

SOME SPECIAL CASES: GRANT WRITING AND COPYRIGHT

Week 13

GRANT WRITING

SOME BASICS

Broadly: government grants, private foundations, corporate grants. All have their own guidelines, timelines, deadlines, and desires for your work to align with their missions

- **Government: often large-scale projects, very specific eligibility, stringent reporting guidelines**
- **Foundations: Perhaps more flexible**
- **Corporations: (PepsiCo, for example) often awards to programs, schools, or community organizations that align with their mission (and aid in positive publicity)**

GRANT WRITING

SOME BASICS

Table I. Common Acronyms in Grant Writing.

Acronym	Term	Definition
PI	Principal investigator	The principal investigator is the lead researcher on a grant proposal.
Co-PI	Coinvestigators	Also listed as coprincipal investigators are individuals who are supporting the development and implementation of a grant.
RFP	Request for proposals	Each granting agency announces that they have funding available with a request for proposals or a request for applications (RFA).
FFO	Federal funding opportunity	Most commonly associated with government grants, an FFO is another way for agencies to send out a request for proposals.
LOI	Letter of intent	The letter of intent is often the first step for many granting agencies.
NFP	Not-for-profits	Any organization or agency that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. The vast majority of schools and universities fall under this category.

GRANT WRITING

SOME BASICS

Where can I find money??

- **NAfME (and similar organizations) websites: see if they have a grant writing link or search on the page for grants**
- **American Orff-Schulwerk Association: comprehensive list of private foundations, government agencies, corporate funders, and grant-writing resources**
- **Also grants.gov, the Foundation Center, National Assembly of State Arts Agencies, NEA (National Endowment for the Arts, large-scale, tricky to navigate all the subcategories).**

GRANT WRITING

SOME BASICS

Organizing myself:

- **Don't apply for everything: maybe make a list of five funds/agencies that seem like a potential match. Any group that already has a tie to your school or community is a huge bonus**
- **Looking at funding history for the groups can help: what have they awarded in the past, in terms of amounts, types of groups, interests?**
- **Make a chart/table with all the relevant info for each: name of fund, web site, name of program, contact info, amount of \$ available, limitations, **funding cycle and deadlines****
- **Do **NOT** try to do this at the last minute: having a yearly calendar for grants is a good idea—ongoing process, with plenty of time for each grant and step. It **is** time-consuming**

GRANT WRITING

SOME BASICS

Composing the Proposal:

- Everyone's got specific rules :

Often will want to know:

- Personnel who will be involved—Who will be involved with the grant?
- Goals/purpose of your project—What do we want to accomplish?
- The budget—How will the funding be used? **This is very, very important. Everything must be relevant and important.** Often includes direct (materials, resources, supplies) and indirect costs (extra expenses). Many grants only allow direct costs. Sometimes matching funds are required. Demonstrating additional financial support is never a bad thing. Try to be exact and work with an administrator
- The timeline—How will you implement the key areas of outcomes
- The evaluation of your grant—How will you measure the success of the grant by garnering data?

A SAMPLE BUDGET

TOTAL PROJECT INCOME					
1. DIRECT COSTS: REQUESTED					
SALARIES	Title or Personnel	Number	Salary	% of time	Amount
	Music Teacher	1	\$ 54,000.00	6	\$ 3,240.00
	Assistant Teacher	1	\$ 38,000.00	4	\$ 1,520.00
TRAVEL					
	Tolls and Parking at Symphony Center	4 Visits			\$ 250.00
	NAfME Conference Plane Ticket	2 roundtrip			\$ 400.00
	NAfME Conference Hotel Room	2 rooms/1night			\$ 300.00
INSTRUMENTS					
	Mridangams @ \$567.95	2			\$ 1,135.90
	Djembe @ \$84.43	2			\$ 168.86
	Bongos @ \$45.01	2			\$ 90.02
	Tablas @ \$159	2			\$ 318.00
	Steel Drum @ \$199.95	2			\$ 399.90
CONSULTANTS	Professional Percussionist for School Visits	2	\$150/hour		\$ 1,200.00
TOTAL					\$ 9,022.68
2. DIRECT COSTS: MATCH					
	Music Teacher	1	\$ 54,000.00	6	\$ 3,240.00
	Assistant Teacher	1	\$ 38,000.00	4	\$ 1,520.00
	University Faculty Mentor	1	\$ 64,000.00	10	\$ 6,400.00
TOTAL					\$ 11,160.00
TOTAL PROJECT COSTS					\$ 20,182.68

Figure I. Sample budget.

GRANT WRITING

SOME BASICS

Tone:

- Persuasive but concise, try to aim for a unique voice

Key terms:

- *History* of your program
- *Need*
- *Purpose* of the new initiative
- *Outcomes* of the project

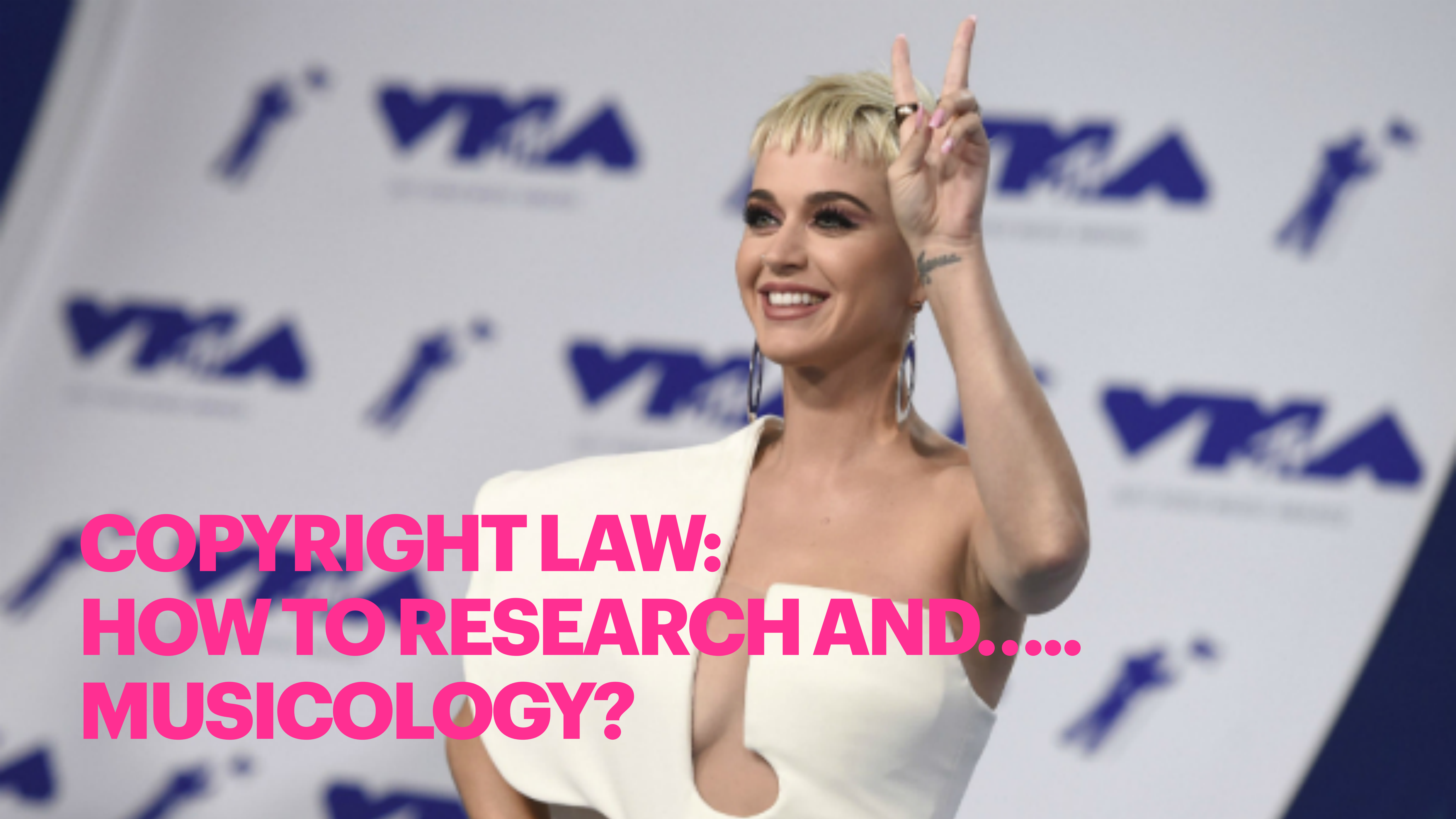
Be collaborative: most grants are not written by 1 person alone.

You may revise the proposal several times, and be careful to submit in plenty of time (NEA suggests 10 days prior to deadline)

GRANT WRITING

SOME COMMON PROBLEMS

- General sloppiness and failure to follow directions is the easiest way to have your proposal rejected
- Not researching thoroughly
- Planning failures
- Skimming eligibility criteria
- Not completing applications properly
- Not including support documents
- Not communicating with the funder
- Not completing the grant
- Not saying thank you
- Taking rejection personally

A photograph of Katy Perry on a red carpet. She is smiling and making a peace sign with her right hand. She has short blonde hair and is wearing a white strapless dress. The background is a blue and white patterned backdrop.

COPYRIGHT LAW: HOW TO RESEARCH AND..... MUSICOLOGY?

What does musicology have to do with copyright these days?

Todd Decker is a music historian who chairs the music department at Washington University in St. Louis. A few years ago, a local attorney called the department looking for help on a case. The lawyer represented Flame, a little-known Christian rapper who claimed that Katy Perry had ripped off his song in her 2014 smash hit “Dark Horse.”

Decker had never worked on a lawsuit before, but he volunteered his services as a **forensic musicologist** — an expert who parses melodies and chord structures to determine if two songs are “substantially similar.” In doing so, he found himself thrust into the middle of one of the hottest debates in music.

Ever since the “Blurred Lines” verdict in 2015, artists have been fearful of getting hit with a frivolous infringement suit. In that case, a jury found that Pharrell Williams and Robin Thicke had stolen elements of Marvin Gaye’s “Got to Give It Up,” and Gaye’s family was awarded more than \$5 million in damages. Other acts have since found themselves in the crosshairs — including Perry, Led Zeppelin, Ed Sheeran, and Lizzo, who in October sued three writers who claimed credit for her hit “Truth Hurts.”

FROM GENE MADDAUS, “BRIGHT LINES: MUSICOLOGISTS POLICE THE BOUNDARIES OF COPYRIGHT LAW,” *VARIETY* 4 DECEMBER 2019.



What does musicology have to do with copyright these days?

In the “Blurred Lines” case, musicologist Judith Finell testified that the song had appropriated a “constellation of similarities” from Gaye’s song. This was seen by many — including many musicologists — as hocus-pocus, but it persuaded the jury.

“I think it’s a terrible and very dangerous precedent,” says Charles Cronin, a professor who runs an online database of music copyright cases. “The new normal is that there’s a sense of uncertainty as to what is impermissible borrowing.”

Sandy Wilbur, the musicologist who represented Williams and Thicke, said that the case had “opened the floodgates to those who believe that a groove, feel, or sound-alike constitute unauthorized copying.” Claims of infringement are usually settled without litigation, in part because juries can be so unpredictable.

“The truth is, it’s often very difficult for the average person to understand some of the nuances and technical aspects of the music presented at trial,” Wilbur says. “Often the jury makes a judgment based on first impressions that have little or nothing to do with the music itself.”



What does musicology have to do with copyright these days?

As a musicologist, Decker did not agree with the “Blurred Lines” verdict. But to his ears, the Katy Perry case was different. At a trial this past summer, he testified that “Dark Horse” lifted a repeating eight-note phrase from Flame’s 2008 song, “Joyful Noise.”

“It was a pretty open-and-shut, old-time example of borrowing,” Decker says. “It was a melody. You could sing it. I sang it over and over again in court.”

The jury agreed, awarding Flame a \$2.8 million judgment.

But the reaction to the verdict mirrored the horrified reaction to “Blurred Lines,” and revived the industry’s fears about frivolous suits.

Decker found himself being attacked on Twitter and YouTube. One YouTuber, Adam Neely, made a video that racked up 2.4 million plays in which he castigated Decker as a sellout who had helped foster a “corporate capitalist hellscape.”

“It was nuts,” Decker said.

FROM GENE MADDAUS, “BRIGHT LINES: MUSICOLOGISTS POLICE THE BOUNDARIES OF COPYRIGHT LAW,” *VARIETY* 4 DECEMBER 2019.



What does musicology have to do with copyright these days?

“Our decision does not grant license to copyright a musical style or ‘groove,’” wrote Judge Milan D. Smith, Jr. “Nor does it upset the balance Congress struck between the freedom of artistic expression, on the one hand, and copyright protection of the fruits of that expression, on the other hand.”

Richard Busch, the Gaye family’s attorney, says he is tired of the music industry’s alarmist narrative around the case. He says there are no more copyright suits now than there were before the case.

“I don’t think that ‘Blurred Lines’ opened the floodgates to anything,” he says. “We put on a very strong case of musical misappropriation of the actual elements of ‘Blurred Lines.’ Everything else is just loser talk. They copied the song and they got caught.”

FROM GENE MADDAUS, “BRIGHT LINES: MUSICOLOGISTS POLICE THE BOUNDARIES OF COPYRIGHT LAW,” VARIETY 4 DECEMBER 2019.





Other takes...

An interesting pair of blog posts by two other well-known musicologists:

- Robert Fink at UCLA, mostly concerning the “Blurred Lines” case: <http://www.musicologynow.org/2015/03/blurred-lines-ur-lines-and-color-line.html>
- Joanna Demers at University of Southern California, mostly concerning the “Blurred Lines” case: <http://www.musicologynow.org/2015/03/blurry.html>

SOME MUSICOLOGICAL SOURCE WORK

A FEW CASES ON HEARING, MUSICOLOGY, AND COPYRIGHT

Who is an expert witness? A musicologist or the average listener?

Leo, Katherine M. "Musical Expertise and the "Ordinary" Listener in Federal Copyright Law." *Music & Politics* 13, no. 1 (Winter, 2019): 1.

Thinking about copyright law and music:

Tim Brooks, "Only in America: The Unique Status of Sound Recordings under U.S. Copyright Law and How It Threatens Our Audio Heritage," *American Music* 27, no. 2 (2009): 125-37.

Mark A. Davidson, "Democracy of Sound: Music Piracy and the Remaking of American Copyright in the Twentieth Century." *The Bulletin of the Society for American Music* 41, no. 3 (Fall, 2015): 14-7. (Note that Davison is reviewing Alex Cumming's book about copyright law and music in the 20th century).

Joanna Demers, *Steal This Music: How Intellectual Property Law Affects Musical Creativity* (Athens, University of Georgia Press, 2006)

Joseph P. Fishman, Music as a Matter of Law, 131 Harv. L. Rev. 1861 (2018). <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1447&context=faculty-publications>

Kembrew McLeod, *Owning Culture: Authorship, Ownership and Intellectual Property Law* (New York: P. Lang, 2001)

Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and how it Threatens Creativity* (New York: New York University Press, 2001).

SOME MUSICOLOGICAL SOURCE WORK

A FEW CASES ON HEARING, MUSICOLOGY, AND COPYRIGHT

Indigenous musics, traditional musics, copyright law?

Anthony McCann, "All that is Not Given is Lost: Irish Traditional Music, Copyright, and Common Property." *Ethnomusicology* 45, no. 1 (Winter, 2001): 89-106

Sherylle Mills, "Indigenous Music and the Law: Analysis of National and International Legislation." *Yearbook for Traditional Music* 28 (1996): 57-86,

Anthony Seeger, "Ethnomusicologists, Archives, Professional Organizations, and the Shifting Ethics of Intellectual Property." *Yearbook for Traditional Music* 28 (1996): 87-105.

Anthony Seeger, "Ethnomusicology and Music Law," *Ethnomusicology* 36, no. 3 (1992): 345-59.