



YOUTUBE

AND SHOW CHOIR MUSIC

by Jann-Michael Greenburg

Photos courtesy of John Burroughs Vocal Music Association



One of the questions asked most frequently of Tresóna’s licensing department by Show Choir Directors is: “Am I allowed to put my school’s performance up on YouTube?”

The answer to this question is a bit more complex than the question itself, because there are a few factors that should go into one’s decision about whether or not to post a video of a show choir performance.

Before we get to the copyright considerations involving the music compositions, there are other copyright considerations that come into play.

The first thing to do is to determine whether you (or your ensemble) are the owner of the video you are uploading. You would be the owner of the video you

are uploading if you made the video, or if you paid someone or asked someone to make the video on your behalf and they signed a work for hire agreement acknowledging that they were making a video for you and relinquishing any claim of ownership in the video.

Many schools use professional videographers who sell the videos to the parents. If you upload a video under these circumstances, you may be violating the copyright of the videographer, and it may severely impact his ability to sell the videos to



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the parents and affect that person's ability to make a living. It would also be a violation of copyright law to do this.

The second thing one should be concerned about is whether or not you have a release from the student performers who are appearing in the video. Most colleges have a release that is part of a contract of adhesion that says that if a student is attending the college, any and all performances done by the student while part of a student ensemble can be exploited by the college without the student's permission or without remuneration to the student.

High schools, on the other hand, usually do not have the ability to exploit a video performance of students without the students' permission, which would have to be granted by the parents for all students under the age of 18. The show choir promotional companies that organize the championships and competitions, most likely have the right to exploit the video recordings of their competitions as part of the entry requirements and agreement that the schools sign to be in the competitions. So, sneaking a video of a high show choir competition and uploading it onto YouTube might be a breach of your contract to attend the competition as a spectator and might constitute a violation of copyright law, in particular the sections that govern the fixing, trafficking and distribution of music videos.

The third thing one should consider is whether or not one has secured the synch rights to the compositions that are performed

in the show. This is where the music composition copyright would come into play, and without that synch license, you are violating copyright law by uploading the video.

However, the good news is that it is completely possible to legally upload videos of show choir performances onto YouTube, and to earn money for your ensemble in the process and here are the steps that you should take to do this legally, and they are very easy.

- 1) Locate a parent or student who is familiar with operating video cameras and have them make the videos for your ensemble, with the understanding that they are doing this as a work for hire and that they want the economic benefit derived from the video to go to the ensemble.
- 2) Make sure that the students' parents will allow their students to be recorded and that the parents know the video recordings will be uploaded to YouTube.
- 3) Go to a cover song service (www.wearthehits.com is the only service that we are aware of at this time) and create an account for your ensemble or booster club. Your videos will earn advertising money, they will be fully licensed, and 40% of the advertising money will go to your school or booster club organization. We Are The Hits also has access to Vevo Channels on YouTube, so if your videos are well done, you can elect to have them appear on Vevo.
- 4) There are also some terrific subscription-based videos that are launching in the near future that will allow for video-on-demand high definition playback that will, like wearthehits.com, be fully licensed. These subscription services should be a terrific legal way to earn money for your ensembles from their performances.

Lastly, there is a tremendous range of best practices for creating videos that you are going to put up on YouTube so that your

videos will appeal to the greatest number of people and earn the most money for your program. YouTube routinely publishes a booklet called the *Creator Playbook* and that publication is located

at www.youtube.com/yt/playbook/, and it can be downloaded as a PDF. I would highly recommend reading through this YouTube publication as it is very helpful and easy to understand. 

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