

Juilliard

Title: Copyright & Fair Use Policy

Policy Owner: Library

Contact Information: Fifth Floor Main Building
(212) 799-5000 ext. 265
library@juilliard.edu

Applies to: All members of the Juilliard community, including faculty, staff and students (College, Pre-College, MAP and Evening Division); alumni; and visiting researchers

Effective Date: August 1, 2018

"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"

—U.S. Constitution, Article 1, Section 8

The Juilliard School expects all members of its community to respect the rights of ownership of intellectual property by adhering to United States copyright laws. The law grants copyright holders the exclusive right to reproduce, distribute, perform, and prepare derivative works from the original work. The full text of the copyright law is available on the U.S. Copyright Office web site at: <http://www.copyright.gov/>

The law also specifies limitations on these exclusive rights under the terms of **fair use**, which provide exceptions to the rights of copyright holders in certain cases, allowing people to use portions of works for non-profit, academic, and other purposes provided those uses stay within certain bounds. There are four basic attributes involved in determining fair use:

- ***the purpose or character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;***
- ***the nature of the copyrighted work;***
- ***the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,***
- ***the effect of the intended use upon the potential market for or value of the copyrighted work.***

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To aid in interpretation of fair use, institutions may follow or endorse guidelines developed by scholarly and library organizations. While helpful, these guidelines are not law, and courts reviewing copyright cases many not necessarily make a ruling based on such guidelines. Below are links to selected guidelines used by Juilliard in determining fair use:

Music Library Association. Guidelines for Educational Uses of Music.

https://www.musiclibraryassoc.org/mpage/copyright_geum

U.S. Copyright Office. Reproduction of Copyrighted Works by Educators and Librarians.

<https://www.copyright.gov/circs/circ21.pdf>

National Association for Music Education. United States Copyright Law: A Guide for Music Educators.

<https://nafme.org/my-classroom/united-states-copyright-law-a-guide-for-music-educators/>

Most uses of copyright material require permission (or licenses). Fair use is the exception. However, fair use does *not* condone clearly illegal activities, such as unauthorized peer-to-peer file sharing.

Out-of-print does not mean out of copyright: under current US law, copyright lasts for 70 years after the author's or editor's death. The accompanying [chart](#) provides a more detailed summary of when works enter the public domain.

Public domain works do not require permission. Works in the public domain include federal government documents, and works published before 1923.

Finally, all that is possible is not necessarily legal. While new technologies allow easy duplication of text, images, sound, and video, the materials themselves may be protected by copyright!

Additional Resources

American Library Association. Copyright:

<http://www.ala.org/ala/issuesadvocacy/copyright/index.cfm>

Library of Congress. U.S. Copyright Office:

www.copyright.gov

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Music Library Association. Resources/FAQs:

https://www.musiclibraryassoc.org/mpage/copyright_resources

https://www.musiclibraryassoc.org/mpage/copyright_faq

Music Publishers Association. Copyright Search:

<http://www.mpa.org/content/copyright-search>

Questions about copyright should be directed to the vice president and general counsel and the vice president for library and information resources.

Frequently Asked Questions

Below are some hypothetical scenarios in which copyright questions frequently arise:

- 1) My classmates and I would like to copy the entire *Norton Recorded Anthology of Western Music* CD for use in our study session.**

No, you may not! The entire CD is copyrighted by Norton. BUT, your professor may have created a playlist on one of the Library's digital sound databases: Classical Music Library or Naxos Music Library. You may download tracks from these playlists. This is legal, because the library has paid for the subscription.

- 2) We like to download movies from the web: it's so easy to do.**

Easy, yes, but also ILLEGAL!

- 3) I am a TA/faculty member. For our class study of Mozart's *Marriage of Figaro*, I'd like to reproduce the Barenreiter edition of the entire score so each student may have a copy.**

NO. It is illegal to photocopy an entire work, and Barenreiter owns the copyright to this edition. BUT, the Library has multiple copies of this score, which may be taken to class.

- 4) I'm a composer, and would like to duplicate a recent recital that includes a performance of my work.**

YES, you may duplicate your own composition, but NOT the entire concert, as it may include works copyrighted by others.

- 5) There is a wonderful photograph of Maria Callas's 1971 Juilliard master class on the web site. We'd like to use this photo in our own web tribute to Callas.**

NO. The rights to this photograph belong to the photographer, Beth Bergman: you must contact her for permission.

6) We'd like to workshop some scenes from August Wilson's *Two Trains Running*, and need a copy for each person in our group.

ABSOLUTELY NOT! This 2007 play is protected by copyright.