

# If You're a Musician . . . Don't Be a Copycat

By SHARON DARNIEDER

Do you buy one piece of music and then mimeograph the rest for your congregation or church choir without checking with the publisher?

If so, you're just as bad as a counterfeiter, according to Sister Virginia Hogan, SSJ, chairman of the Diocesan Liturgical Music Commission.

"At every single workshop the commission has," she said, "we stress that you don't reproduce music any more than you do a dollar bill."

Many churches and non-profit organizations ignore the nation's copyright laws (which state you must receive permission from the publisher or creator to duplicate copyrighted material) using the rationale that if the music is for the good of the Church or the organization it's okay to produce copies.

Not only are those who think like this breaking the law, they're also cheating composers and publishers out of millions of dollars.

A recent editorial in The Catholic News (the archdiocesan newspaper of New York) pointed out that an artist at FEL Music Publishing House who composed the popular "Sons of God" received a royalty of only \$40-17 for his song that was being copied illegally by thousands.

"Usually a composer's music is

in the hands of a publisher," said Sister Virginia, "and how it's handled depends upon the contract."

"Sometimes the composer sells a piece outright to the publisher for a certain amount and sometimes he receives so much per copy that's sold," she added.

One casualty caused by those who ignore the law are the publishing houses.

"Some companies have already gone into oblivion because of it," she said.

Sister Virginia says a composer could easily go broke trying to make a living writing Catholic church music, since it's so freely used by thousands of churches across the country with no regard for the composer's rights.

To be protected by law, a published piece of copyrighted music must carry a notice near the beginning that includes the word copyright or the symbol, the year the copyright was registered with the Library of Congress and the name of the proprietor of the copyright.

Under the present copyright law, people found guilty of violating it are subject to fines and jail sentences.

Sister Virginia knows of at least one instance where a church (not in this diocese) was sued by the publisher, and of another diocese where the publisher was forced to seek the aid of the bishop to

prevent illegal copying and distribution of their songs.

If you're a choir director or organist, and this is the first you've heard about copyright laws and the church don't be surprised.

It's new to many people, according to Sister Virginia, because it's become an issue "only within the last eight to ten years."

"Before that the congregations never sang," she said. "There was no problem with the old hymnals you just bought for your choir."

Now, however, with so many people in the church anxious to improve and update the liturgy, more care must be taken to observe the rights of publishers and composers.

When asked how she felt about the problem in this diocese, she said, "I don't think it's any worse here, but it's equally as bad as anywhere else. We're violating the law just as much."

She admits that getting the music an organist or choir director may want is "really a problem if you want to teach some music and don't have the money for it," but points out that this doesn't excuse anyone from the law.

"Any way at all in which you change music requires the permission from the publisher," she said.

In addition to making copies of copyrighted music, such changes also include copyrighted arrangements, original words, and tunes.

A choir director can't make copies of a song unless he's received permission to do it, and "he doesn't have the permission until he gets it from the publisher," she emphasized.

"I don't think people in church positions are deliberately looking for ways to break the laws," she said, "but a large part of it is ignorance. If we could make more people aware of the copyright law, it might help."

What's the answer?

"The solution is that choirs have a budget," said Sister Virginia. "Some do but many, many don't."

"It's the responsibility of the pastor to make the decision and make it possible for their choirs to operate on a budget," she said.

That way, she concluded, the choir director can plan ahead and know just how much money he has to operate and buy music with.

She also pointed out the possibility of a national hymnal.

"The pros and cons were discussed at the National Convention of Music Commissions in October," she said, "and that would eliminate a lot of the copyright problems."

However, Sister is careful to point out that some music isn't copyrighted. And, on some, the copyright has expired and hasn't been renewed. Then, the music becomes Public Domain and anyone can copy it.

According to the February edition of The New York State School Music News, the length of a copyright term varies. At present, a new copyright bill is

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Members of the Music Publishers' Association of the United States and the National Music Publishers' Association.

under consideration in Congress (and has been for some time.)

The magazine suggests that to be on the safe side, check with the publisher first before copying a piece of music that carries the copyright year of 1906 or thereafter.

It says that any piece of music with a copyright date of 1905 or earlier is now in the Public Domain (unless otherwise stated).

So what's a parish to do?

Besides calling a publisher each time before copying or rearranging a copyrighted piece of music, parishes can also check whether the publisher offers a flat rate for his music — so much for so many copies.

Or, they could follow the example of St. Januarius Church, Naples.

There, Father Robert Smith, pastor, who is concerned over the copyright problem, has taken advantage of a blanket policy for parishes offered by the FEL Music Publishing House.

For \$98 per year, the parish can reproduce any and all music published by the FEL. Of course,

there still has to be a copyright notice at the bottom informing people as to the owner of the copyright.

Sister Virginia noted that by always asking for permission to copy or rearrange a copyrighted piece of music, the public could also cut down inflation — at least in one respect.

"People are always complaining about the cost of music," she said. "If they would only ask for permission before copying, music would be a lot cheaper than it is today."

So, like with the damage caused by vandals at hotels and motels and the merchandise stolen by shoplifting, it's the honest customer who pays in the end with higher prices.

## ALL IN THE FAMILY

Every time I read that one proof of maturity is the ability to wait for gratification I duck mentally. I have always done poorly in this department as evidenced anew the other day when I started thinking about putting in some strawberries. Every year I put it off because strawberries — at least the ones we planted at our first house — take two years to bear fruit. Frankly, I get itchy waiting around.

Waiting nine months for our first child drove me wild and the 12 months it took for our second (adoption) was even worse. Finally when our third baby took just six weeks to put in an appearance I knew I had struck paydirt.

One consolation, however, is that I've discovered I'm not the only one with the problem. One friend who loves to sew confided recently that if she can't cut out a dress, sew it and hem it all in the same day she considers it a lost cause.

To help readers discover whether they too belong to the "Slam, Bang and Done" school I've made up a little test. If you answer yes to more than half the following questions you're one of us.

1. Have you ever put on a second coat of paint before the first coat has had the full recommended drying time?
2. Do you sometimes frost a cake before it is cool even if there's no reason to hurry?
3. Do you take your hair out of curlers before it is dry so you can see the new hairdo?

### ST. PATRICK MISSION

Owego — The annual parish mission at St. Patrick's Church will be held from March 30 to April 5. All members of the parish are invited to attend the program which will deal with the Lenten season.

4. Do you eat the cherry before you drink the Manhattan?

5. Sing the more melodic chorus before you tackle the verse?

6. Start a book in the middle or leaf from back to front in a new magazine?

7. Fail a diet because you can't picture the reward at the end of three months deprivation?

8. Eat dessert before your salad?

9. Put up new curtains for a preview before you wash the windows?

10. Barbecue hot dogs before the coals are ready?

11. Try a new appliance before you read the instructions.

12. Wear a new spring outfit when the thermometer still reads 32 degrees?

13. Sample the homemade fudge before it reaches the softball stage?

14. Grab the church bulletin on the way into Mass instead of waiting for the ushers to pass it out afterwards?

15. Ask a friend this afternoon how the movie you're seeing tonight ends?

16. Empty the cereal box contents into a bowl to see the prize in the bottom? If your kids don't beat you to it?

17. Take a peek at your birthday gift your spouse has hidden in the closet?

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