

# COPYRIGHT

for members of the State University of Music Trossingen

## GUIDE TO HANDLING COPYRIGHTS

### PREAMBLE

As the central artistic training centre for music, the Trossingen State University of Music is a place where artistic achievements are often created and art projects are realised. Not infrequently, these projects are realized by students in cooperation with other students and teachers. Any uncertainties that may exist when using one's own and/or other people's artistic achievements bear the danger of incorrect handling of these rights and create the risk of legal infringements.

This guide provides information on how to deal with these rights and reduces the risk of legal infringements. It does not replace a legal assessment of all legal issues that come into consideration, but serves as an introduction to the most important regulations and principles. University members are advised that questions regarding the use of copyright-protected works and artistic performances must, in case of doubt, be legally clarified in advance.

### YOU ARE A PERFORMING ARTIST.

#### § 73 UrhG

*Performing artist [...] is anyone who performs, sings, plays or performs in any other way or participates artistically in such a performance.*

You have the right to do so,

- to be recognised as a performing artist, i.e. above all to be named as such,
- to forbid anyone to distort or otherwise interfere with your performance,
- to record your performance on video or audio carriers.
- to subsequently reproduce and distribute the image or sound carrier,
- to be made publicly available,
- unless the performance has been lawfully recorded on visual or sound carriers which have been published or made available lawfully.

Before you publish recordings yourself, ask yourself whether you would still do this next year - or whether it wouldn't be better to polish the piece again.

## YOU ARE OFTEN NOT ALONE ON STAGE.

That's why copyright law makes differentiated regulations, because every artist involved has his or her own rights and judges differently whether the recording has become something and is therefore worth being shown publicly. In some cases one has to bow to the opinion of other parties involved:

### § 73 UrhG

*Performers have the right to prohibit any distortion or other degradation of their performance which is likely to damage their reputation or standing as of a performing artist. Where several performers have in common they shall take due account of each other when exercising this right.*

What does it mean to "show consideration for each other" if one person finds the video successful and the others do not? Is it a majority decision? No, at least not if the recording was made with a large number of participants. A soloist who has performed with an orchestra and comes to the conclusion that he or she will no longer be engaged if every artistic director finds this video on the Internet has the right to prohibit its publication - or to have the video deleted again. The choir member who recognizes himself on a video and sees that he was fired in the second movement has little chance of having the video deleted.

If the context makes it clear that the video is a production made during studies in the context of teaching, then different standards apply than when artists have to assert themselves on the market.

Before you publish recordings yourself, ask not only yourself, but also the others involved. Don't presuppose approval just because the others noticed that the camera was running. Recordings in which people who are not members of the university are involved require express permission before publication. Before you publish recordings that have been made in university events and in which third parties have played a decisive role, or use them for applications, etc., please obtain their consent in order not to infringe their rights, especially according to § 75 UrhG (German Copyright Act).

The university uses the recordings made of university events for its own advertising. You do not lose your rights to the recording as a result. Even after you have given your consent to the recording and broadcasting of events in which you are involved as a performing artist, you still have the right to prevent further exploitation within the framework of the provisions of Section 75 UrhG. Therefore, if you come to the conclusion that your significant artistic contribution endangers your artistic progress due to poor recordings or excerpts thereof, please contact the sound engineer.

## HONORARIES

### § 78 UrhG

- (2) An appropriate remuneration shall be paid to the performer if*
- 1. the performance [...] has been legally broadcast*
  - 2. the performance is made publicly perceptible by means of image or sound carriers or*
  - 3. the broadcast or the communication of the performance based on making it available to the public is made available to the public.*
- (3) The performer may not waive in advance any claims to remuneration under paragraph 2. They may be assigned in advance only to a collecting society.*

As long as you study at the University of Music Trossingen and we exploit recordings made at university events, we will not pay you any remuneration. We pay the fees owed to the respective collecting society.

The University of Music Trossingen produces sound and image recordings of university events within the scope of its duties according to § 2 of the State University Act, including informing the public about the fulfilment of its duties. These recordings shall be made available and distributed to the public without profit-making purposes in individual cases. The remuneration for these recordings is paid to the collecting societies, above all GEMA. There is no further claim to remuneration by the individual student or teacher involved in the recording.

### § 80 UrhG

- (1) If several performers perform a performance together without their shares separately, they shall have the right to realise their to the entire hand. None of the participating performers may refuse its consent to exploitation contrary to good faith. [...]*

If you write and perform music yourself, the rights of the author apply to you. It is worth your while to familiarize yourself with these rights.

In addition to the rights as an artist, you are also concerned with the more general questions of personal rights, especially the right to your own image. This is because the university advertises with pictures and films from its work. If you are at the centre of reporting, the Press and Public Relations Department will ask you expressly for permission to take pictures. For the everyday cases of photo reporting from the halls, we will ask for your consent within the scope of registration. If you expressly do not wish to give this consent, then we ask you to make sure that we do not publish your photographs wherever possible.