembles. A few hold to the very highest standard by allowing no copied music. Others use disclaimers, some ignore, and some are not familiar with copyright law. Therefore “allowable” use of copied music has many inconsistent applications across the spectrum of professional, educational, audition, rehearsal, and performance experiences. This paper of the American Academy of Teachers of Singing will consider the legal variables for publishers and those who use published music, the needs of singers, teachers, and collaborative artists, and hope for developments by publishers that will result in a future of

legal, accessible publication across genres of classical, jazz, pop, and music theater, and other music for singers.

## **Part I – Copyright Law**

*United States Constitution, Article 1, Section 8*

*“The Congress shall have 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 laws are found in Title 17 of the United States Code.

“Copyright law is defined in the U.S. Code, but is shaped and interpreted in the courts. Many of the law’s most important doctrines, notably those of first sale and fair use, trace their origins to judicial opinion.”

<http://copyright.musiclibraryassoc.org/Resources/Decisions>) - This site is maintained by the Legislation Committee of the Music Library Association (MLA) as a resource for anyone interested in issues of copyright as they apply to the fields of music and music librarianship.

Detailed reports about ongoing formal discussions held by the United States Copyright Office, and the United States Patent and Trademark Office, are proof that the concerns and confusion we see about the issue we are discussing in this paper are part of large and current national conversations. For instance, in June, 2015 there was a Report of the Register of the Copyrights about “Orphan Works and Mass Digitization.” This document is 140 pages plus 6 appendixes for a total of 234 pages. One of the appendixes is a list of many commenting parties and roundtable participants, which includes a combination of individuals, foundations, associations, unions, libraries, and federations. April 1, 2015 there was an online

meeting about “Facilitating the Development of the Online Licensing Environment for Copyrighted Works” through the United States Patent and Trademark Office.

The American Society of Composers, Authors, and Publishers (ASCAP) and other performing rights organizations are lobbying in support of the *Songwriter Equity Act* (H.R. 1283 and S. 662), which addresses two archaic portions of the US Copyright Act. To quote ASCAP President and Chairman Paul Williams: “The Songwriter Equity Act represents an important first step toward updating an outdated music licensing system that treats songwriters differently than other copyright owners, and prevents us from earning a fair market royalty rate when our music is streamed or downloaded online.” Sponsorship of the bill crosses party lines. It is clear from reading these reports that the wheels of change are necessarily slow. Many experts are working together at a national level to consider and fashion an outcome that supports the purpose of copyright laws and accommodates new technologies.

## **Part II – Singers, Voice Teachers, Collaborative Pianists**

Singers, voice teachers, collaborative pianists, and those who work with singers are each responsible for adhering to copyright law with regard to using legally acquired music at all times. This encompasses one-on-one lessons, rehearsal, study, classroom, auditions, competition, and performance, be it professional or nonprofessional. Musicians spend significant effort and money to accumulate printed and, more recently, downloadable music for personal and student use. The clarity of what are legal means of sharing music can conflict with quick and easy 21<sup>st</sup> Century electronic means of attaining and using music. Although University

and college libraries, the U.S. Government, trade and industry organizations, and other organizations have information on their websites about copyright law, Classroom Use Exemption," "teacher use," "fair use," "first use," Creative Commons Licensing, etc., most consumers have a limited understanding of legal usage of published music.

1. Copyright law is complex.
2. Some copyright laws are antiquated and unclear about immediacy of modern technologies.
3. Assumptions and guestimates regarding "fair usage" are made based on longstanding oral traditions, which seem reasonable, but are not necessarily legal.
4. The needs for quick, easily accessible music sharing is simple via copy machines and electronic downloads, but these means are not necessarily guaranteed to be legal.
5. Websites, available globally, that provide downloadable free music require the user to click a disclaimer before they are taken to the music they are looking for. Since copyright laws vary from country to country, the music may or may not be deemed legal depending on where it is acquired.
6. People are not familiar with copyright law, and choose to ignore it.
7. Policies vary greatly with regard to the use of copied music among constituents who hold competitions and auditions. One website for an organization says that the use of copies is permissible for their auditions. Another organization's website displaces full responsibility to the individual to be responsible, or not, for legal usage. Moreover, when organizations truly align their policies to work within the letter of the law for competitions and auditions, they are criticized for adhering to those policies.

8. Rarely are people held accountable for not using legally purchased music.
9. Common, intuitive practices such as PDFs of repertoire on iPads, and the practice of creating multiple binders comprised of copied sheet music for singers and pianists, have emerged to facilitate easier performance and address musical and collaborative needs. These practices may not fall within the “letter of the law.”
10. Performance usage of copied music is highly variable by occasion and musical genre, and assumed acceptable by performers, even at the very highest levels of public professional use. This inadvertently signals others to assume that it is okay to use copied music.

### **Part III – Publishers**

The American Academy of Teachers of Singing recognizes, appreciates, and supports the ongoing work that continues to make music, new and old, available to everyone who uses music. By purchasing music we support composers of the past, present, and future as well as those who put that music into print for the general public. In the past we built our personal and professional music libraries with hard copies of music as the basis for all the music in our lives. We value the vast resources of those music editions and collections that lead us to learn yet more music. We appreciate those who have made legal copies of music available on-line for free or for a fee. The implementation of licensing for digitized music makes it possible for more and more music to be available for public use legally and immediately.

We hope that publishers will continue with advancing technology to make further strides toward accessibility that accommodates typical hard copy and developing electronic usage for musicians. This will ultimately be profitable for publishers and a welcome accommodation legally and logistically for their customers. The publishing industry is at a technological and legal crossroads. Indeed, they could make the shift today to publishing exclusively in a Finale format that permits user defined transposition at will. In many ways current business models are becoming antiquated quickly due to the electronic capability we use daily with computers, phones, and pads. Like lamp makers at the dawn of the age of electric lighting, the labor-intensive work, financial investment of digitizing vocal repertoire, and work toward licensing agreements with churches, schools, other entities, and individuals, is a large undertaking for any publisher.

Over the last decades, with the advent of the copy machine, there were reports about universities and even an archdiocese that were cited for indiscretions in the use of copied music. In some cases it was the government who exposed copyright law abuse. In another it was a music publisher who exposed illegal use of copied music. Now, in the digital age, it is easy for the general public to download, sync, and share books, movies, and audio recordings across electronic devices. With it comes new complexities, needs, and application of copyright laws.

Many in the music publishing business are looking at the logistics of such quick, legal, and flexible, means of selling their music. Music publishers are incrementally testing their market along with the investment needed to offer digital versions of their vast collections of music. Numerous music publishers

offer some digital editions of music on iBooks or via the readable Kindle app. Many schools have licensing agreements with CD Sheet Music so students and faculty can download music online. Breitkopf and Haertel Publishing is conducting a “Survey on the future of digital sheet music – Does the digital future change the music world?” The future product groups they ask about include the importance of print editions, digital editions for printing out, and digital formats for tablets. G. Henle Publishing recently announced the global launch of their Henle Library app for fully customizable digital urtext-edition sheet music available for Apple I-pads as of February, 2016 and Android as of June, 2016. Although most of the music currently available is for strings and piano, the features are impressive and point to potential for convenient accessible publication of vocal music.

AATS encourages publishers to work toward 21st Century technological initiatives and licensing that further a culture of acquiring music by legal means, within the copyright law, and facilitate pedagogical, ethical, collaborative, and easily accessible use of printed and electronically provided music. Publishers play the most cutting-edge role in expediting music for educational, rehearsal, study, audition, and performance use via hard-copy and electronic forms. They can thoroughly accommodate typical usage needs for singers, collaborative pianists, adjudicators, and teachers such as providing:

- Multiple copies needed for lessons involving the teacher, student, and collaborative pianist.

- The ability for singers and collaborative pianists to make binders or electronic files of only the music they need for rehearsal, lesson, audition, or performance.
- Immediate access to downloads purchased or free
- Multiple keys for repertoire.
- Customizable score layout including size/font of words and music, background color, space between staves, and flexible options for page turns.
- Developing licensing for electronic access to music for educational, institutional, organizational, and individual usage.
- The ability to download individual pieces from larger works and editions.
- Downloadable music that can be synced between electronic devices.
- Shareable and changeable comments and markings for breath, pronunciation, ornaments, staging, IPA, translation.

### **AATS Recommendation**

The American Academy of Teachers of Singing recommends that efforts continue to aggressively support the music publishing business, so vitally important to all of us, through legal purchase and usage of music. We look to publishers to increasingly facilitate legal means for acquiring music for typical and developing electronic usage of music. We encourage professional and nonprofessional entities to make a concerted effort to understand the limits within copyright law and espouse “best legal practice” as they apply to the usage of music across

genres and degrees of expertise. Numerous organizations need to reassess their published requirements regarding the use of copied music. Organizations should not overlook wrongful usage of copied music. The law should be applied with equity across all genres, entities, and individuals. We hope that the complicated conversations about copyright at the national government level continue and result in reasonable, practical usage in addition to fairness to composers and publishers. We encourage advocacy for all positive developments toward legal and easily acquired sheet music for the purposes of education, rehearsal, audition, enjoyment, and performance.