

### What is the application to High School Bands and their Directors?

High school bands and directors must respect the rights of copyright holders and abide by U.S. copyright laws. In practical terms, this means that music rehearsed and performed must be 1. original copies and not photocopies (when used in rehearsal and performances); 2. original works composed by the user; or 3. arranged or adapted only with express permission of the copyright holder.

Notice that I used the term “copyright holder” in the foregoing. The composer is not always the copyright holder. It could be the composer’s estate, an assigned publisher, or another third party to whom the composer assigned “copyright ownership (or publication) rights.”

In no case should photocopies or special musical arrangements or adaptations be made without expressed permission.

Particularly in the area of marching band (and other genres that use visual support (props), the copyright laws apply to visual items/uses as well. If my prop is a copy of a painting or contains trademarked product or image references, I need permission from the creator/rights holder to use it. The same is true for recorded word as well. Certainly there are public domain works, but assume that any recorded movie, sound track, etc. is protected and requires permission to use.

### What’s a “new” arrangement or adaptation?

An arrangement is defined as an adaptation of a composition for other instruments or voices or for another style of performance than what was originally intended. Any person who alters an original musical composition in order to suit an alternate performance venue or instrumentation then becomes an arranger. Any substantial adjustments made to already published works for concert band, marching band or other instrumentation constitute a “new arrangement” (i.e. cuts made from a published concert band piece “played the same way” with added marching drum parts constitutes or becomes a new arrangement for which permission to create and perform is required). Minor changes to reflect a conductor’s musical interpretation or to match the instrumentation available to the ensemble have not been viewed as new arrangements. There is no set rule or clear standard. However, when in doubt, the best advice is to seek permission to arrange.