



# Music Copyrights

Make the Most of Your Music Assets!

As a company that handles the complexities of music copyright licensing issues every day, Tresóna simplifies the licensing process for you and your organization, helps you clear up missing music copyright permissions, and provides the tools, knowledge and exposure needed to maximize your ability to monetize your organization's musical talents. Tresóna is always available to answer any questions you may have. Call Tresóna at (877) 347-2543 to find out how we can help your music program make the most of its music assets.

## **Introduction**

Copyrights protect a music creator's ability to be compensated for the artistic expression, talent and energy put into creating the music. Not everyone has the same abilities, imagination and work ability to create the same work. It is through the variety and creativity of the many musical arrangers and performers throughout the world that our music has progressed as far as it has, has become the huge multi-billion dollar industry it is today, and provides the great entertainment and joy it does. By respecting copyright rights, we enable those with marketable music talents to financially support their efforts to some degree and thereby further the variety and creativity of the music industry.



## **General Music Copyright Rights**

Composers and performers own copyright rights to their music compositions unless they agree to give the rights to someone else. In the case of works made for hire, the employer owns the rights. Copyright rights in music include not only exclusive rights to the music lyrics, score and performance themselves, but also the rights to control:

1. Who can make arrangements of the music;
2. Who can make or sell copies of the sheet music and all recordings; and
3. Who can perform the music publicly, and over the radio and Internet.

Music copyright rights can, in whole or in part, be sold, assigned, transferred, licensed and inherited without loss of the copyright protection.

Copyrights in music composed before 1923 are all expired and free for anyone to use. For music composed before 1978, the copyright lasts 95 years from when the copyright was secured. For music composed 1978 and after, copyrights last 70 years after the death of the longest living composer.

Copyright rights exist at the creation of the composition in a fixed form (i.e. written down on paper or computer, or recorded on tape), and the © notice should be used, but is not required to establish copyright rights. Copyright rights are always presumed to exist until they have passed to the public domain. The © notice can be used by marking the music itself or the media it is recorded on with a visible © followed by the year the music was created and the copyright owner's name, like this:

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In the United States, although the copyright rights exist without formal registration, they can only be enforced in Court after the copyright has been formally registered with the United States Copyright Office.



## **Public Domain**

When the copyright expires or an owner renounces the rights, the copyright passes to the public domain. Once a work is in the public domain, anyone can arrange, compose and freely use music and lyrics. All music and lyrics written by an American author and published prior to 1923 are all in the public domain in the United States. For example, the classical works of Bach and Beethoven are free for anyone to use.

Warning: Even if some music is in the public domain from being written long ago or the composer abandoning or disclaiming the right, sheet music embodying the music, and performances and recordings of that music may have copyright protection. A new copyright is created in the specific new arrangement or new performance (but not the original), or created sheet music, whenever it is put into a tangible form (i.e. written or recorded). You can perform and arrange the non-copyrighted original music and protect your arrangements, performances and recordings. However, you may not be able to use someone else's arrangements, performances or recordings of the same music.

For example, although all of Beethoven's musical works are in public domain, the sheet music of Beethoven's works is not in the public domain unless it is created prior to 1923. This also applies to sound recordings of Beethoven's symphonies. The publisher of the sound recording would have copyright protection in the sound recording even though the underlying musical works that were performed were in the public domain.

Although there is no complete list of what music is in the public domain, Internet searches often turn up lists of songs that are no longer protected by copyright protection.



**Permissions/Licenses are generally available to everyone for a fee:**

Here are some examples of the types of permissions needed when using someone else's copyrighted music:

1. Permission to adapt or arrange the music (Arrangement License).
2. Permission to make a copy of recorded music (Mechanical License).
3. Permission to perform the music in public or transmit the music to the public in any way other than over the Internet (Performance/Broadcast License).
4. Permission to stream an audio or audio visual recording of the music over the Internet (Digital Performance/Broadcast License).
5. Permission to make copies of the musical score (Reprint License).
6. Permission to video record a performance or add music to a video (Synchronization License).

License	Granted By	Scope of License
Arrangement / Permission to Adapt License	Company or individual that holds the print rights to the music	Usually gives specific arrangers rights to arrange music for specific performances, by specific groups, and usually for a given time frame.
Mechanical License	Music publisher or songwriter (Example: Harry Fox Agency)	Grants the right to reproduce/cover and distribute a specific composition at an agreed upon fee per unit manufactured and sold .
Performance/Broadcast License	Performance rights organizations (Example: ASCAP, BMI, SESAC)	Perform work in or transmit work to the public (except over Computers or Internet).
Digital Performance/Broadcast License	Record Companies (Example: Sound Exchange)	Authorizes digital transmissions and Internet streaming.
Reprint License	Music publisher or print publisher	Reprint lyrics of a cover song in liner notes.
Synchronization License	Composer or music publisher	Right to synchronize the musical composition in timed relation with audio-visual images on film or videotape.



Because each of these various copyright rights can be owned by a different person or group, and each copyright right owner may have a different process for obtaining permissions, if you are going to seek permissions on your own, it is important to identify who owns what rights and what their license requesting procedures are. Alternatively, Tresóna Compliance can help you request the permissions for a small service fee. Tresóna has unique agreements with the major copyright owners of the publishing industry that allow for fixed cost licensing fees with flexible use terms designed to fit the needs of larger performance group like schools, religious organizations and community groups. Tresóna's agreements allow Tresóna to offer services to their clients at extremely low rates because their licensing fees and procedures are pre-arranged. By pre-negotiating license fees and infringement release fees with the largest copyright owners, Tresóna is able to help your group make more money from your music assets and help the music publishing industry make more money as well.

Please feel free to contact Tresóna at [info@resonationmultimedia](mailto:info@resonationmultimedia) to learn how we can help you make money with your recordings of your performances.

### **More Details on Specific Permissions/Licenses:**

1. Permission to Arrange or Adapt Music is granted through an Arrangement License from the owner of those copyright rights. If you are planning to adapt any music for your particular group or for a particular performance, you need specific permission to alter the original author's vision for the music unless the music is in the public domain. This is true for any arrangements, adaptations, transcriptions, orchestrations, simplified editions, instrumental



accompaniments and lyric translations. Even if you are simply going to add additional parts for your larger group, adapt the music for a more or less skilled performer, or change a few words for your intended audience, you need an Arrangement License for each arrangement of the music you make. Two important notes about arrangements:

- a. Performance style is not considered an “arrangement” provided the performers use the original music score and the basic melody and fundamental character of the music is not changed (i.e. you can change a few notes or words in a small portion of a song to adapt for the skills or preferences of the performer).
  - b. A performer or a student’s instructor can edit or simplify a purchased, printed copy of music so long as the fundamental character of the music is not distorted and the lyrics, if any, are not altered, and lyrics are not added if none exist (i.e. you can make minor hand notations on the original purchased music score to simplify it).
2. Permission to make copies of recorded music and distribute copyrighted music on CDs, records, tapes and through certain digital configurations is granted through a Mechanical License. If you plan to record and/or distribute a song that was written by someone else, you need a Mechanical License. Even if you only plan to give CDs out to your friends and family for free, or to students in a music class who performed the music themselves, you need a Mechanical License for every copy of every song you include to avoid copyright infringement.



3. Permission to perform the music in public or transmit the music over the radio or a sound system (does not include Internet), requires a Public Performance/ Broadcast License. Blanket Performance Licenses can be obtained from organizations such as ASCAP, BMI and SESAC that cover all public performances of music within their music libraries and radio stations and other organizations which regularly perform music in public or regularly broadcast music, such as school music programs and radio stations, generally obtain one or more of these blanket Performance Licenses. If you have one of these blanket licenses, however, it is important to confirm before a performance that the music you will perform or broadcast is covered by the blanket license you received. You can do this by searching the ASCAP, BMI or SESAC web sites.
4. Permission to Internet stream music or video clips that include music require a Digital Performance/ Broadcast License. It is important to note that the rights for digital transmission of music is managed separately from regular public performances and broadcasting. Like with a standard Public Performance/ Broadcast License, a blanket Performance License can be obtained for digital performances. If your organization wants to upload its performances to a web site for easier access by anyone, whether that is for a live concert or even just for a historical record, you need a Digital Performance/ Broadcast License for that posting.
5. Permission to make copies of the musical score is required each time you want to make a photo copy or distribute a scanned copy of someone else's copyrighted music or even your arrangement of



someone else's music. It may be cheaper and easier to just purchase another copy of the original music than to request a Reprint License.

6. Permission to video record a performance or add music to a video is granted through a Synchronization License. You need a Synchronization License whether you are simply adding background sound to a visual presentation or video clip, or if you are video recording a performance of the song. If you have a visual presentation that even by chance has background music because someone else nearby was playing or performing even part of a copyrighted song, you either need to remove that music from the presentation or get a Synchronization License for using it. It is not uncommon for someone to capture a short video clip to post on the Internet only to find that someone else was playing their radio nearby or a band was performing in the background. In this situation, Synchronization Licenses are required to avoid copyright infringement or that video clip cannot be posted to the Internet. Television and film makers are particularly careful to limit the music that is included in their recordings, and regularly pay synchronization fees to copyright owners for including even short portions of music in the TV show or movie.

### **Arrangement, Performance, Reprint and Synchronization – Limits:**

Some copyright permissions, like arrangement, performance, reprint and synchronization permissions, need to be obtained from the owner or its agent each time someone wants to use the music. Other copyright permissions, like Mechanical Licenses, are automatic to everyone once the owner gives permission for anyone to make copies, and can be obtained



simply by paying an inexpensive Mechanical License fee. Performance rights, blanket performance rights and digital performance rights licenses can be obtained from BMI, ASCAP and SESAC to cover any public, broadcast or Internet streamed performance, and fees are generally tied to how often your organization is in making those kinds of performances and which music you are using.

### **Penalties for Music Copyright Infringement**

The penalties for using any of the music copyright rights without permission are severe. Penalties imposed could include the statutory damages or the copyright owner's actual losses plus any additional profits of the infringer (at the owner's choice). Statutory damages range from \$750 to \$30,000 per infringement as the Court deems just. If the Court finds that the infringement was willfully committed, the Court can increase the statutory damages to \$150,000 per infringement. Recently, a Court awarded \$62,500 for each of 24 songs infringed (\$1.5 million) in a music copyright infringement case. If the Court finds that the infringement is for commercial gain, criminal penalties including an additional \$250,000 per infringement and up to five years in prison can be added.

A music copyright owner can bring a law suit up to three years after learning of the infringement. Past infringement liability can only be relieved through a settlement agreement with the copyright owner. Getting a license to use the copyright rights after the fact is NOT enough.



### **Infringement Releases Exclusive to Tresóna Compliance:**

The best policy is ALWAYS to obtain the necessary permissions anytime you use any music in any form. Because the penalties for copyright infringement are so severe, and the costs for obtaining the right permissions are comparatively small, the risks to your organization weigh heavily in favor of getting the permissions. Tresóna can help!

However, sometimes an organization later learns that the appropriate permissions cannot be found or were not obtained. In addition to helping your organization obtain the necessary arrangement, synchronization, performance, digital performance and reprint licenses, Tresóna Compliance originated the Pre-Negotiated Infringement Release for the copyright world. If your organization has arrangements or performances, or has music in its archives, such as recordings, arrangements, video recordings of performances, or even sheet music, that you cannot find the appropriate permissions for, your organization has a risk of copyright infringement liability and hundreds of thousands to possibly millions of dollars in penalties following an expensive copyright infringement trial.

Tresóna Compliance negotiated deals with music publishers that will allow organizations who are part of the Tresóna Network to obtain infringement releases for music that is missing the proper permissions. By obtaining a release through Tresóna, you can resolve outstanding liability and risk to your organization for your music with missing permissions and open up the possibilities for monetizing all of your music assets.



## **"Fair Use" but NO Educational, Religious or Not-for-Profit Exceptions**

There is NOT a general educational, personal, religious or not-for-profit exception to copyright infringement. Anytime anyone arranges, publically performs, copies, distributes or otherwise uses someone else's music without permission, that person's copyright rights are violated. However, there are a limited few, very specific situations where a license is not needed and permission is assumed. The general category for exceptions to copyright infringement is called "Fair Use." Fair use allows someone to use music copyrights in ways that are otherwise illegal. There is not a simple test for identifying fair use, and it is safest to obtain permission unless you are sure you qualify for a fair use exception. However, here are the guidelines used by the Courts to determine whether a specific use is "fair." Keep in mind, however, that just falling into one of these categories is not enough. The Courts consider all of the categories and even though your use may, for example, be educational, the rest of the criteria are also considered.

1. The purpose and character of the use (educational or commercial).
2. The Nature of the work (song, sheet music, opera, opus, symphony).
3. The amount and significance of the portion of the musical composition used (how much is copied and how important to the musical work is that portion).
4. The effect on the potential market for the value of the work (does the use affect the copyright owner's ability to continue to make money from the work).

Special Note 1: Even under Fair Use, every copy needs to include the original copyright notice and full credit to the original author.



Special Note 2: Just because something is available for “free” on the Internet or does not have a copyright notice does not necessarily make it free. Because copyright rights are created just by creating a musical composition or recording, you still need permission from the copyright owner to use any of the rights associated with the music. Those rights may be given through a notice or permission-to-use-license on the web site or on the sheet music itself, but it is always wise to save a copy of the permission if you are going to use the music.

**A Parody is Permitted, a Satire is Not:**

One fair use exception for all of the copyright rights is parody. A parody is a music composition that uses some of the elements of a prior music composition to create a new one that, at least in part, comments on the original composition by targeting and mimicking the original work to make its point (i.e. ridicules the original composition or author). When courts consider whether the parody is truly a parody and not something else, all of the factors of fair use are considered. Be careful! A satire (which is not a parody) uses some of the elements of a prior music composition to create a new one that seeks attention or profit for itself, criticizes society generally, or criticizes something besides the original composition. The bottom line is that deciding what is parody and what is not can be a complicated issue. To be safe, get permission!



### **Music Copying:**

Music copying, through recording a performance, or scanning or photocopying sheet music, almost always requires permission from the copyright owner through obtaining the proper licenses for your intended copying. Copyright owners have exclusive rights to make and distribute copies of their music. Copying music without permission is stealing from the copyright owner by not paying the owner for your use of the owner's property. Here are some general guidelines:

#### **ALWAYS PROHIBITED:**

1. Copying to avoid buying the music.
2. Copying without including the copyright notice.
3. Copying for any kind of performance where money is being spent without special permission (except in emergency addressed below).
4. Copying to create anthologies or compilations without permission.
5. Charging students more than the actual cost for authorized copying.
6. Copying for any distribution (even just for class members or close friends and even if given away for free).

#### **PERMITTED without permission\*:**

1. Making one copy per student of up to 10% of a musical work for class study as long as that 10% is not a performable unit.
2. Making a copy of a lost part in an emergency, but only if it is replaced with a purchased part as soon as is practical.
3. Making a single recording of a student performance for study and for the school's non-public archive.
4. Making a single recording of aural exercises for tests.



5. Making one copy of a short musical performance for a teacher's use in preparation for or during a class.
6. Making up to three copies to replace a copy that is damaged, deteriorating, lost, stolen or the existing format has become obsolete\*, but only after a reasonable effort has been made to purchase a replacement at a fair price.

\*Note that just because a work is out-of-print does not give permission to copy and distribute the work. There are ways to get out-of-print copyrighted music from publishers through special requests.

#### FAQs about Copying Copyrighted Music:

1. **Can I copy sheet music if I have purchased the original score and parts?** No - unless it is an emergency (i.e. a student forgot music on recital day) where you replace music you already purchased and you purchase additional replacement parts as soon as reasonably possible thereafter. You are not even permitted to make copies to preserve the originals because the students are rough on them.
2. **Can I copy sheet music if it does not have a © notice?** Not necessarily. Music gets copyright rights from its creation until the author puts it in the public domain or its copyright term expires. Best to confirm that it is in the public domain or get permission.
3. **I purchased a song book. Can I make copies of the pages of a song book I own for my quartet to rehearse from?** The answer is still no. You cannot make copies of sheet music even if you own the originals and even if you plan on destroying the copies after you have used them for practice. You cannot even make copies of the sheet music to assemble them in a new collection for use by your students.



Each person in the quartet needs to purchase his or her own copy of the music. This is true for accompanists too.

4. **What if I include the composer's name and the © notice on the copy?** No, unless the copyright owner gave you permission.
5. **What if I don't charge for the copies?** Still no. Any copying without permission is stealing from the copyright owner by using the owner's property without permission. Simply copying the sheet music or recorded music without permission is copyright infringement and entitles the copyright owner to sue you for infringement.
6. **What if the copies are for educational purposes?** You cannot even make copies for educational purposes unless you are only copying very small excerpts of a larger performable work (i.e. less than 10%) if the copying is for educational purposes. But even in this case, the instructor may only make one copy of the small excerpt per student. You can charge the students to recover your out-of-pocket copying charges, but no more.

### **Music Performances:**

Public performances of music, through performing or playing a recording of music in public, require a public Performance License. Performance Licenses for nearly all non-dramatic musical works are handled through one of ASCAP, BMI & SESAC. Performance Licenses for dramatico-musical works (opera, musical plays, ballets, musical comedy, etc.) are generally handled directly by the copyright owner of the performing rights or his agent. Because Performance Licenses are almost always required, many schools and other organizations obtain blanket licenses with ASCAP, BMI



and/or SESAC to cover musical performances that occur at or by the organization of music that is within the issuing group's music library.

Like with music copying, except in a very few, limited situations, public performances of music, such as at a recital, at a concert, on a street corner or over the Internet, require permission to avoid copyright infringement.

Here are three exceptions in addition to the "Fair Use" exception:

1. Face-to-Face Education is a permitted public performance of music exception ONLY IF it involves a performance by an instructor or student within the context of the face-to-face teaching activities of a non-profit educational institution and those teaching activities are conducted in a classroom or other space devoted to instruction. There is no restriction on the type or amount of copyrighted music that may be performed without a Performance License in this context.
2. School Concerts are permitted where non-dramatic musical works are performed by school sponsored choirs or ensembles ONLY IF: 1) the school concert is provided for FREE and 2) no one at the school concert gains any direct or indirect commercial advantage, or ALL proceeds from any sales are given to the school or a charity. No compensation can be paid to any of the performers, promoters, organizers, sponsors or any vendors and no admission can be charged.
  - a. A copyright owner may object in writing seven days before a performance to prevent the school concert exception.
  - b. There is no school concert exception for concerts at a shopping mall or at a football game where an admission was charged or concessions are being sold.



3. Music may be performed at a religious worship service IF performed in the course of the services at a place of worship or other religious assembly.

#### FAQs about Performing Copyrighted Music:

1. **Do I need a license to hold a music recital for my students?**

Ordinarily, a public Performance License is needed for any music performed in public. However, if the music recital is for students and no admission is charged or any commercial activity being conducted, or if all proceeds from any commercial activities go exclusively to charitable or educational purposes, then musical performances by teachers or students, including performances by school sponsored student bands, choirs, ensembles and orchestras, may take place without a license.

2. **What if the student recital is not in "public"?** Student recitals performed in a private residence, during an educational lesson in a private studio or as part of a private recital involving a selected group of students (for their family and friends) is not considered a "public" performance and would not require a license. A performance in a school auditorium or music room or studio that is open to the public is considered "public" and may require a license if there is any commercial activity.
3. **Is a license required for my school marching band to play at a sporting event or in a parade?** Yes. Performances at sporting events and marching in parades is not considered a school concert and is public. Also, for sporting events there is generally commercial activity occurring and there is nearly always commercial activity



occurring along a parade route. A Performance License is needed for marching band performances at a sporting event or in a parade.



### **Recording Music Performances:**

Even if you fit into one of the music performance exceptions above or have permission to perform the music, making a video or audio recording of the performance is considered copying the music even if there is only the one copy. Please see the Copying Music section above for more explanation. Making recordings of music performances or even as background music to something else you are recording, in any context, should raise a question as to whether permission to record is required.

If the recording is a video recording or is music in the background of a video recording (even if it is not intended as a recording of the musician performing the music), a Synchronization License will ordinarily be required in addition to the Performance License. Streaming a music performance over the Internet involves first making a recording and requires a Digital Performance/ Broadcast License (see below). Here are the very few exceptions where permission to record is not required:

1. Making a single recorded copy\* of musical exercises for tests, or for purpose of evaluation or rehearsal.
2. Making a single recorded copy\* of a short musical performance for a teacher's use in preparation for or during a class.

\*Note that only a single recording copy is permitted for either of these exceptions and that the exceptions do not include making a copy for archival or historical purposes even at a school.

3. A parent may record a performance of their child for private purposes only so long as the recording is not shared outside of the immediate



family. If the recording is attempted to be sold or is distributed outside the parent's immediate family, it is copyright infringement.

### **Showing or Streaming Music Performances over the Internet:**

Posting a recorded performance of copyrighted music on the Internet or even streaming the performance live requires a Digital Performance/Broadcast License from the copyright owner. This is the most complicated of the copyright rights to avoid infringement for and is the one most violated because there are multiple licenses and permissions required and it is so easy to post video to the Internet.

### **FAQs about Internet Streaming of a Music Performance:**

- 1. Are any other Licenses Required?** If the music performance is a video recording or if any video shown along with music, a Synchronization License is also required in addition to the Digital Performance License. When posting a video to the Internet, make sure you have permission from performers in the video.
- 2. Are Copyright Owners really Enforcing their Rights for Postings on YouTube?** As long as the music being performed is protected by a copyright, you need the copyright owner's permission to post or stream the video on the Internet to avoid the owner's synchronization and broadcasting rights. Copyright owners are enforcing their rights against schools, organizations and individuals who post videos to sites like Facebook and YouTube that include the copyright owner's music.
- 3. Can a music teacher post an instructional video that includes some music on the Internet as an educational service?** Only if the music included is in the public domain. If the music is still



protected by copyright, you still need synchronization and Digital Performance/ Broadcasting Licenses.

4. **What if the music is in the public domain?** If the underlying music is in the public domain, you can post it on the Internet so long as you own the recording and have the permission of the performers.
5. **What if I am only playing the song on the radio?** If the song is only being played on the radio or from a sound system such as at a school, store or public party (and not over the Internet), a regular Performance/ Broadcast License and not a Digital Performance/ Broadcast License is all that is required.
6. **Do I need the permission of the performers to show a video recording of their performance?** Yes. You should be sure that you have the permission of the students and, if they are minors, their parents before showing a recording of their performance anywhere.
7. **What about Distance Education?** The law allows for performance or display of music by transmission for educational purposes in the course of an educational class (i.e. distance education) in an amount comparable to that permitted in the course of a live classroom session. However, this only applies to teachers who work in schools that have developed the technical and legal structures to deal with this issue and have tightly controlled policies and procedures for managing copyright rights. Do not begin a distance education program without first consulting legal counsel. Nevertheless, the distance education exception requires that the broadcast:



- a. Was made by, at the direction of or under the actual supervision of an instructor;
- b. Was an integral part of a class session offered as a regular part of the normal teaching in a public school or an accredited nonprofit educational institution; and
- c. Was essential to the teaching content of the transmission and made solely for and, to the extent technologically feasible, limited to reception by students officially enrolled in the course for which the transmission is made.

### **Creating New Music and Arrangements:**

Each time new music or a new arrangement of music is created or recorded, copyright rights are created for the author or performer of that music. For music arrangements, however, the arranger generally is required to assign rights to the arrangement to the original copyright owner as part of the permission given to create the new arrangement. Performers in musical groups generally waive their individual rights they may have in a performance recording to the group or to the organization recording the performance.

### **FAQs about Creating New Music and Arrangements:**

1. **Do I need to use a © Notice on my music?** Music or recordings created after January 1, 1978 receive automatic copyright protection when completed. It is no longer necessary to register the music or recording with the U.S. Copyright Office or to publish the music or recording to receive protection. Although it is wise to do so to remove all doubt that a copyright is claimed, it is not even required to place the © copyright notice on the music for protection. However, to



enforce your copyright rights in court, you must eventually register your copyright claim with the U.S. Copyright Office.

2. **When and Why should I register a copyright?** If you register your copyright claim with the U.S. Copyright Office within three months of the music or recording's first publication or prior to infringement, you are entitled to receive statutory damages and attorney's fees if you successfully win a law suit against an infringer. If you do not register, you can only claim your actual damages and your lost profits. If you were not selling the music or recordings of your copyrighted music previously, this damages number may be very small without access to the statutory damages made available through formal registration.
3. **Is registering my copyright hard?** The process and forms on the U.S. Copyright Office are straightforward and generally well explained. U.S. Copyright Office Circular 50, found at [www.copyright.gov](http://www.copyright.gov) explains the difference between registering a Sound Recording (Form SR) versus registering an underlying musical score (Form PA).
4. **Do I always need an Arrangement License to create an arrangement of a song?** Unless the earlier music is in the public domain or you already own the copyright rights to the underlying music, YES. The copyright owner has the exclusive right to allow or not allow who makes arrangements or adaptations to their creation. Because Arrangement Licenses generally require assignment of any new copyright rights in the arrangement to the previous copyright owner, even if you are making a new arrangement of one you previously made, you generally need a new Arrangement License.
5. **Does the name of my new music need to be different from the name of other songs?** No. Song titles do not get copyright



protection and there can be, and are, many songs with the same names.

- 7. Can I make minor simplifications to a song without an Arrangement License?** One important exception to the Arrangement License requirement is that a performer or a student's instructor may edit or simplify a purchased, printed copy of music so long as the fundamental character of the music is not distorted and the lyrics, if any, are not altered, and lyrics are not added if none exist (i.e. you can make minor hand notations on the original purchased music score to simplify it).