

COPYRIGHT & COMPLIANCE

What our schools need to know!

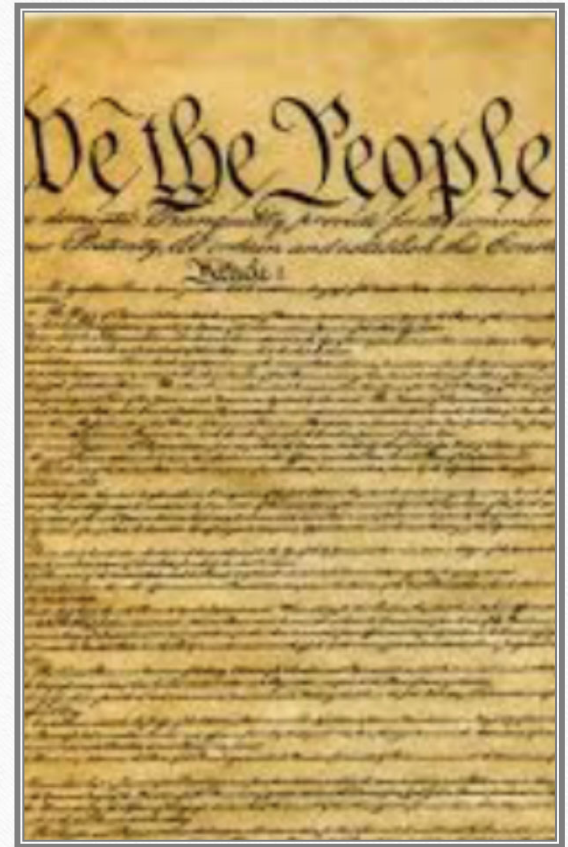
PRESENTERS

- **Mr. Don Hinton** Exec. Director Mississippi HS Activities Association
- **Mr. Alan Greiner** Exec. Director Iowa High School Music Association



U. S. CONSTITUTION ARTICLE I, SECTION VIII

**... SECURING FOR LIMITED
TIMES TO AUTHORS &
INVENTORS THE EXCLUSIVE
RIGHT TO THEIR RESPECTIVE
WRITINGS & DISCOVERIES**



Major Point of Emphasis

- Educators, coaches, and administrators cannot claim “no knowledge”. When in doubt about copyright consult legal counsel.

Basic Facts

- **COPYRIGHT PROTECTS CREATIVITY AND FINANCIALLY COMPENSATES.**
- **ON AVERAGE, RECORD LABELS AND MUSIC PUBLISHERS CONTROL MOST MUSIC RIGHTS.**
- **MONETARY FINES FOR COPYRIGHT CAN RANGE FROM \$750.00 TO \$150,000.00 PER INFRINGEMENT.**

Basic Facts

- Purchasing a song (EX. ITUNES) grants the user personal use of the music only. The user cannot alter the music or create additional copies.
- Music cannot be mixed or edited without a license from the copyright owner.
- Editing music requires written permission from recording companies and all publishers.

4 FACTORS OF “FAIR USE”

- PURPOSE (educational ETC.)
- KIND OF WORK (NOVEL, SONG ETC.)
- HOW MUCH IS BEING COPIED AND HOW IMPORTANT IS THE COPIED MATERIAL TO THE WORK?
- IS THE MONETARY VALUE OF THE WORK HURT BY THE UNAUTHORIZED USE?

EXPRESSLY PROHIBITED

- **COPYING TO AVOID PURCHASE**
- **COPYING WITHOUT INCLUDING A COPYRIGHT NOTICE**
- **REPRODUCING MATERIALS DESIGNED TO BE CONSUMABLE (WORKBOOK, PUBLICATIONS, ETC.)**
- **CHARGING STUDENTS BEYOND THE ACTUAL COST**

2001 *A&M Records et al v. Napster*

Decision—peer to peer file-sharing services were liable for copyright infringement of music traded; artist; companies etc., were not compensated for their music

2005 *BMG Music et al v. Cecilia Gonzalez*

Decision—college student who illegally downloaded 1,370 songs and held liable for \$22, 500.00; plaintiffs agreed to only seek damages for 30 songs for the minimum of \$750.00 per song instead of the maximum \$30,000.00 which would have cost Ms. Gonzalez \$41,100.00 in damages

2010 Warner Music Group et al v. Whiney Harper

Decision—former high school cheerleader from Texas was ordered to pay \$27,750.00 for illegally downloading music; the appellate court rejected Harper's defense that she didn't know anything about copyright law and that she thought peer to peer file sharing was similar to listening to music on the radio

2014 Sony Music Entertainment v. Extreme Traxx Productions et al

Decision—selling unauthorized versions, remixes, and mashups of songs to cheerleading squads across the country; Sony Music sought the maximum of \$150,000.00 per song and the case was settled out of court for an undisclosed amount

Protected trademarks need license agreement for authorized use (Oct. 2018)

Georgia Tech University



Local High School Mascot



May 2019

Jury decided the school district owes \$9.2 million in copyright infringement to DynaStudy. The school district had made copies of a biology review guide for students.

BIO DynaNotes™ Review Guide

Biology End-of-Course

Category 1 – Cell Structure and Function

CELLS
cell: smallest unit of living things
• simple cells are prokaryotic
• complex cells containing organelles with specific functions are eukaryotic

Characteristic	Prokaryotic	Eukaryotic
cell membrane	yes	yes
cytoplasm	yes	yes
ribosomes	smaller	larger
nucleus	no	yes
organelles	no	yes

Cell Part or Organelle

Cell Part or Organelle	Description
cell membrane	surrounds cell; controls what enters/leaves cell; recognizes other cells; maintains homeostasis
cytoplasm	suspends organelles in a eukaryotic cell; enclosed within the cell membrane
nucleus	controls the cell's activities; contains chromosomes made of DNA
mitochondria	breaks down food to release energy
endoplasmic reticulum	moves substances within the cell (pipe-like structures)
lysosome	makes proteins; round structures located on rough endoplasmic reticulum
golgi body/complex	changes and packages cell products
vacuole	contains enzymes (proteins that speed up digestion and chemical reactions)
cell wall	holds materials like water, large in a plant cell
chloroplast	captures light energy for photosynthesis

CELL CYCLE (CR)
cell cycle: sequence of phases consisting of cell growth and division; timing and rate of cell cycle are critical to an organism's normal growth and development; cell division frequency varies by cell type

Phases

Phase	Steps in Phase
interphase	G ₁ : intense growth and enzyme production S: DNA synthesis/replication G ₂ : growth and preparation for cell division
mitosis	prophase → metaphase → anaphase → telophase
cytokinesis	cytoplasm and organelles are divided

CELLULAR PROCESSES (CR)
homeostasis: regulation of conditions (like pH or temperature) within a cell which allows for stable, "normal" internal equilibrium (balance)
energy conversion: during photosynthesis, plant cells use energy from the sun to make a sugar called glucose; during aerobic cellular respiration, mitochondria release energy from molecules like glucose
molecule transport: molecules move in and out of cells across the cell membrane by various means; active transport (like transport proteins) requires energy, but passive transport (like diffusion) does not
synthesis of new molecules: cells can create new molecules from simpler molecules, like when proteins are made from amino acids

BIOMOLECULES (CR)
virus: tiny non-living structure
• no metabolism (depends on host cell)
• cause diseases like influenza or HIV
• cannot treat with antibiotics

Feature	Virus	Cell
structure	head has nucleic acids (DNA or RNA) surrounded by protein coat (capsid)	has nucleus, cell membrane, cytoplasm, and organelles
reproduction	attaches to host cell and releases its nucleic acids; host cell makes viruses and kills cell	divides into two similar cells after growth (mitosis) or into two different cells after growth (meiosis)

SPECIALIZED CELLS
DNA holds the genetic information that controls what a cell can do and what molecules it can make.
Example: White blood cells in animals are specialized to attack pathogens like viruses or bacteria.

Plant Part: Examples of Specialized Plant Cells and Functions

Plant Part	Examples of Specialized Plant Cells and Functions
leaf	cells containing chloroplasts for photosynthesis; guard cells control size of stomata (pores) allowing gas transfer
stem	xylem cells move water and minerals and phloem cells move nutrients like glucose throughout the plant using pipe-like structures; for some support for leaves, branches, and flowers
epidermis	cells on root hairs increase surface area to allow for the absorption of water and mineral nutrients

BIOMOLECULES (CR)

Biomolecule	Structure	Functions
carbohydrate (sugar, starch)	contains carbon, oxygen, and hydrogen atoms; ratio of hydrogen atoms to oxygen atoms is 2:1	source of energy (like glucose); structural molecule (like cellulose)
lipid (steroid, wax, oil, fatty acid)	contains carbon, oxygen, and hydrogen, and possibly other atoms; ratio of hydrogen atoms to oxygen atoms is high; insoluble in water	source of energy; cell membrane component; protective coating (like wax); chemical messenger (like cholesterol)
protein (enzyme, hormone)	contains carbon, nitrogen, oxygen, hydrogen, and possibly sulfur atoms; made of amino acids; large and complex	structural molecule (like keratin in nails); enzyme; hormone; transport molecule (like hemoglobin)
nucleic acid (DNA, RNA)	contains a carbohydrate (sugar) group, phosphate group, and nitrogen base; very large and complex	center of genetic information and instructions for protein synthesis

ORGANIC MOLECULE ORGANIZATION
organic molecule: molecule that is found in living systems; contains carbon atoms, usually in rings or long chains
homomeric and oligomeric: small organic molecules (monomers) can link together to form larger and more complex molecules (polymers)
Example: DNA is a polynucleotide.

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CR

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BASEBALL

COPYRIGHT INFRINGEMENT

\$1000.00 PER PAGE X 7 PAGES

SCHOOL HELD COACH RESPONSIBLE FOR PAYMENT

NFHS course “Understanding Copyright and Compliance”

Available free of charge ... REQUIRED

Included in the courses offered at www.nfhslearn.com

Spirit coaches, music teachers, band instructors and *coaches* are the obvious areas to scrutinize to insure copyright compliance

Additional areas of concern that administrators may overlook are speech and drama

SPEECH & DEBATE

NFHS has compiled 10 units to help coaches navigate copyright

Some topics included: “Festivals and Contest” and “Performances and Exemptions”

By having our coaches complete these courses as administrators we are doing due diligence to keep employees within compliance and protect our schools from litigation

THEATRE & DRAMA

These instructors must also become familiar with potential copyright issues

NFHS units include topics such as “Dramatic Rights” instructors must be compliant when using the works of others

“Mashups and Cover Music” will allow music included in stage performances to be purchased, performed, and presented in an ethical manner

Music In Schools: When to seek copyright advice if in doubt!

Band or choir performances

Pre-game music when athletes warm-up

Time outs during games or half-time

Walk-Out music for softball/baseball

Cheer/dance performances or competitions

Plays or musicals

COPYRIGHT COMPLIANCE

Throughout the State Association



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WHY WORRY?

- It's the Law!
- You have liability!
- Folks are checking!



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WHAT IS COPYRIGHT?

Exclusive rights retained by the creator:

- **Duplication and Distribution of the work**
- **Perform** the work
- **Create Derivative Works**
- **Record and Distribute** those recordings

ISN'T COPYRIGHT COMPLIANCE EACH PARTICIPATING SCHOOLS' RESPONSIBILITY?

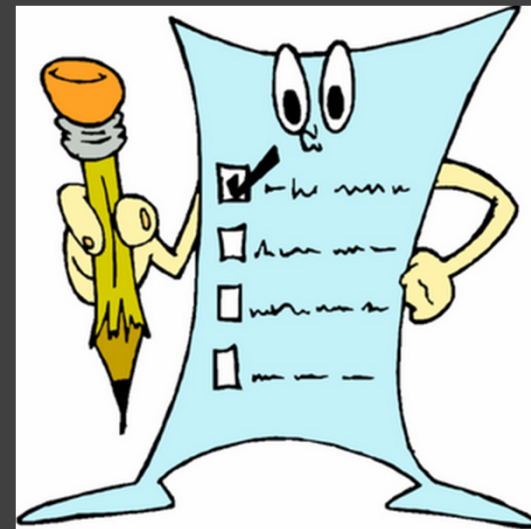
- Yes, but....!!!!



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WHAT DO I NEED TO DO?

- Require compliance for participation!
- Check to make sure that all licensing is in place when needed!
- Secure performance licensing for all non-exempt usages!



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I DON'T KNOW
ANYTHING ABOUT
COPYRIGHT AND
CERTAINLY NOT
ENOUGH TO KNOW
IF SCHOOLS ARE
COMPLIANT OR NOT.

WHAT DO I DO?

- EDUCATE YOURSELF -
Take the NFHS Course!

The screenshot displays the NFHS Learning Center website. At the top, there is a navigation bar with the NFHS logo, links to NFHS.org and NFHSLearn.com, and buttons for Sign In and Register. Below this is a secondary navigation bar with links for COURSES, NFHSLearn FOR YOU, USER LOOKUP, and HELP. The main content area features a large banner for the 'UNDERSTANDING COPYRIGHT AND COMPLIANCE' course, which is an Elective Course. The banner includes a video thumbnail showing students in a classroom setting, with text indicating 'New tracks: Theatre | Speech & Debate'. Below the banner, there are buttons for 'Coach', 'Administrator', and 'Performing Arts', and a dropdown menu for 'Please Select Your State'. A 'Order Course' button is also visible. To the right of the main content, there is a sidebar with logos for Educational Theatre Association, nme, and USA Cheer. Below the sidebar, there is a section for 'Related Courses' with a link to 'Coaching Baseball'.

NFHS.org NFHSLearn.com Sign In Register

LEARNING CENTER COURSES NFHSLearn FOR YOU USER LOOKUP HELP

UNDERSTANDING COPYRIGHT AND COMPLIANCE

Elective Course

Coach Administrator Performing Arts

New tracks: Theatre | Speech & Debate

Please Select Your State \$ Order Course

Course Details

EDUCATIONAL THEATRE ASSOCIATION nme USA CHEER USA Federation for Sport Cheering

Related Courses

Coaching Baseball

I'VE TAKEN THE COURSE!

I'VE TOLD ALL
PARTICIPATING SCHOOLS
THAT THEY MUST BE U.S.
COPYRIGHT LAW
COMPLIANT WITH EACH
OF THEIR PERFORMANCES.

IS THAT ENOUGH?

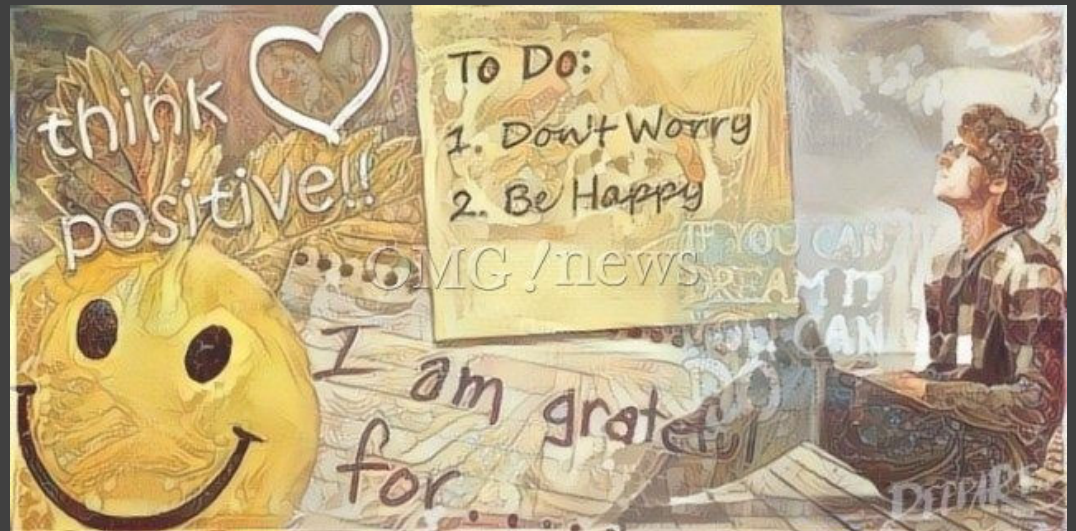
- Probably not – if challenged, you would need to prove it.
- Best Practice – get their agreement in writing!

IOWA HIGH SCHOOL MUSIC ASSOCIATION		
P.O. Box 10 Boone, IA 50036		
Invoice To :	Greene County 101 Ram Dr Jefferson IA 50129-2797 Site Location: Harlan Class: 3A	Invoice Number 1819
Large Group Vocal Festival Registration		
1	TREBLE CLEF CHORUS (\$95)	\$95.00
1	MIXED CHORUS (\$95)	\$95.00
Total Registrations=2		Total Fees= \$190.00
PO#=57HS19 , Submitted: Mar 29 2019 9:27AM by David Heupel		Print
We certify that our performance complies with all U.S. Copyright Laws and that all appropriate licensing has been secured, if needed, for this/these performance(s). We agree to provide proof of any needed licensing to the IHSMA office upon completion of this registration		
VERY IMPORTANT! Print off a copy of this invoice and take it to your office for payment immediately.		

NEXT STEP:

VERIFY THAT ALL
PERFORMANCES
HAVE THE
CORRECT
LICENSING
NEEDED.

Don't Worry – NFHS can help!



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NATIONAL FEDERATION
OF STATE HIGH SCHOOL
ASSOCIATIONS

[NFHS.org](#) [NFHSLearn.com](#) [NFHSNetwork.com](#) [NFHS.com](#) [#MyReasonWhy](#)

[Mr. Alan S. Greiner](#) [Dashboard](#) [My Groups](#) [Memberships](#) [Sign Out](#)

Activities & Sports

NFHS For You

#NFHS100

Resources



Authenticating Mark
Program

Awards

Conferences & Meetings

Copyright Compliance

Hall of Fame

High School Today

Participation
Statistics

Publications

Record Book

Sanctioning

Sports Medicine

Student Services &
Inclusion

NFHS Celebrates Centennial Indianapolis During 100th Summer Meeting

[Read More](#)

Copyright Compliance

My Schools

Attending Events

Search Events

Manage Events

Manage Schools

Lake Wobegone High School

Wobe Players

Band/Marching Band/Pep Band

John Smith

No Selections were found.

Wobe Pride

Band/Marching Band/Pep Band

John Smith

No Selections were found.

**Wobe Singin' and
Dancin'**

Choir/Show Choir

John Smith

No Selections were found.

Copyright Compliance

My Schools

Attending Events

Search Events

Manage Events

These are events that you are hosting or managing.
Event information is only kept on file for 240 days.

Create Event

Upcoming Events

NW State Marching Band Festival

10/21/2017 08:00 AM

Edit

Delete

View Attendees

Jefferson Invitational

09/02/2017 08:00 AM

Edit

Delete

View Attendees

"We Play Flat" Jazz Band Contest

04/02/2018 08:00 AM

Edit

Delete

View Attendees

Past Events

Greiner Show Stompers Extrodinaire

06/09/2017 08:00 AM

Edit

Delete

View Attendees

Attendees for NW State Marching Band Festival

These are the attendees for your event

[Back to Main Page](#)[Invite Attendees](#)

School Information Managed By: Alex Shaw

Cedar Rapids Jefferson High School

Band of the Blue	Band		Thad Driskell			
<u>Selection</u>	<u>Composer</u>	<u>Arranger</u>	<u>Publisher</u>	<u>License Type</u>	<u>Number</u>	
test name	test composer	test arranger	test publisher	Master Use	12345	
When Love Takes Over				Custom Arrangement	240752	TresonaShow17.pdf
Jefferson Swing	Choir		Kent Keating			
No Selections were found.						

School Information Managed By: Alex Shaw

Greene County High School

Jefferson Jive Jazz	Choir		David Heupel			
Choir						
No Selections were found.						

School Information Managed By: Alex Shaw

Lake Wobegone High School

Wobe Players	Band		John Smith			
<u>Selection</u>	<u>Composer</u>	<u>Arranger</u>	<u>Publisher</u>	<u>License Type</u>	<u>Number</u>	
The best song ever sang				Custom Arrangement	1234568	

WHAT IS A
PERFORMANCE
LICENSE AND WHY
DO I NEED TO BE
CONCERNED ABOUT
IT?

I MEAN, I BOUGHT
THE MUSIC/CD SO
THAT GIVES ME THE
RIGHT TO PERFORM
IT OR PLAY IT FOR
OTHERS, RIGHT?



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AS LONG AS OUR
MUSIC
PERFORMANCES
ARE COPYRIGHT
COMPLIANT THEN
WE SHOULD HAVE
NO OTHER
CONCERNS ...

CORRECT?



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Nope: Any event that uses copyrighted material in some sort of public display needs to be aware of their responsibilities with regard to that materials usage and display.

These include but are not limited to:

- School Logos
- Mascots
- Commercially recorded music played for athletic events
- Cuttings used in Speech and Theater Events
- Spirit/Cheer routines that use music
- Dance Recitals
- Music played between classes
- Photos!!!!!!

WE ARE USING
MUSIC IN WAYS
THAT ARE NOT
EXEMPT FROM
LICENSING. WHAT
DO WE DO?

NFHS Can Help!!!



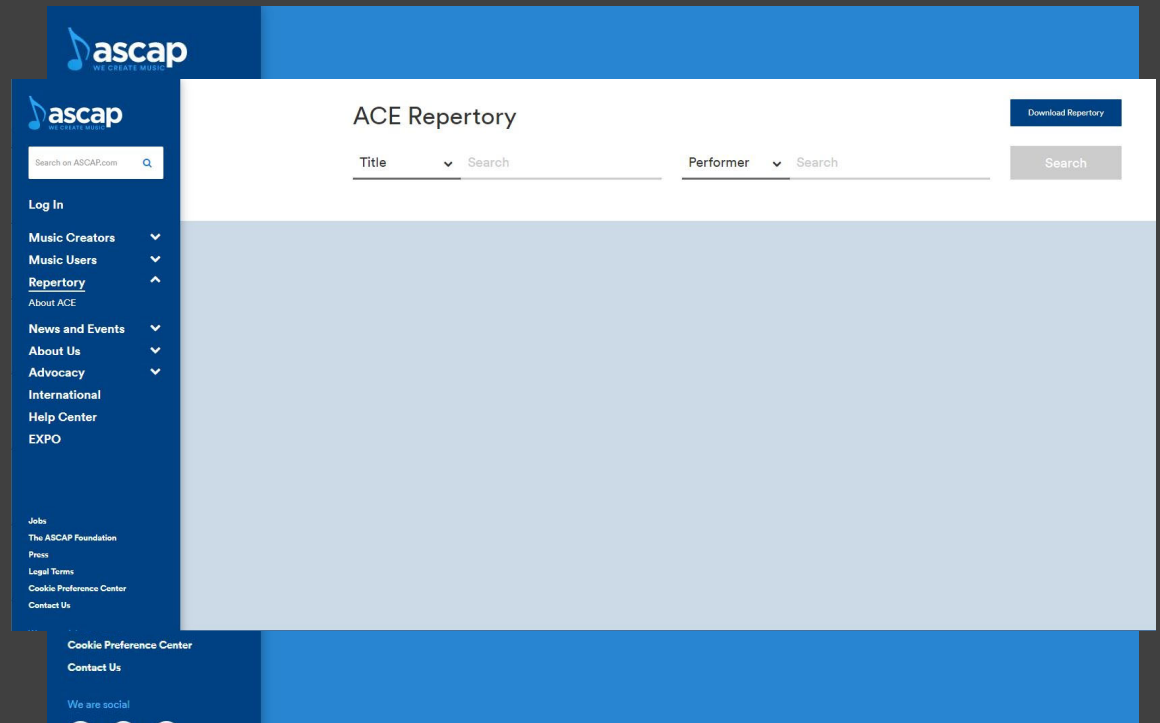
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PERFORMING RIGHTS ORGANIZATIONS (PRO'S)

- **ASCAP** – NFHS national provisional license – you're covered
- BMI – Get a “school license”
- SESAC – no license available, make your request to them in writing
- OTHER - contact the publisher and request usage permission (or don't use)

HOW DO I FIGURE
OUT WHICH PRO
CONTROLS THE
MUSIC I WANT TO
PERFORM?

Go to
ASCAP.COM





Dr. James Weaver
Director of Fine Arts
NFHS
Email: jweaver@nfhs.org
Office: 317-972-6900

HAVE QUESTIONS?



Alan Greiner
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