



Copyright Concerns in Distance Learning

This document is guidance for arts educators as they work to share music, art, books, and other art forms online during the Covid-19 distance learning period. Teachers should complete their own research on copyright and follow district guidance or policies, especially in a live or recorded video.

This document is for informational purposes only and not for the purpose of providing legal advice.

How do I research the copyright status of a particular composition, book, etc?

1. Look for a copyright notice on the sheet music, CD booklet, or children's book. The companies listed in the copyright notice can lead you to the rightsholder. If you find the name of a publisher, contact them. Even if the publisher is not the rights holder, the company may direct you to the rightsholder or another source (Phillips & Surmani, 2017).
2. Review the websites listed in the [resources](#) section of this document. Search online databases of allmusic.com, ASCAP, BMI, SESAC, copyright.gov, the Harry Fox Agency, and the Library of Congress (Phillips & Surmani, 2017).
3. Check the websites of print music publishers and music retailers to look for copyright notices. Some music publishers have lifted copyright during this time - check their sites for information (Phillips & Surmani, 2017).
4. Research the dates of the composer's life and the composition itself for additional information (Phillips & Surmani, 2017).
5. An extensive list of children's book publishers and the temporary suspension of copyright can be found [here](#).

This document is for informational purposes only and not for the purpose of providing legal advice.



**Be careful - folk songs may still be under copyright. “This Land is Your Land” and “I’m a Little Teapot” are both under copyright. Be sure you have permission to sing and share songs in your videos.

How do I find out if I need permission to play recorded music in my videos?

If a pre-existing sound recording is used in your video, the owner of the master recording (usually a record label), will need to issue a master use license to you. A sync license will also need to be secured from the copyright owner of the underlying composition on the recording (Phillips & Surmani, 2017).

For example, you find a jazzy version of Pachelbel’s Canon in D on iTunes. You would need permission from the record label to play the song in your video. If Pachelbel were living or still had an active copyright (copyrights extend 70 years after the death of the composer), you would also need permission from him or from his estate to use the composition.

There are free tracks out there for you to use in your videos. Search on iTunes or other platforms for copyright-free music.

What if I don’t get permission? How likely is it that I will get caught?

There is digital fingerprinting recognition software that searches the web for instances of copyright infringement (Phillips & Surmani, 2017). YouTube employs such software for music posted on the site. That’s why you will see videos in a different key from the original song, TV shows with dialogue that is faster or slower than usual, etc. Generally, YouTube removes videos that might include copyright infringement. Users have a 3 strike rule - if you post content 3 times that violates copyright, your account will be closed. You would need to open a new account to post on YouTube.

This document is for informational purposes only and not for the purpose of providing legal advice.

Last Updated 3.31.2020 2



**If you plan to use YouTube and are worried about your research regarding copyright, post videos privately and check the “unlisted” box. Send students a direct link to the video and ask them not to share it anywhere online.

***If you are using YouTube videos for learning, try to use videos where the provider is the same as the content creator (for example, a Quaver video that is posted by Quaver music). Send students the exact link for any videos, don't ask them to search.

Does distance learning fall under fair use?

Unfortunately, no one has an answer to this question quite yet. Normally, fair use applies to classroom learning when the following parameters are met:

1. The performance is presented by teachers or students; and
2. The performance occurs in the course of face-to-face teaching activities; and
3. The performance takes place in a classroom or similar place of instruction in a non-profit educational institution; and
4. The performance must be of a legally acquired copy of the work.

All four of the parameters must be met in order for fair use to apply (Phillips & Surmani, 2017). Since online learning is not face-to-face, it's doubtful that fair use would apply to new lessons that include singing/playing music, reading books, etc.

Fair use would apply to instrumental or vocal students playing/singing from music that was legally purchased with a copyright. However, online videos of those performances would need permission from the publisher - the copyright may not extend to online performances. Students could send videos of their playing/singing to teachers for evaluation through Google Classroom or other platforms. Teachers should discourage students from posting to YouTube or other social media platforms.



What about sheet music, song books, or instrument exploration? Can I make copies from books to send home?

If you have permission from the copyright holder to copy pages of a book, then you could send those in packets to students. Any online posts of PDFs should only be shared in google classroom or another limited space. Try to keep access to the pages as limited as possible so you do not violate the copyright.

If you do not have permission to copy pages, find the publisher and ask. Many publishers are allowing copies to be made during this time.

What if I need to teach words to a song in my video? Can I do that?

Yes, you can teach words to a song as you normally do in your classroom. Just check to make sure that you can perform the song. If you are not sure and can't find the copyright holder, post your videos to a limited environment (google classroom, etc.). Don't post videos to YouTube or social media if you are unsure about copyright permissions.

I got permission for my songs and books in the video. What else should I do?

Be sure to thank them in the video. Something like "We're learning this song with permission from John Feierabend. Thanks Dr. Feierabend!" Also, credit the composers/rights holders in your video description.

We normally have a talent show every spring. Could I do that virtually?

In some cases, there is a fair use exemption for music performed in school (music that was not purchased from a publisher). The exceptions include the following:

This document is for informational purposes only and not for the purpose of providing legal advice.

Last Updated 3.31.2020 4



1. Face-to-face instruction at a nonprofit institution by educators, including concerts at elementary and secondary schools.
2. Performance at an elementary or secondary school, including those in an auditorium, as long as there is no charge for the concert and performers are not paid.

It seems teachers may be able to have a virtual talent show under the second exemption, but as the show would have to be posted online somewhere, teachers should proceed with caution. Many of the exemptions for fair use end when a performance is put online. If posted online, videos should be within google classroom or another limited space. Do not post the virtual talent show to social media or YouTube.

Can we load educational videos to Google classroom without violating copyright?

You can link to YouTube videos from Google Classroom assignments easily. If you want to house the videos within Google Classroom, then download them from YouTube first. Using the videos within the limited educational setting of Google Classroom will not violate copyright.

Resources

[Copyright Resources](#) from the *Copyright Handbook for Music Educators and Directors* Phillips, P., & Surmani, A. (2017). *Copyright handbook for music educators and directors: a practical, easy-to-read guide*. Van Nuys, CA: Alfred Music. Adapted with permission.

Further Guidance:

[Copyright Handbook Online](#)

[Understanding Copyright Law \(NAfME\)](#)

[The U.S. Copyright Office](#)

[The Music Publishers Association](#)

This document is for informational purposes only and not for the purpose of providing legal advice.

Last Updated 3.31.2020 5



[The National Music Publishers' Association](#)

[The National Association for Music Education](#)

[The ASCAP Foundation](#)

[Broadcast Music, Inc.](#)

[Copyright Law: Dos and Don'ts for Music Educators](#)

Alfred Music Publishing ([email](#) to ask for copyright permission)

This document is for informational purposes only and not for the purpose of providing legal advice.

Last Updated 3.31.2020 6