

57° NORTH

Copyright infringement: A practical guide for musicians

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So I go online, and I see a new post from a large music-related company. They posted an amusing piece of graphic art that had already been shared over 200 times by the time I saw it on my feed. Then I realised, much to my despair, this company had used my friend's artwork without permission and without accreditation.

What should you do when these situations are thrust upon you?

This guide is for the little guys; you might be a hobby artist, a graduate or someone who is at the start of their career.

Disclaimer: I am a musician, I know a bit about intellectual property, but I'm not a lawyer.

You're worth it!

There be many reasons why you think your work isn't worth protecting.

You might be a bit insecure and feel it's not any good. You might be put off doing anything as you can't be bothered with any legal wrangles, but the reality is a lot of these "incidents" are through simple human error and oversight, therefore easy to sort out.

Your work is worth the hassle, don't let anyone get away with taking it without your permission or accreditation. Your work deserves respect.

Know the basics of copyright

One of the most common misconceptions about copyright is people think they have to apply for it. The copyright to your creative "baby" is born when you created it, and it remains with you until you expressly give your copyright to someone else, but, please be aware, putting © on any piece of work can mark you out as being amateurish and a bit of a numpty.

Decide in advance what recompense you want.

First of all, try to establish if it is a simple oversight, or blatant profiteering.

As with my friend's situation, there was no malicious intent, just someone being overzealous and forgetting to credit the author.

If this happens to you, you could turn your misfortune into a platform for greater exposure. In this instance, the author got in touch and the accreditation was added straight away. His work was shared with thousands of people, which led to some sales.

A simple acknowledgement of your work can be enough, no money need change hands if you are happy with accreditation.

If you think someone is profiting from your work, then more serious action should be taken. In my view it's not enough for them to accredit you. Get in touch, and ask them to stop immediately. Then, ask them for financial compensation. You should charge the same price it would cost if they were a customer asking for bespoke work.

Contact them in the same way you found out.

Send them a message on whichever media they are using, I find this helps to get a quicker response. Be polite but to-the-point, be objective and deal in facts, then point out to them that you are the author, and you didn't give them permission to use your work, then ask for acknowledgement/accreditation, financial compensation, whichever you feel is appropriate.

If they don't respond, take it up a notch.

Bear in mind that what they are doing is illegal, and you have every right to seek legal advice if they won't get in touch with you. Send a letter to them, again being polite and objective. This time, you should consider offering a license to the infringer for a one-off fee, and payment has to be made within the next seven days. A lot of companies would like this option as a way out of the situation and avoiding going to court.

Use your social media power.

If they still won't communicate with you, and you don't think they are ever going to get in touch, now is the time to name and shame. Create a post with your original work, and put it side-by-side with whatever the infringer has done. People can make up their own minds if your work has been stolen, and companies hate the bad publicity.

Join a professional network.

Try your best to avoid anything like this happening again. The Citizens Advice Bureau is great, so is the Office of Fair Trading. Musicians should consider joining the Musicians' Union who give you free legal support as part of membership. The Federation of Small Businesses also give great support for freelancers.

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