

Right to Use Images, Performances, and other Creative Depictions FAQs

Q. Why is this provision included on the Juilliard website?

A. Juilliard has always had a policy regarding its rights in student performances. The written policy is included on the Juilliard website in order to provide the highest degree of clarity and to avoid any confusion regarding Juilliard's ability to use recordings, performances, classes, interviews and images for educational, promotional or other purposes consistent with the School's educational mission. In many instances, the material will be used to improve and expand Juilliard's promotional efforts and to reach new audiences. To the extent that it generates any direct financial benefits to Juilliard, such benefits would be used to support the educational and scholarship needs of students. Including this provision on the School's website primarily clarifies the existing policy and provides a greater degree of specificity in a world of new and emerging technologies. The policy is consistent with provisions currently in use by many other colleges and universities. The following are just a few examples:

Manhattan School of Music: <https://www.msmnyc.edu/campus/student-affairs/student-handbook/#policies> (See "Media Release Policy")

Cleveland Institute of Music:
<https://www.cim.edu/file/student-handbook> (See "Performance and Composition Media Rights Policy" at p. 15)

The Colburn School:
https://www.colburnschool.edu/wp-content/uploads/2019/08/CSCM_Handbook-2019-20-FINAL.pdf
(See "Publicity" at p. 82)

New England Conservatory:
<https://necmusic.edu/student-handbook/non-academic-policies> (See "Performance and Recording Release")

Yale University School of Music:
<https://bulletin.yale.edu/sites/default/files/school-of-music-2019-2020.pdf> (See "Recordings, Bulletins and Web Streams" at p. 83)

Q. Are the rights articulated in the statement exclusive rights or nonexclusive rights? Will students retain their rights to distribute and sell their recordings to third parties without Juilliard's consent? Will composers and playwrights retain their rights as authors of their works?

A. As has always been the case, students must obtain an appropriate license or other form of permission from Juilliard and from the copyright holders, if applicable, in order to use recordings made by or on behalf of Juilliard. Juilliard does not have exclusive rights to use the material underlying the recordings (e.g., original compositions, original literary works, etc.). Ownership of the underlying material would remain with the rights holder, i.e., the composer or author. Students would not be precluded from exploiting publishing or other rights in their own underlying works. They would simply have no ownership rights in the specific performances contained in the recordings, the physical recordings themselves or any reproductions or derivative works made from the recordings.

Q. What constitutes “School-related”?

A. “School-related” performances would include any Juilliard-sanctioned performance taking place on the School campus or at any off-campus venue. The provision does not apply to performances conducted outside the School context.

Q. Would this provision apply to recordings that students pay Juilliard’s Recording Department to make of their recitals or other performances?

A. No, any studio recordings of recitals or other performances for which the student has personally retained the services of the Recording Department are not subject to this provision. In these instances, the master recording is given to the student, and Juilliard does not retain any copies. However, students should be aware that they must obtain permission from the other performers and from the copyright holders, if any, before the recording can be used for other than personal study purposes.

Q. The provision refers to “perform[ing]” student works (the “Works” being image, audio, video or derivatives thereof). What does it mean to “perform” these works? Can you give us some examples?

A. In this context, “perform” means to show, exhibit, air or broadcast publicly. For example, if a student is participating in a School-related performance on the Juilliard campus, the provision gives Juilliard the right to use a photographic image of the student in order to give the student proper credit in a playbill or other material used in the promotion of the performance. Other examples of performing a Work would include uses such as live-streaming a student performance of a symphony or broadcasting a recording of a School-related performance on WQXR.