

# MUSIC PERFORMANCE OF DOWNLOADED MUSIC

It is legal to perform from downloaded sheet music in public, subject to clauses below, particularly (i) and (iv). According to the Copyright Service ([http://www.copyrightservice.co.uk/copyright/p01\\_uk\\_copyright\\_law](http://www.copyrightservice.co.uk/copyright/p01_uk_copyright_law) )

## Duration of copyright

The 1988 Copyright, Designs and Patents Act states the duration of copyright as;

- i. For literary, dramatic, musical or artistic works - 70 years from the end of the calendar year in which the last remaining author of the work dies. If the author is unknown, copyright will last for 70 years from end of the calendar year in which the work was created, although if it is made available to the public during that time, (by publication, authorised performance, broadcast, exhibition, etc.), then the duration will be 70 years from the end of the year that the work was first made available.
- ii. Sound Recordings and broadcasts - 50 years from the end of the calendar year in which the work was created, or, if the work is released within that time: 50 years from the end of the calendar year in which the work was first released.
- iii. Films - 70 years from the end of the calendar year in which the last principal director, author or composer dies. If the work is of unknown authorship: 70 years from end of the calendar year of creation, or if made available to the public in that time, 70 years from the end of the year the film was first made available.
- iv. Typographical arrangement of published editions - 25 years from the end of the calendar year in which the work was first published.
- v. Broadcasts and cable programmes - 50 years from the end of the calendar year in which the broadcast was made.

If downloading from the Petrucci Music Library, for example, one should check which edition has been scanned and uploaded onto the website, to ensure the particular scanned copy was published more than 25 years ago. If in doubt, ring the **Music Publishers' Association: 020 7580 0126**.

Further information is given below (from the Petrucci Music Library):

The copyright expiration year depends on the death year of all parties (composer, publisher, and/or editor).

- **Example 1:** Henle published a re-engraved edition of Beethoven sonatas in 1985, with an editor who is still living - The work is not public domain because the editor is still living, and the new engraving is copyrighted.
- **Example 2:** Dover published a reprint of an old (public domain) edition of Beethoven sonatas in 1995 - The work is public domain (except for the new title page and cover) because reprinting of public domain works does not qualify for copyright.

Some groups will re-print public domain editions with no new editing and write "copyright 20XX" even though the work does not qualify for copyright protection. This is known as copy-fraud, and despite the claim, the work is in the public domain. The copyright claim can usually be found on the bottom of the first page of a score.

## Determining Copyright Tables

The following tables apply to 2014. The term "author" refers to either the composer, an orchestrator, arranger, or an editor.

**Copyright on the composition and publication if author known, first published before 1923**

Author's death	Canada, life+50 countries	United States	EU, Russia, life+70 countries	Template to be used on IMSLP
< 1944	public domain (life+50)	public domain <sup>†</sup>	public domain (life+70)	None: always public domain
1944-1963			copyrighted	Work: <a href="#">Template:WorkNonPD-EU</a>
> 1963	copyrighted	copyrighted		Composer: <a href="#">Template:Copyright</a> Work: <a href="#">Template:Work1923</a> File: <a href="#">Template:File1923</a> (Hosted on US Server!)

- †(Extremely Rare Exception: certain foreign works published after 1909 might be protected in the western US states under the jurisdiction of the 9th US Circuit Court of Appeals.)

**Copyright on the composition and publication if author known, first published after 1923**

Author's death	Canada, life+50 countries	United States	EU, Russia, life+70 countries	Template to be used on IMSLP
< 1944	public domain (life+50)	copyrighted unless proof of non-renewal and NIE status is provided‡	public domain (life+70)	<a href="#">Template:WorkNonPD-US</a> <a href="#">Template:FileNonPD-US</a>
1944-1963		copyrighted unless proof of non-renewal and NIE status is provided‡	copyrighted	Composer: <a href="#">Template:ComposerNonPD-USandEU</a> Work: <a href="#">Template:WorkNonPD-USandEU</a> File: <a href="#">Template:FileNonPD-USandEU</a>
> 1963	copyrighted			Composer: <a href="#">Template:Copyright</a> Work: <a href="#">Template:WorknotPD</a> File: <a href="#">Template:FilenotPD</a>

- ‡(US:Proof of non-renewal and NIE status applies only to works published 1923-1963. All works published 1964-1977 have been renewed automatically and enjoy a full term of 95 years after first publication. Those published 1978 and later are under copyright for life-plus-70.)

## Corporate copyright on the publication, no author identified

Year Published	Canada, life+50 countries	United States	EU, Russia, life+70 countries	Template to be used on IMSLP
before 1923	public domain (pub+50)	public domain	public domain (pub+70 in most countries)	None: always public domain
1923-1943		copyrighted (pub.+95), unless public domain in country of first publication in 1996	Copyrighted	File: <a href="#">Template:FileNonPD-US</a>
1944-1963				File: <a href="#">Template:FileNonPD-USandEU</a>
> 1963	copyrighted			File: <a href="#">Template:FilenotPD</a>

### Editions of Public Domain Works

#### Determining Type

There is no copyright in Canada purely in the act of publication itself. Thus any non-edited reprint or re-engraving of a public domain edition is also public domain. The term "edition" or the credit "edited by" has been liberally applied by publishers for items ranging from serious re-arrangements and re-orchestrations of the original work to completely unaltered reprints of older, public domain scores.

Insignificant editorial contributions have no copyright in themselves. Significant ones often do. The editor's contribution to the work must be of a significant and original nature, meeting a "threshold of originality," to qualify for copyright protection. Some examples:

- **Most Significant:** Transcriptions, orchestrations, arrangements, creative realizations of continuo or figured bass parts.
- **Less Significant:** Adding original (new) fingerings, articulations, slurs, dynamic and tempo markings, routine chordal realizations of figured basses.
- **Insignificant:** Transposition, error correction, translation of common expressions and instrument names, adding fingerings, articulations, slurs, dynamic and tempo markings from other public domain sources.

#### Urtext or Critical Editions

The EU, and others, have special provisions for a limited copyright term (generally 25 years) for scholarly editions, including critical, urtext, or "scientific" editions (Bärenreiter, etc). It is unlikely that this type of edition, apart from text passages, contains sufficient original material to qualify for copyright status in Canada. However, out of caution, IMSLP voluntarily prohibits the posting of critical or urtext editions published less than 25 years ago, with the exception of those issued by government entities (such as the USSR).

#### Posthumous Publication (*Editio Princeps*)

Works first published after the composer's copyright term had expired are known as "posthumous works" and have a limited copyright term in most countries. In the case of long-dead composers, a public performance might count as the first publication for the purpose of determining which works qualify for *editio princeps* in some countries.

**EU** - The publication is generally treated like a urtext or critical edition, giving 25 years after publication.

#### Reprint Editions

Reprint editions of publications that are in public domain are not subject to copyright in Canada, the USA, the EU, and most (if not all) of the world. No copyright can be claimed on the scanning of a public domain work regardless of whether the original scanned is in printed or manuscript form.

Composers who will enter the public domain in **2014**

- Joseph Achron (1886–1943)
- Edward Norman Hay (1889–1943)
- Sergei Rachmaninoff (1873-1943)
- Josef Venantius von Wöss (1863-1943), many piano reductions

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