

Tracking Copyrights and Composers

by Susan Songer

For the past two years, I have been involved in publishing a book of contra dance music. No small part of this was figuring out whether a tune was under copyright, and, if so, locating the composer for permission to print the tune. Here is a brief description of how I identified and then found more than seventy composers, most of whom I knew nothing about in the beginning.

To begin with, I consulted attorneys so I could understand more about copyright law. I learned that composed music is automatically copyrighted the first time it is recorded or written down. Nothing more needs to be done to establish copyright. The copyright date is the date that the music was first written or recorded. Some legal protection is available with copyright alone. In addition, the copyright may be registered with the Library of Congress at any time after the music has been composed. Registration gives additional legal protection of the copyright. Some composers told me that their tune was not copyrighted. What they meant was that they had not registered the copyright for the tune.

It can be confusing to figure out whether older tunes and tunes from other countries are under copyright. Copyright laws changed in 1976, and the limits for works written prior to that date are different from the limits that exist now. Also, other countries may have slightly different copyright limits. But in most cases, music published or recorded before 1920 is now in the public domain, and music published or recorded after this date is under copyright.

With these guidelines in mind, I embarked on my list of more than three hundred tunes. First came the task of determining if a tune was under copyright or in the public domain. There are some readily available resources that were an initial help. Tunes that were printed in books such as *Ryan's Mammoth Collection*, *Kerr's Merry Melodies*, or *O'Neill's* are all public domain since these books were published prior to 1920. The ceolas website has several large indexes of tunes that can be searched for publication dates and other information. In addition, Fiddlers Crossing mail order catalogue carries indexes of Scottish music which can establish that tunes are in the public domain.

The most common cases for me, though, were tunes that could not be found in the above-mentioned places. I asked individuals who are knowledgeable about specific genres of music to look over my tune list to help me with identification of recently composed tunes. Most of these experts were quite willing to undertake this task. And, not only did they give me names of composers, they also provided some addresses. In addition, they flagged tunes that they suspected of being recent even though they didn't know of a composer. Often their hunches were correct.

I also looked through as many recent tune books and recordings as I could find, collecting many more names (and sometimes addresses) of composers. However, I learned right away not to trust what was printed in these sources. Not only do they often omit composer and copyright information, they also sometimes attribute tunes to composers who did not write them. The only way I could determine composership for sure was to speak with the composer.

The last phase of the search involved locating composers for whom I had names (not always correct) but no other information except the title of their tune (not always correct). If I found the name on a recording or in a book, I established contact by asking the recording company or the publisher to forward a letter to the composer. Organizations that deal with folk musicians were also very helpful. The CDSS office had addresses for many musicians on my list. Centrum (Festival of American Fiddle Tunes) and Augusta provided some others. The Performing Rights Society (copyright agency of the British Isles) forwarded letters to composers in the United Kingdom and also verified that a couple of tunes were pre-copyright. SOCAN (music registration agency in Canada) provided addresses of Canadian composers and information about Canadian tunes. IMRO (copyright protection society in Ireland) helped track down an Irish composer. Shetland Times, a book store, provided addresses of Shetland composers.

The Internet was useful for locating composers, too. Questions posed to relevant newsgroups yielded addresses, phone numbers and sometimes individuals who were willing to help in the search.

As a last resort, I tried directory assistance if I had a general idea about where a composer lived, and this method produced phone numbers of several composers. I found one composer through directory assistance even though I had the wrong spelling of the last name and the wrong city — I did have the right area code.

When a composer is found, there might be one additional task. Sometimes the composer is not the copyright holder. It may be held by a publishing or recording company, by a spouse or descendant if the composer is no longer alive, or even by another artist. Therefore, it is important to ask “Is there anyone else I need to contact for permission to print (or record) this tune?”

Going through all of the above steps was sometimes time consuming and frustrating when I came to a lot of dead ends, but the rewards were great as I met friendly and helpful people along the way and when I finally found the composer. In the end, these searches turned out to be one of my favorite parts of the project.

Sources*

Here are names and addresses of resources I used. There are many more besides these:

The Internet

World Wide Web: <http://celtic.stanford.edu/ceolas.html>

Newsgroups: rec.music.celtic
 rec.music.country.old-time
 rec.folk-dancing

Other Useful Resources

1. Augusta Heritage Center, Davis and Elkins College, 100 Campus Dr, Elkins, WV 26241, 304-636-1903
2. Country Dance and Song Society, PO Box 338, Haydenville, MA 01039, 413-268-7426
3. Centrum, PO Box 1158, Port Townsend, WA 98368-0958, 360-385-3102
4. Fiddlers Crossing, Tehachapi, CA, 661-823-9994 or 888-722-9994
5. IMRO, Copyright House, Pembroke Row, Lower Baggot St, Dublin 2, Ireland, 011-35-31-676-6996
6. Performing Rights Society, 2933 Berners St, London W1P 4AA, UK 011-44-171-580-5544
7. Shetland Times, Lerwick, Shetland Islands, United Kingdom, 011-44-159-569-5531
8. SOCAN, 41 Valleybrook Dr, Don Mills, Ontario, Canada M3B 2S6, 416-445-7108

** Sources still valid as of August 2006; information also available through their websites which are not listed here but may be found through any good search engine.*

This article was in the CDSS News, issue #137, July/August 1997. For a related article, see “Do We Have To?”—Copyright Basics” by Pat MacPherson (CDSS News #174, September/October 2003).