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FRESHMEN

Learn how to legally claim ownership of your creative work so you can receive royalties!

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A Self-Help Book for Entrepreneurs

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COPYRIGHT LAW

The 3rd skill of being an independent artist is Copyright Law. In this book you will learn the fundamentals of copyrighting music, and how to apply these fundamentals to copyright your own music. Gain an understanding for the importance of copyrighting music, and establish a foundation for exercising copyright law as an independent artist.

Book Highlights:

Requirements for Copyrightable Work

Types of Copyright Ownership

Copyright Infringement

Exceptions to Copyright Infringement

Copyright Protection

Types of Copyrights

Copyright Jargon List

Copyright How-To Tutorial

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|---|-------------------------------------|--|
| <u>Objective:</u> An introductory assessment on your current knowledge of copyright law | Section 1 ASSESSMENT TEST | Section 1: Test Section 2: Content Section 2.1: Terms Section 3: Tutorial Section 4: Project Section 5: Exam |
|---|-------------------------------------|--|

Copyright Entry Test

| No. | Test Questions | Test Answers |
|-----|--|--------------|
| 1. | Creative work without copyrights claims are | |
| 2. | The copyrights of creative work in audio-visual formats are | |
| 3. | The legal rights to copy creative work | |
| 4. | A new creation based off something existing | |
| 5. | Original work created by its author are | |
| 6. | The way something is expressed | |
| 7. | Piracy, plagiarism, bootlegging is | |
| 8. | Belonging to one person means to be | |
| 9. | The copyrights of creative work in hard-copy formats are | |
| 10. | Copyrights grant the right to sell | |
| 11. | The copyright registration form for works in performing arts | |
| 12. | Work in the Public Domain is exclusive to the copyright holder | |
| 13. | Employees who work-for-hire, own the copyrights to their work | |
| 14. | Copyrights grant the right to publicly perform | |
| 15. | Copyrights lasts for the lifetime of the author | |
| 16. | Copyright infringement violates the rights of holder. | |
| 17. | A recorded song is copyrightable | |
| 18. | A lyric sheet is not copyrightable | |
| 19. | A freestyle is copyrightable | |
| 20. | An official public record of a copyright claim is a | |
| 21. | Victims of infringement consult a | |
| 22. | Copyright registration is mandatory | |
| 23. | Copyrights protect intellectual property | |
| 24. | To copy someone's work without permission is | |
| 25. | The authorization to use is | |
| 26. | The format through which creative work is expressed is the | |
| 27. | The legal owner of copyrights is the | |
| 28. | Creative work that is granted copyrights is | |
| 29. | Works that have copyrights must have | |
| 30. | Another exception to copyright infringement is public domain | |
| 31. | A copyright notice is not required on creative work | |
| 32. | Mandatory money obligated to be paid by law | |

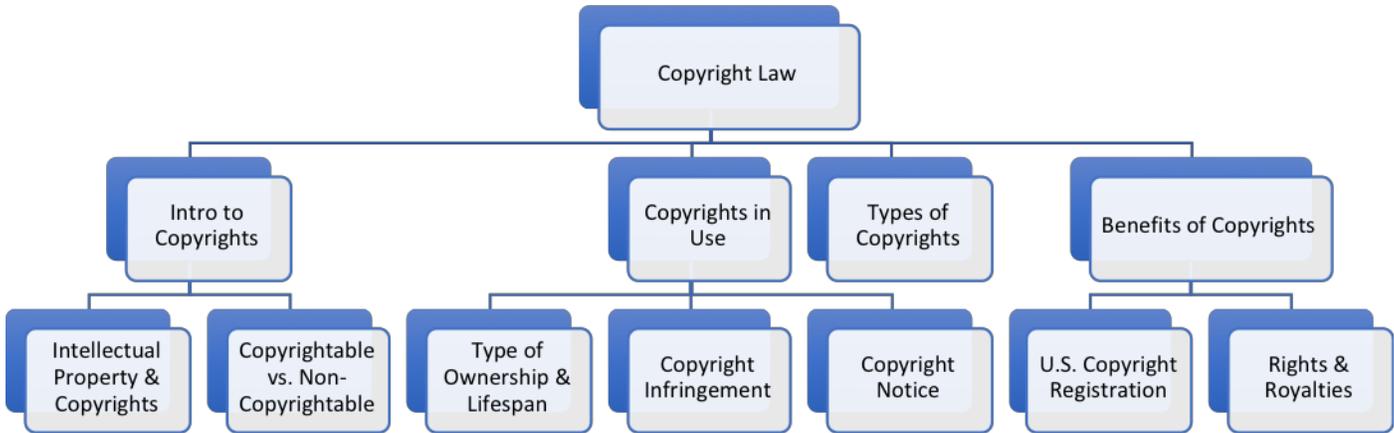
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TEST WORD BANK

1. Clearance
2. Copyright Holder
3. Copyright Infringement
4. Copyright Infringement
5. Copyright Lawyer
6. Copyright Registration
7. Copyrightable
8. Copyrights
9. Derivative
10. Exclusive
11. Expression
12. False
13. False
14. False
15. False
16. False
17. False
18. Mechanical Copyrights
19. Medium
20. Originality, Fixation, Expression
21. PA
22. Public Domain
23. Statutory Damages
24. Synchronization Rights
25. True
26. True
27. True
28. True
29. True
30. True
31. True
32. Works of authorship

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| | | |
|---|---|--|
| <p><u>Objective:</u> To learn the fundamentals of copyright law</p> | <p>Section 2 CLASS-CONTENT</p> | <p>Section 1: Test Section 2: Content Section 2.1: Terms Section 3: Tutorial Section 4: Project Section 5: Exam</p> |
|---|---|--|



| | | |
|---|--|--|
| <p><u>Intro to Copyrights</u> Intellectual Property Copyrights Derivatives Copyright Law of 1976 Berne Convention Works of Authorship</p> <p>Copyrightable Work Non-Copyrightable Work 5 Categories of Copyrights Requirements for Copyright Originality Intangible Fixation Tangible Expression Medium</p> | <p><u>Copyrights in Use</u> Copyright Holder Copyright Term Extension Act of 1998</p> <p><u>Types of Ownership</u> Exclusive Sole Joint Ownership Transfer of Copyright Work for Hire</p> <p><u>Copyright Infringement</u> Sampling Clearance License Copyright Lawyer Injunction Statutory Damages Infringer</p> <p><u>Exceptions to Infringement</u> Fair Use Doctrine Public Domain</p> | <p><u>Copyright Notice</u> Symbol Publication Year Name of Owner</p> <p>U.S. Copyright Office Copyright Registration</p> <p><u>Types of Copyrights & Royalties</u> Mechanical Copyright Digital Copyrights Synchronization Copyrights Grand Copyrights</p> <p style="text-align: center;"><u>Review</u></p> <p style="text-align: center;"><u>Tutorial</u> eCO Form SR, Form TX Copyright Certificate</p> |
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COPYRIGHT LAW 4 FRESHMEN

I. Introduction to Copyrights

Copyright refers to the rights to copy creative work. Authors of creative work, like artists who create their own music, are granted copyrights to their work. These rights are the right to: reproduce, create **derivatives**, distribute, display, perform, and sell their creative work.

Copyrightable Work

Copyrights are for: literary work, music, choreographic work, graphic art, and audio-visual work.

Literary work include as songs, poems, business plans, scripts, and website content etc.; Music includes music productions, scores, and sound recordings etc.; Choreographic work means dance moves as well as the written descriptions and graphic depictions of the moves; Graphic Art Work includes pictures, painting, and sculptures; and Audio-Visual Work pertains to music videos, motion pictures, theatrical work.

All of the above types of creative **works of authorship** are **copyrightable** intellectual properties.

Non-Copyrightable

The following types of intellectual properties do not have copyrights: Titles, Names, Numbers, Catch-Phases & Taglines, Ideas, Concepts, Descriptions, Explanations, Processes, Methods, Procedures, and Facts.

Intellectual property is categorized into 5 groups: Trademarks, Service Marks, Patents, Trade Secrets, and Copyrights. Trademarks are for words, phrases, symbols and designs that identify a product. Service Marks are for words, phrases, symbols, and designs that identify a service. Patents pertain to inventions. Trade secrets are for processes, systems, techniques, formulas, and methods. And Copyrights are for works of authorship such as literary work, music, choreographic work, graphic art, and audio-visual work.

The **Copyright Law of 1976**, and the **Berne Convention for the Protection of Literary and Artistic Works** (Berne Convention) govern the laws of copyrights in the United States.

Requirements for Copyrightable work

Works of authorship must meet 3 requirements in order to be copyrightable: Originality, Fixation, and Expression.

Originality requires the creative work to be independently created by the author and not copied from someone else's work. **Fixation** requires the work to be in a **tangible** form. **Expression** requires a **medium** for creative work.

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As an artist, fixation occurs when lyrics are put on paper or recorded - because at that point the lyrics have tangibility. The expression is through lyrics, and the tangible medium is through a lyric sheet, music recording, music video, ringtone, mp3 etc.

II. Copyrights in Use

The moment a song has tangibility, the artist becomes the **copyright holder**. The copyright holder has the rights to copy, reproduce, create derivatives, distribute, perform, display, and sell the music. These rights last for the lifespan of the artist plus an additional 70 years. The Copyright Term Extension Act of 1998 governs the lifespan of copyright ownership by a copyright holder.

Types of Ownership

Copyrights can be owned exclusively, shared, or work-for-hire. Copyrights are initially **exclusive** to the artist. Meaning, the artist (who created the song) is the only person who owns the copyrights. When a song is **co-written**, artists share the copyrights - 50/50, 70/30 however negotiated.

Work-for-hire is a type of copyright ownership that recognizes an employer as the copyright holder of work created by its employees. Copyright ownership is exclusive to the copyright holder, which in this case is the employer

Artists who write for an employer under a work-for-hire agreement do not own the copyrights to the music they create during employment. The employer is the copyright holder. Work-for-hire copyrights last for 95 years from the date of the first public release, or 120 years from the date of creation - whichever comes first.

Copyright Infringement

Whether it is the artist(s) or employer, copyright ownership of music is exclusive to the copyright holder. This means that the copyright holder is the only one who has the legal rights to copy, reproduce, distribute, perform, display, create derivatives, and sell the music.

If someone else copies, reproduces, distributes, publicly performs, displays, create derivatives, and/or sell music without the permission of the copyright holder it is called **copyright infringement**. Copyright infringement is illegal because it violates the exclusive rights of the copyright holder. Piracy, Plagiarism, and bootlegging are types of copyright infringement. **Sampling** music without **clearance** or a **license** is also copyright infringement.

Victims of copyright infringement consult a **copyright lawyer**, entertainment lawyer, or an intellectual property attorney. The United States court system can order several remedies for a victim of copyright infringement. Remedies include: **injunction**,

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confiscation of infringing copies and equipment, compensation to the artist in **statutory damages**, and possibly jail time to the **infringer**.

Exceptions to Copyright Infringement

There are exceptions to copyright infringement. The **Fair Use Doctrine** allows the use of creative work without the consent of the copyright holder under special conditions. It is not copyright infringement when work is used for purposes of: criticism, comments, news reporting, teaching, in-house performances, charity, scholarships, or research. Under copyright law, the Fair Use Doctrine is intended to allow the use of copyrighted work to encourage the advancement of education.

Another exception to copyright infringement is **public domain**. When copyrights expire, or are not claimed, the creative work takes the status of public domain. Work under the status of public domain can be legally used by anyone.

Copyright Protection

To claim copyrights and to prevent infringers, works of authorship bear the copyright notice. The **copyright notice** includes three basic elements:

1. The word "Copyright," or symbol "©" or abbreviation "Copr."
2. The year of the first public release
3. The name of the copyright holder

Example 1: © year of first publication copyright holder's name

Example 2: © 2012 John Doe

A copyright notice is not required on creative work, and may or may not prevent infringers. Some artists use the copyright notice, but all artists claim and protect their music by registering their songs with the **United States Copyright Office**. A **copyright registration** with the U.S. Copyright Office creates an official public record of a copyright claim. The Copyright Office recognizes the person who files the copyright registration as the copyright holder. Creative work that is registered with the Copyright Office provides the best ownership claim and protection against infringement.

III. Types of Copyrights

Music is used and expressed through various mediums: on a CD, as an .MP3 download, in a music video, TV commercial, film, Broadway Play etc. Therefore copyright laws categorize copyrights as follows:

Creative work in a hard-copy format such as a CD or DVD has **mechanical copyrights**. If a music CD is copied, reproduced, distributed, performed, displayed, remixed, sampled, and/or made for sell in a hardcopy format without the consent of the copyright holder, the infringer has violated the copyright holder's mechanical

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copyrights. The copyright holder may be entitled to statutory damages in mechanical royalties. Read Music Publishing 4 Freshmen to learn more about Mechanical Royalties.

Creative work in digital formats such as mp3, online web stream, satellite radio broadcast etc. has **digital performance copyrights**. If music is copied, reproduced, distributed, performed, displayed, remixed, sampled, and made for sell digitally without the consent of the copyright holder, the infringer has violated the copyright holder's digital performance copyrights. The copyright holder may be entitled to statutory damages in digital performance royalties. Read Music Publishing 4 Freshmen to learn more about Digital Performance Royalties.

Creative work in audio-visual formats such as a music video or DVD has **synchronization copyrights**. If music is copied, reproduced, distributed, performed, displayed, remixed, sampled, and made for sell in an audio-visual format without the consent of the copyright holder, the infringer has violated the copyright holder's synchronization copyrights. The copyright holder may be entitled to statutory damages in synchronization royalties. Read Music Publishing 4 Freshmen to learn more about Synchronization Royalties.

IV. Review

Copyrights are a bundle of rights granted to works of authorship. These Copyrights include the right to: copy, reproduce, derivative, distribute, display, perform, and sell creative work.

Copyright law requires creative work to be original, and fixed in a tangible medium of expression. As an artist, fixation occurs when lyrics are put on paper or recorded - because at that point the lyrics have tangibility. The expression is through lyrics, and the tangible medium is through a lyric sheet, music recording, music video, ringtone, mp3 etc.

The owner of the copyrights to creative work is called the copyright holder. The artist is initially the only copyright holder of a song. When a song is co-written, artists share the copyrights however negotiated. Artists who write for an employer under a work-for-hire agreement do not own the copyrights to the music they create during employment. The employer is the copyright holder of the creative work.

If someone else copies, reproduces, distributes, publicly performs, displays, create derivatives, and/or sell music without the permission of the copyright holder it is called copyright infringement. Copyright infringement is illegal because it violates the exclusive rights of the copyright holder. Victims of copyright infringement consult a copyright lawyer, entertainment lawyer, or an intellectual property attorney.

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Fair Use and Public Domain are the only exceptions to copyright infringement. The law permits the use of creative work with expired or unclaimed copyrights, and the use of copyrighted material for criticism, comment, news reporting, teaching, in-house performances, charity, scholarships, or research purposes.

Artists claim and protect their music by registering their songs with the United States Copyright Office. The Copyright Office recognizes the person who files a copyright claim as the copyright holder and creates an official public record. Creative work that is registered with the Copyright Office provides the best ownership claim and protection against infringement.

Copyright law is important to artists who write their own songs because it deals with their rights to control, and profit from their music. Copyright laws grant artists the right to control who can copy, reproduce, distribute, display, perform, or sell it the music they create.

Copyright law is the 3rd skill of being an independent artist.

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| <p><u>Objective:</u> To identify key terms associated with copyright law</p> | <p>Section 2.1 TERMS</p> | <p>Section 1: Test Section 2: Content Section 2.1: Terms Section 3: Tutorial Section 4: Project Section 5: Exam</p> |
|--|-------------------------------------|--|

KEY TERMS

1. **Copyrights** - the legal rights to copy, reproduce, distribute, display, perform, and/or sell creative work
2. **Derivative** - a new creation based off something existing
3. **Works of authorship** - the original work created by its authors
4. **Copyrightable** - creative work that is granted copyrights; works that have copyrights
5. **Copyright Laws of 1976** - the rules and regulations that govern United States copyrights
6. **Berne Convention for the Protection of Literary and Artistic Works** - an international agreement that governs the laws of copyrights between countries
7. **Fixation** - in permanent form; tangible; a hard-copy version; in a fixed form
8. **Tangible** - capable of being touched; in a fixed form
9. **Expression** - a form or manner something is display, shared, or expressed in; a state of being
10. **Medium** - the format through which something is expressed; an avenue for expression
11. **Copyright Holder** - the legal owner of copyrights; someone who has the right and permission to copy, reproduce, distribute, display, perform, and/or sell creative work
12. **Exclusive** - belonging to one person or one group excluding all others; sole
13. **Co-written** - written by more than one person
14. **Work-for-hire** - a type of employment where the employer is the legal author and copyright holder of its employees creative work
15. **Copyright Infringement** - to copy creative work without permission
16. **Sampling** - to create derivatives from another's creative work
17. **Clearance** - the authorization to use; permission to access something privileged
18. **License** - the authorization to use; formal permission to access something privileged; permission to do or not do something
19. **Copyright Lawyer** - a lawyer who specializes in the United States laws that govern copyrights of literary, musical, graphic art, choreography, and audio-visual work
20. **Injunction** - a court order commanding someone to do or not do something
21. **Statutory Damages** - mandatory money obligated to be paid by law
22. **Infringer** - a person who violates another persons' rights
23. **Music Publishing** - business of licensing creative work for royalties
24. **Fair Use Doctrine** - a doctrine under United States copyright law that allows the use of copyrighted material for special purposes without authorization from the copyright holder
25. **Public Domain** - work not protected by copyrights that are free to use by the public

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26. **Copyright Notice** - a statement of symbols, letters, and numbers accompanied with creative work that claim ownership of copyrights
27. **United States Copyright Office** - the United States government office that registers copyright claims for creative work
28. **Copyright Registration** - to claim copyrights for creative work through the United States Copyright Office
29. **Mechanical Copyrights** - the copyrights of creative work in hard-copy formats
30. **Digital Performance Copyrights** - the copyrights of creative work in digital formats
31. **Synchronization Copyrights** - the copyrights of creative work in audio-visual formats
32. **Grand Copyrights** - the copyrights of creative work in theatrical stage performances
33. **Electronic Copyright Office (eCO)**- the virtual copyright office that registers copyright claims for creative work in the United States
34. **Form SR** - the copyright registration form for sound recordings
35. **Form PA** - the copyright registration form for works in performing arts
36. **Copyright Certificate** - documentation issued by the United States Copyright Office for a copyright claim to creative work

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| <u>Objective:</u> To copyright a sound recording & lyric sheet | Section 3 TUTORIAL | Section 1: Test Section 2: Content Section 2.1: Terms Section 3: Tutorial Section 4: Project Section 5: Exam |
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HOW TO COPYRIGHT A SONG RECORDING

There are several ways to register a copyright claim with the U.S. Copyright Office. The fastest, cheapest, and most convenient way to register copyright claims is through the Internet with the **Electronic Copyright Office (eCO)**.

| <u>TOOLS</u> | <u>COST</u> | <u>PLACE</u> | <u>TIME</u> |
|---|-------------|--|-------------|
| 1. Song Recording in mp3 Format 2. Form SR | \$35 | www.copyright.gov/eco | 30 minutes |

PROCEDURES:

1. Budget \$35.00 on MasterCard, Visa, or American Express debit or credit card
2. Convert your song recording to an .mp3
(Other acceptable format - <http://www.copyright.gov/eco/help-file-types.html>)
3. Visit the Electronic Copyright Office via
https://eco.copyright.gov/eService_enu/start.swe?SWECmd=Start&SWEHo=eco.copyright.gov
4. Create an account with the eCO as a new user
5. Register a new copyright claim using **Form SR** - the form for Sound Recordings
 - Complete the online Form SR
 - Pay the copyright Registration fee of \$35.00 USD
 - Upload and submit the song(s)

After completing the copyright registration claim, check your email for a confirmation message from the eCO. The Copyright Office will issue a **copyright certificate** within two and a half months by postal mail. You do not need to wait for the certificate before publishing your song. The effective date of a copyright registration is the date the Copyright Office receives the SR form, the fee, and the music.

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HOW TO COPYRIGHT SONG LYRICS

| <u>TOOLS</u> | <u>COST</u> | <u>PLACE</u> | <u>TIME</u> |
|------------------------------|-------------|--|-------------|
| 1. Lyric Sheet 2. Form PA | \$35 | www.copyright.gov/eco | 30 minutes |

PROCEDURES:

1. Budget \$35.00 on MasterCard, Visa, or American Express debit or credit card
2. Prepare your song's lyric sheet in a word document (.doc)
(Other acceptable format - <http://www.copyright.gov/eco/help-file-types.html>)
3. Visit the Electronic Copyright Office via
https://eco.copyright.gov/eService_enu/start.swe?SWECmd=Start&SWEHo=eco.copyright.gov
4. Create an account with the eCO as a new user
5. Register a new copyright claim using **Form PA** - the form for Work of the Performing Arts
 - Complete the online Form PA
 - Pay the copyright Registration fee of \$35.00 USD
 - Upload and submit the lyric sheet

After completing the copyright registration claim, check your email for a confirmation message from the eCO. The Copyright Office will issue a **copyright certificate** within two and a half months by postal mail. You do not need to wait for the certificate before publishing your song. The effective date of a copyright registration is the date the Copyright Office receives the SR form, the fee, and the music.

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Objective: To copyright your song with the United States Copyright Office

Section 4
PROJECT ASSIGNMENT

Section 1: Test
Section 2: Content
Section 2.1: Terms
Section 3: Tutorial
Section 4: **Project**
Section 5: Exam

COPYRIGHT YOUR SONG

| <u>TOOLS</u> | <u>COST</u> | <u>PLACE</u> | <u>TIME</u> |
|--|-------------|-----------------------|-------------|
| 1. Lyric Sheet 2. Form PA 3. MP3 4. Form SR | \$35 | www.copyright.gov/eco | 30 minutes |

To Do List:

1. Copyright your song(s) with the United States Copyright Office
<https://eco.copyright.gov>

*Refer to the Review and How-To Tutorials for help. Follow the instructions on the Copyright Office website to register your song for copyrights. If you need help contact the Copyright Office at (877) 476-0778.

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| Objective: An examination on your knowledge of copyright law | Section 5 EXAMINATION | Section 1: Test Section 2: Content Section 2.1: Terms Section 3: Tutorial Section 4: Project Section 5: Exam |
|---|---------------------------------|--|

Copyright Exit Exam

| No. | Exam Questions | Exam Answers |
|-----|--|--------------|
| 1. | A copyright notice is not required on creative work | |
| 2. | A freestyle is copyrightable | |
| 3. | A lyric sheet is not copyrightable | |
| 4. | A new creation based off something existing | |
| 5. | A recorded song is copyrightable | |
| 6. | An official public record of a copyright claim is a | |
| 7. | Another exception to copyright infringement is public domain | |
| 8. | Belonging to one person means to be | |
| 9. | Copyright infringement violates the rights of holder. | |
| 10. | Copyright registration is mandatory | |
| 11. | Copyrights grant the right to publicly perform | |
| 12. | Copyrights grant the right to sell | |
| 13. | Copyrights lasts for the lifetime of the author | |
| 14. | Copyrights protect intellectual property | |
| 15. | Creative work that is granted copyrights is | |
| 16. | Creative work without copyrights claims are | |
| 17. | Employees who work-for-hire, own the copyrights to their work | |
| 18. | Mandatory money obligated to be paid by law | |
| 19. | Original work created by its author are | |
| 20. | Piracy, plagiarism, bootlegging is | |
| 21. | The authorization to use is | |
| 22. | The copyrights of creative work in audio-visual formats are | |
| 23. | The copyrights of creative work in hard-copy formats are | |
| 24. | The copyright registration form for works in performing arts | |
| 25. | The format through which creative work is expressed is the | |
| 26. | The legal owner of copyrights is the | |
| 27. | The legal rights to copy creative work | |
| 28. | The way something is expressed | |
| 29. | To copy someone's work without permission is | |
| 30. | Victims of infringement consult a | |
| 31. | Work in the Public Domain is exclusive to the copyright holder | |
| 32. | Works that have copyrights must have | |

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EXAM WORD BANK

1. Clearance
2. Copyright Holder
3. Copyright Infringement
4. Copyright Infringement
5. Copyright Lawyer
6. Copyright Registration
7. Copyrightable
8. Copyrights
9. Derivative
10. Exclusive
11. Expression
12. False
13. False
14. False
15. False
16. False
17. False
18. Mechanical Copyrights
19. Medium
20. Originality, Fixation, Expression
21. PA
22. Public Domain
23. Statutory Damages
24. Synchronization Rights
25. True
26. True
27. True
28. True
29. True
30. True
31. True
32. Works of authorship

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