

THE SCHOOL LIBRARY GUIDE TO MUSIC IN THE LIBRARY

As a school librarian, it is essential to understand copyright law regarding playing music in the library. Music is often played in school libraries to enhance the environment for studying and learning. As background music, it serves to create a conducive atmosphere, mask distractions, and promote focus. Librarians may also choose to play music as a part of a lesson, activity, or program/event. When played for this purpose, music may promote creativity, enhance learning, and expose students to a wide range of musical styles and traditions. In short, the decision to play music in a school library is often aimed at creating a welcoming, supportive, and productive environment for students to engage in academic activities and personal enrichment. In order to legally play music in the library, though, school librarians must follow copyright law.

Copyright law grants creators and owners exclusive rights to their original works, including the right to reproduce, distribute, and perform their works. These rights are protected as soon as a work is created and fixed in a tangible form, such as sheet music or a recording. In the United States, copyright protection typically lasts for the life of the creator plus 70 years.

Background Music

A school librarian playing background music in the library must adhere to copyright law and more. Whether playing background music is allowed depends on various factors, including the source of the music, the purpose of the music, and whether the necessary permissions or licenses have been obtained. The most common format for playing background music is a streaming service. When playing streamed music, keep in mind that these services have contractual “terms and conditions of use” that often override copyright/fair use and allow music streaming for personal use only.

Here are some considerations for playing background music in the school library:

Licensed Music:

If your school has obtained licenses or subscriptions to music services that include performance rights, you may be allowed to play background music in the library from these licensed sources. These licenses typically cover public performances within the educational setting.

Educational Use:

Playing background music for educational purposes, such as creating a relaxing atmosphere conducive to studying or reading, may be permissible under fair use guidelines. Fair use allows for the limited use of copyrighted material for purposes such as teaching, scholarship, or research. However, it is important to consider the purpose and nature of the use, the amount of music used, and the effect on the market for the original work.

Personal Copies:

Using personal copies of CDs, MP3s, or streaming services (e.g., Spotify, Apple Music) to play background music in the library may not be allowed without proper licenses or permissions. Using personal copies could potentially infringe upon the rights of copyright holders unless the music is being played for personal use only.

Public Performance Rights:

Playing background music in public areas of the library, such as common areas or during events open to the public, typically requires permission from the copyright holder or a license. If the library is open to students, staff, and visitors, it is essential to ensure that any music played in these areas complies with copyright law.

Best Practices:

- **Obtain Proper Licenses:** If your school intends to regularly play background music in the library, consider obtaining the necessary licenses from performance rights organizations or music licensing agencies.

- **Use Legal Sources:** Encourage the use of legal sources for obtaining music to ensure compliance with copyright law. This may include licensed streaming services or purchasing music from reputable sources.
- **Monitor Usage:** Keep track of the music being played in the library and ensure that it aligns with copyright law and any licensing agreements in place.

By following these guidelines and ensuring compliance with copyright law, school librarians can provide background music in the library while respecting the rights of copyright holders. If there are any uncertainties or specific questions regarding copyright law, it's advisable to seek guidance from a legal professional specializing in intellectual property law.

Music for Events/Programs

What is Allowed:

- **Public Performance Rights:** Schools may perform music in certain situations without obtaining permission if the performance falls under an exemption. This includes performances for instructional purposes in the classroom.
- **Educational Use:** Playing music for educational purposes, such as during lectures, presentations, or educational programs in the library, may be permissible under fair use guidelines.
- **Licensed Music:** If your school has purchased licenses or subscriptions to music services that include performance rights, you can use those platforms to play music in the library.
- **Live Performances:** Hosting live performances by students or other performers where music is played or performed is generally allowed, as long as the performance does not infringe upon the rights of copyright holders.

What is Not Allowed:

- **Public Performances without Permission:** Playing music in public areas of the library, such as common areas or during events open to the public, typically requires permission from the copyright holder or a license.
- **Using Personal Copies:** Playing music from personal CDs, MP3s, or streaming services (e.g., Spotify, Apple Music) without proper licenses or permissions is generally not allowed.
- **Downloading or Sharing Music Illegally:** Downloading or sharing music illegally from unauthorized sources violates copyright law and is strictly prohibited.

- Ignoring Copyright Notices: Many CDs and digital music files come with copyright notices that specify permitted uses. Ignoring these notices could result in copyright infringement.

Best Practices:

- Understand Fair Use: Familiarize yourself with the concept of fair use, which allows for limited use of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. Fair use is determined on a case-by-case basis and depends on factors such as the purpose of the use, the nature of the copyrighted work, the amount used, and the effect on the market for the original work.
- Obtain Proper Licenses: If your school frequently plays music in the library or hosts events where music will be performed, consider obtaining the necessary licenses from performance rights organizations or music licensing agencies.
- Promote Legal Sources: Encourage students and staff to use legal sources for obtaining music, such as licensed streaming services or purchasing music from reputable sources.
- Keep Records: Maintain records of licenses, permissions, or purchases related to music played in the library to demonstrate compliance with copyright law if necessary.

By understanding and adhering to copyright law, school librarians can ensure that they are legally playing music in the library while respecting the rights of copyright holders. If you have specific questions or concerns about copyright law, consider consulting with a legal professional specializing in intellectual property law.