



Listed below are two items of Public Domain I believe you as a missionary, videographer, editor, or user should be aware of: some of this information was compiled from web sites that are listed in the references section below.

### 1st is Music -

Beware, of Copyright Laws on music, public domain music is free, true, but you must, and need, to have a notarize written release from the performer. I made the mistake of taking ones word, and got into trouble later. What is written is never forgotten, and will stand in a court of law. Fortunately, copyrights eventually expire and the owner no longer has no exclusive rights. All compositions not protected under copyright law are said to be **in the public domain**. A work is in the public domain when no one on this entire planet can find any law which gives them legal claim to a property. Public domain is the complete absence of any law allowing ownership of a property. **If you can prove** that a composition is in the public domain, you can use the work any way you can imagine. You can arrange, reproduce, perform, record, publish it, and use or sell it commercially as you like.

However, how does one determine what is Public Domain? Here is some information you as a missionary, videographer, editor, or user should be aware of:

#### **Remember this is the Copyright date old enough to be in the Public Domain registry.**

(This referred to as "PD Copyright Date")

- United States Only - copyright notice of 1922 or earlier.
- Outside the United States - determined by the copyright laws of each individual country where you play, and plan, to use the work.

#### **Legitimate Sources for Proof of Public Domain**

- Original Book with PD copyright date on the Title Page
- Original Sheet Music with PD copyright date
- Photocopy of a Book or Sheet Music with PD copyright date which you photocopied yourself
- Photocopy of a Book or Sheet Music with PD copyright date from a person or company you trust
- Digital copy of a Book or Sheet Music with a PD copyright date printed on your printer from an internet web site you know to be reliable
- Digital copy of a Book or Sheet Music with a PD copyright date printed from a CD or DVD published by a person or company you trust

#### **Questionable Sources for Proof of Public Domain**

- Photocopy of sheet music or photocopy of pages of a book given you without your seeing the actual book
- Photocopy of sheet music with or without cover page without your seeing the actual sheet music
- Photocopy of a book without copy of Title Page - you cannot positively identify the source without the title page.
- Anything from an internet web site you know nothing about

#### **Invalid Sources for Proof of Public Domain**

- Original or photocopy of a Book or Sheet Music with no copyright dates
- The name of the song on a list of public domain music
- An old-looking book with no title page and no copyright dates anywhere in the book
- An old-looking page of music with no copyright date ripped from an old-looking book
- Photocopy of a Book or Sheet Music when you do not know who made the photocopy
- An individual telling you that a song is PD, even if you know and trust the individual.
- An email from anyone telling you a song is PD

You should use a public domain composition only if you have **proof** of public domain from a legitimate source. If you do not have a **legitimate source in your possession**, there is no way you can be certain that the music you use is in the public domain. A legitimate source is a tangible copy of the work with a copyright date old enough to be in the public domain. Sources are almost always either an original or a copy of a book or sheet music. You cannot just "know" a song is in the public domain or just "see" the name of the song in a book, on a list, or even on this web site. An attorney will tell you that there really is no such thing as absolute "proof of public domain". But you must protect yourself with the best "proof" you can find. If you do not do your own research and obtain a legitimate public domain copy of each work you use, you can easily make errors which could result in your having to pay substantial royalties.

### **Copyright and the Public Domain**

Authors own the exclusive rights to their compositions. This is called a copyright, and the composition is protected for many years--even if the copyright is never registered with the copyright office. A composition is considered to be "intellectual property" The copyright may be sold, transferred, or inherited--but the copyright still endures. If any music or lyrics are still under copyright protection you CANNOT reproduce the music or lyrics.

- you CANNOT distribute the music or lyrics either for free, for no profit, or for profit
- you CANNOT perform the music or lyrics in public
- you CANNOT play a recording of the music or lyrics in public--even if you own the CD
- you CANNOT make a derivative work or arrangement for public use in any form

### **Public Domain**

Fortunately, copyrights eventually expire and the owner no longer has no exclusive rights. All compositions not protected under copyright law are said to be in the public domain. A work is in the public domain when no one on this entire planet can find any law which gives them legal claim to a property. Public domain is the complete absence of any law allowing ownership of a property. If you can prove that a composition is in the public domain, you can use the work any way you can imagine. You can arrange, reproduce, perform, record, publish it, and use or sell it commercially as you like.

### **HERE IS A THING TO REMEMBER – DON'T MISS THIS!**

#### **Music and Lyrics and Arrangement**

- Music - the melody or the rhythmical sequence of single notes
- Lyrics - words that are sung with the music
- Arrangement - specific harmony notes played with the melody

When doing public domain research, you must separately consider the PD status of the music, the lyrics, and the arrangement. Most often you will find a piece of sheet music with a PD copyright date which includes music, lyrics, and arrangement. The PD status for all are the same, and your research is done. But there are many instances where music is in the public domain, but the lyrics are still copyright protected. For example, an old tune called "Aura Lee" is in the public domain, but the "Love Me Tender" lyrics sung to the "Aura Lee" tune by Elvis Presley will still be under copyright protection for years. There are also instances, particularly in religious music, where an author takes ancient lyrics and writes new music--the lyrics are public domain, but the music is copyright protected.

The arrangement of a song can also be protected by copyright. A chord progression does not constitute an arrangement, and a chord progression alone cannot be protected by copyright. But the chord progression, harmonies, accompaniment rhythm, and musical fill phrases are together a creative work which define the style and feel of a song. Anyone can create and copyright an arrangement of any music in the public domain. So even though music and lyrics may be in the public domain, there frequently are numerous arrangements of any public domain work under copyright protection.

#### **Derivative Work**

When a musical work is first written down in a tangible form, the original is created. Changes to the original create a new work which is called a derivative work. The author of a work has exclusive rights not only to his original work, but also exclusive rights to make derivative works from the original. But anyone can create and copyright a derivative work from anything in the public domain. Therefore, a composition may have numerous derivative works protected by copyright even if the original is in the public domain. We will leave it to the attorneys to differentiate between "arrangement" and "derivative work". What you must know is that both are protected by copyright law. You MUST BE VERY CAREFUL, DON'T TAKE ANYTHING FOR GRANTED. IT CAN BE VERY COSTLY! USE MUSIC YOU ARE SURE OF PERIOD!

#### **Here are a few web sites on Public Domain music and copyright laws:**

These links are current as of 3/2013.

<http://www.loc.gov/index.html>

<http://www.freelegaladvicehelp.com/copyrights/public-domain/Public-Domain-Music.html>

<http://www.unc.edu/~uncnlg/public-d.htm>

[http://www.copyrightservice.co.uk/protect/p07\\_music\\_copyright](http://www.copyrightservice.co.uk/protect/p07_music_copyright)

<http://www.pdinfo.com/PD-Research-Links.php>

<http://www.pdinfo.com/Music-Production-Video.php>

## **2nd is the use of Pictures in presentations –**

This is an area where Missionaries can get into real trouble. Remember, you show it, post it on the internet, and often make DVD's. It will be seen! As a general rule try not to use pictures you haven't taken yourself. This way you are always safe, and it is your work, vision, and your perspective. However, if you must use pictures from other services, the web or friends I encourage you to read the following.

### **Definition Of Public Domain Images.**

Images spice up any write up and add to its appeal to readers. Modern writers, journalists and photographers from the top film schools refer to the World Wide Web as a content resource where they can have free access to copyright-free images for their writing projects. These images are considered free content that has no legal restriction on a user's right to copy, redistribute or modify. They are also called images in the public domain.

But let's be clear. This does not mean that any image placed on the internet is free for use in the public domain. The owner or originator of the image must expressly clearly that this image is given to the public domain.

### **How to know if an Image is in the public domain!**

Images in the public domain may indicate they are in the public domain. On the other hand, copyrighted images are no longer required by law to use the copyright notation. It used to be that published photos contain a copyright notation that contain the international copyright symbol "C" inside a circle before the year first published and the owner or creator's name or organization. But after March 1st 1989, this is no longer required under the revised Copyright Act.

If you encounter an image in an online site that is neither indicated to be in the public domain nor has a copyright notation, you can assume that it is copyrighted. If you want to use this image, contact the publisher or owner of the work where the image is used to seek permission. While you won't be sued if you use the image for personal non commercial purpose, you may still be asked to take it down if the owner discovers you had used it without his or her permission.

To be sure that you are downloading images in the public domain, simply email the site owner or article owner if the image used is copyrighted and indicate your request for permission to use and your objective. Otherwise, there are countless online sites that offer free images in the public domain.

### **Here are a few web sites on Public Domain, for use of Pictures, and their copyright laws:**

These links are current as of 3/2013.

<http://www.publicdomainsherpa.com/public-domain-photos.html>

<http://answers.yahoo.com/question/index?qid=20080607101950AApNYf>

<http://www.stockphotoguides.com/use/using/using-free-images-on-your-blog-is-a-bad-idea>

[http://www.ehow.com/facts\\_6060172\\_photo-copyright-law.html](http://www.ehow.com/facts_6060172_photo-copyright-law.html)

[http://en.wikipedia.org/wiki/Public\\_domain](http://en.wikipedia.org/wiki/Public_domain)

<http://www.pdimages.com/>(This is one that deals with using Pictures and images. Besure to check this one!

There is lots of information on this subject, look it up and find out for your self. Failure to stay within the law will cost you! Remember this, "You want God to bless you? Then do right!"