Blog Post #2

So, you wrote a song, and you want to be able to release it, but how do you protect your art before you share it with the world? That’s a question we want to help you answer.

Here at Bad Parade, we know how difficult it can be navigating through the music industry. With that in mind, welcome to Copyright 101! Today we will be focusing on the ins and outs of music copyright law so that you can make sure you and your work are protected at all times. Let’s jump right into it!

**So, what even is copyright?**

According to the Government of Canada website, copyright is defined as

Copyright is the exclusive legal right to produce, reproduce, publish or perform an original literary, artistic, dramatic or musical work. The creator is usually the copyright owner. However, an employer—for example, a film studio—may have copyright in works created by employees unless there is an agreement in place stating otherwise.

In simpler terms, this just means that if you want to have the rights to you work so that no one else can copy it, you need to copyright it. If you work independently, you will own the copyright to your work. On the other hand, if you work for a production/entertainment company as an artist, they might own the copyright. This is really important to keep in mind and something you should always look for in your employment contracts.

**Now that we know what it is, how do you get it?**

Luckily, in Canada, it is pretty straightforward. As soon as you create the work, you are considered to have the copyright to it. This “creation” can be in the form of writing it down, recording it, or doing anything else that essentially creates an existing copy of the work. For this to be valid, your work must meet the following criteria:

1. The work must be original.
   1. The work can’t be a copy of another copyright protected piece.
   2. Must meet a minimal level of creativity (changing two notes of another song is not enough).
2. It must exist in a somewhat permanent/physical/material form.
3. You must be a Canadian citizen or a resident in Canada.

**What are the benefits to having it?**

Well, when a song is known to be yours, you can start to collect royalties for it. This means that you can get paid for your work. There are two kinds of royalties:

1. Public Performance Royalties:

In the song Party in the USA by Miley Cyrus, she sings “the taxi man turned on the radio, and a Jay-Z song was on.” To most of us, this just means Miley heard Jay-Z’s song, but in the copyright world, this means Jay-Z got royalties from the song that Miley heard play on the radio. In other words, if you hear a song in a club, a bar, a restaurant, on the radio, or anywhere really, if it is played by the original artist, they will get the royalties for it.

1. Mechanical Royalties:

Though they are not as big today as they once were, CDs and records were major for getting royalties. If a song was reproduced into a CD, a record, a tape, or even as a file to be played as an MP3, the original artist would get the royalties for it. Essentially, if it was made into some sort of physical version, the master owner of the song would be granted the royalties for every time the song was reproduced into a physical form.

**\*Reminder:** This can change depending on whether or not you work with a label. If you are working with a team to formally produce your music, it is important to review your contract to understand how the royalties could be split between you and your team. **\***

**How long does this protection last? Does it last forever?**

No, it does not last forever. The copyright will last until 70 years after the end of the year in which the actual art was initially recorded. After 70 years, it turns into public domain.

**How much is all of this going to cost me?**

The main cost comes from registering with the Canadian Intellectual Property Office (CIPO). Registering makes it so that you are secure, and it costs between $50-$65 to do so. Though it can feel like a big price to some, especially in this industry, it is a small price to pay to ensure your work and efforts are protected.

All in all, it can be pretty straightforward once you get the hang of it. There are a lot of confusing aspects of this industry, and we know how hard it can be to find your way and make sure you are successful. To the best of our ability, we want to be able to help you make this journey a bit easier, and we hope this piece did that.

Below, we have linked a few websites that we think would be really helpful for those of you just getting into the music industry or still finding your way. We wish you all the best of luck and we cannot wait to hear your (copyright protected) music soon!

Works Cited

“Copyright 101.” *SOCAN*, 15 July 2021, https://www.socan.com/copyright-101/.

“Copyright 101.” *The Songwriters Association of Canada*, 31 May 2021, https://songwriters.ca/education/.