

Playing the Game by the Rules: What can we do with our music and learning tracks?

I have enjoyed researching what we legally can and can not do with the lovely barbershop arrangements that we have. I do believe that most choruses and quartets are now making sure that their contest music is legal... and hopefully, most are also making sure that they have legal music for the rest of their regular repertoire... but what about those old songs - like the two Valentine songs you pull out year after year, or Happy Birthday, or your Christmas music? Is your chorus and/or quartet legal on ALL of their music?? Hopefully, this article will clarify what is and isn't legal regarding printed music, online music, learning tracks, and posting learning tracks ONLINE.

We should not be trying to get around the rules; instead, we should be supportive of the rights and privileges of the song writers and publishers. This is our hobby, it is their business.

Resources: Contacted Carol Schwartz (Sweet Adelines International), Joe Liles (Barbershop Harmony Society), Kim Kraut (SAI), Holly Beck (AIC Liaison), Debbie Curtis (Region 11), Dave Briner (Masters of Harmony), and Harry Buerer (Bridge Town Sound).

Individual Copies of Music Received at Various Schools and Workshops

Music (paper) that YOU get at a regional school or workshop should look legal. You obviously don't have an invoice for the music ... So somewhere on your copy, write "Received ___put the date___, WHERE, and WHAT FOR." It is a legal copy for YOU, and you ONLY, and you want/need to remember where it came from. It is not legal to make copies of this music for your friends, quartet, or chorus.

Learning CDs or tapes that you receive at (or in conjunction with) schools and workshops are also legally ONLY yours. Again, write on the CD or tape the "when, where, and what for" information. It is not legal to make copies of the CD or tape for your friends, quartet, or chorus.

Barbershop Arrangements Purchased from Sweet Adelines International, the Barbershop Harmony Society, or Directly from an Arranger

Please be aware that there really is no such thing as FREE music from Sweet Adelines. In an email received from SAI, "the only music (arrangement) we have at no charge is *Members Count*. Each song is \$.80 for every copy that is made.

NOTE: This means that *Harmonize the World* and *How We Sang Today* are NOT FREE.

On the other hand, the Barbershop Harmony Society does own the rights on many public domain¹ songs arranged for men (and some which are arranged for women and/or mixed voices). Some of these songs are FREE. Go to the Barbershop Harmony Society website for information about such songs: www.barbershop.org

¹ From Joe Liles (BHS): Arrangers and performers are always seeking new material to arrange or an old song for which to do an updated arrangement. If a song was written before 1923 it has outlived its protective time period and has fallen into public domain, becoming property of the public at large. An arranger can, without anyone's permission, create an arrangement of this public domain song and actually copyright his/her arrangement of the song.

Songs written in 1923 won't become public domain until 2019. Therefore any song written in 1923, or since, is very likely to be copyright protected and, get this, any arrangement created of that song becomes property of the copyright holder of that song!

Occasionally we run across a song that's public domain in the USA and still protected in Canada. We have to go ahead and clear it like any other song if there's a chance it will be sung in Canada or by Canadians.

Thus for most SAI arrangements, choruses, quartets, and individuals must buy legal copies of the music/arrangements. Sometimes this means paying the "arranger's fee" PLUS a "per copy fee." Choruses and quartets should keep records (even simple lists) about when they purchased the arrangement, who they purchased it from, how many legal copies they paid for, and then over time how they used the music. When an arrangement is ordered/purchased there should be some sort of "proof of purchase" document or invoice that comes with it, or an email notification. This "proof of purchase" should be filed with one of the clean copies that were paid for.

For choruses and quartets, I suggest that they maintain a "Legal Music Binder" for keeping legal information about each song (along with an original of the music). We need to track when the music/arrangement was purchased, how many copies were paid for, names of members that have a "working copy" in their possession, how many copies are available for guests (still has to fit within the per copy count that the group paid for), and then record who returns the music, when, etc ... So that the chorus can legally reuse the music even years later.

When individuals purchase their own single copy of an arrangement, it would be smart to write on the music when they bought the music and where they bought it from.

Making ONE Working Copy for Chorus or Quartet Members

I write all over my music as I'm learning a song. My music becomes totally unusable for the future. I asked Carol Schwartz, SAI, what she recommends.

Carol Schwartz, and others, said that we can make one working "learning" copy for each singer, based on the number of copies the chorus or quartet originally paid for. (You can't make copies of what you haven't paid for.)

I suggest making the Working copies on colored paper, and clearly mark it with a label or stamp that says "Property of NW Harmony, Working Copy for _____NAME_____, and maybe a date." Then store the clean, original copies away for safe keeping in a music box of some sort. When the chorus or quartet is finished with this song, all working copies should be returned and destroyed.

Posting Music ONLINE for Membership to view or print

Choruses and quartets can post music on their website for their members to access for a "working" copy. However, the chorus must do everything possible to protect the music. The music must be posted in a MEMBERS ONLY section of the website with password protection. Records must be kept to insure that the number of downloads is less than or equal to the number of original copies that were paid for by the chorus or quartet.

Any Exceptions to Being Legal?

There are no exceptions. Regional Songs, International Songs, and Christmas Songs - all music falls under these legal uses!!! Basically, it works out to be: You don't own it, if you didn't pay for it.

Learning Tracks (CDs or tapes)

It is popular now to provide our members with learning tracks for new music.

Buying a single learning CD or tape is one thing -- and we could use that one CD for the whole chorus or quartet to learn a song (awkward - but could be done). Again, you bought one, so you have one to use as you need to.

If a chorus or quartet wants to duplicate additional cds or tapes of a song, then they need to be totally legal and pay for those recordings (even if you'd call them un-useable recordings - you are copying someone's published music).

We need to keep appropriate records also for learning tracks that we order or MAKE ourselves ... We have to know who has them, how many, etc. It is also a good idea, if you plan to duplicate learning tracks to ask the maker of the learning tracks for written permission to make copies of the tracks for use by the chorus or quartet - but this does not give you permission to duplicate the published song yet.

To be legal, the publishers want what is called a "Mechanical License" fee paid for making audio copies of published music. [Medleys require that you pay the "Mechanical License" fee for each song in the medley.] The Harry Fox Agency represents most publishers, and for these publishers the minimum number of copies is 500. The minimum Mechanical Licensing fee is then \$45.50 (9.1 cents per recording x 500). Once this fee is paid, then the chorus or quartet could make up to 500 duplications of the song where each track (tenor, lead, bari, bass, 4-part, etc) counts as 1 of the 500 possible copies. If your chorus needs over 500 copies, there would be an additional mechanical licensing fee to pay.

You can access the Harry Fox Agency online at: www.harryfox.com Sweet Adelines International is the copyright holder of a few songs we sing, but not for most of them. For women's arrangements, go first to the Harry Fox Agency for the mechanical license.

Posting Learning Tracks on Your Websites

If you have paid the "Mechanical License" fee for duplicating a song ... then you can basically do whatever you want to. Like with the sheet music, choruses and quartets can post the learning tracks on their website for their members to access as a learning tool. However, the chorus must do everything possible to protect the music. The learning tracks must be posted in a MEMBERS ONLY section of the website with password protection. Records must be kept to count the number of downloads that occur in order to stay below the number of duplications that were licensed.

Summary: Chorus and quartets might want to consider these suggestions

- Develop an easy-to-follow record-keeping system for tracking their music and all legal documents related to each arrangement. If yours is in place and working - that is terrific!!
- For new arrangement purchases, purchase more than enough for current members and future guests. If you find that later you need more copies than what you paid for, contact where you purchased the music, and arrange to send additional money for the additional copies.
- Make "working copies" for each member, and store the clean originals in a safe place. When you are finished with the music, collect and destroy the "working copies."
- If you want to have copies of learning tracks available for your members, then at the time you order the learning tracks (CD or tape), go ahead and make arrangements with the Harry Fox Agency, BHS, or SAI, to pay for the necessary Mechanical Licenses. Then you can duplicate and/or post the tracks on a MEMBERS ONLY page on the website.
- If you bring an old song back into your repertoire, make sure that all paperwork is in order. If you have no paperwork, contact the arranger and see what they suggest you do.
- Keep all records up to date. It is crucial to stay ahead of a project that is this important.
- If you have a question, ask!

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