

# Lord Of The Dance

I've removed this song because it is **neither** "Traditional" nor in the Public Domain (not that *anything* ever makes it to the Public Domain anymore, but that is another rant for another forum).

The words were written by Sydney Carter in the 1960s and set to the traditional Shaker Tune *Simple Gifts* - hence the common assumption that this song is "Traditional".

Anyway, I have no desire to take royalties from Mr. Carter, who is still living and makes his living from his musical works. Please see <http://www.stainer.co.uk/lotd.html> to find out more about Mr. Carter & this song and go *buy* a copy of the sheet music.

A full account of my interaction on this song is below.

Cheers.

Kristin

## re: Lord Of The Dance

I'm so proud.

I just received my first "cease & desist" order. It is for a page on my "the fabulous songbook" website.

It's really not much of a site unless you're a music teacher or the "camp counselor with a guitar" -- both of which I was. So, I had been collecting various songs in many genres since I was 15 years old, transcribing them, typing them up and carrying them around in my battered old 4" basic blue loose-leaf songbook. In addition, there were the tunes that I had learned by rote, but never written down. And the scraps of paper given to me by children who were delighted that they knew a song that I didn't. Not to mention the fact that an adult was asking \*them\* to teach her something.

So, when I found myself unemployed last year, "the fabulous songbook" was one of those great "I've always meant to..." projects to actually tackle and put online. It took forever and was worth every moment of typing and html hacking. I've received countless nifty emails from people about it.

On the bottom of main pages in this section of my site, I put the following disclaimer:

*"note to lawyers and any other litigious-minded folk:*

*i am not trying to screw anyone out of royalties, etc. i've posted these only as a helpful resources for teachers, camp counselors and people who like to sing along with mitch. if you do not want your work posted, please just email me and i shall remove it!"*

And I meant it.

So, when I received an email from one Mr. Kearns, Deputy Managing Director of Stainer & Bell, Ltd. in London, demanding that I remove the html & .pdf files for the song " Lord Of The Dance", I did.

No, it wasn't simply a matter of "caving in to legal pressure". Frankly, I didn't feel that threatened and thought it was something that he and I could work out like civilized people.

And **this** is what strikes me about this small skirmish in the eternal copyright wars: **THE WHOLE THING WAS SO DAMNED CIVILIZED!** As a result, it was over in record time and without a penny paid in legal fees.

Mr. Kearns sent me the following email:

Kristin,

It has come to our attention that you have placed one of our copyright hymns on your website.

Please be advised that this song by Sydney Carter is fully in copyright throughout the world. (Please see <http://www.stainer.co.uk/lotd.html>)

As we have no record as having granted you permission to reproduce the material on your site, please remove both the .html and .pdf files immediately.

Thank you.

Antony Kearns

What happens when you get one of these? Well, there is that initial wash of cold fear once the content matter kicks in - like you are bathing your spine from cranium to sacrum in ice water. But, as I mentioned before, when I re-read his message, I thought this could be worked out rather nicely & neatly between us.

What struck me is the fact that Mr. Kearns took the time to include the FAQ URL about this tune. I read it with raised eyebrows. I had no idea this song had been

written anytime in recent memory! Wow! Imagine my surprise. All my church choir teachers had been breaking the law all those years.

I had no desire to screw Mr. Carter out of anything. Besides, his unfortunate choice of the traditional Shaker tune "Simple Gifts" had done that for him. So, I FTPed into my site, deleted the offending files and sent the following reply off to Mr. Kearns:

Dear Mr. Kearns,

Happy to. The .pdf & html files have been removed and I shall fix the pointer html when I have access to it this evening (after 6:30PM Eastern Time in the US).

My apologies to your firm and to Mr. Carter. It is a song I had learned as a child and believed to be in the public domain - probably because of the Shaker tune to which it was set. I grew up in New England, my brother is an historian whose specialty is the Shakers, thus their music is quite familiar to me.

With your permission, I should like to steer people to the "lotd.html" you recommended in order to "spread the word" that this is \*not\* a Traditional tune! If you prefer that I not do so, please just let me know.

Thank you for bringing this to my attention.

Cheers.

Kristin Hall

Look, I felt sorry for the guy. Who knows how much cash he's lost over the years because he didn't write an original tune? I'd like to clue people in to the fact that a living composer wrote this song.

It being 10:00AM Eastern time here, I wasn't expecting a response from London, but in a trice, there it was:

Kristin,

Thank you for your e-mail and for responding so quickly.

Please feel free to link to the page quoted.

Many people do assume it is "Traditional" and in the public domain and by

placing it on their website (often as "Anonymous") only goes to further spread the misunderstanding.

With best wishes,

Antony

My, my. Such civility deserved a closure email:

Dear Anthony,

You are most welcome and thank you for permission.

I shall compose an appropriate pointer link to your site this evening. Every little bit of information helps!

Cheers and good luck.

Kristin

Boom. We are done. Four emails and the assumption by each of us that the other is a reasonable human being.

Compare that with the "let's kill the fly in the room by repeatedly shooting a bazooka inside the house" response that the RIAA has utilized in its recent blitzkrieg of subpoenas. Granted, the difference in the amount of money involved between the two examples is enormous. And there is a huge difference between me & a single legal representative and an institution trying to make a statement to an entire nation. But the point remains.

Most people are decent, reasonable folks. Yes...I know. There are exceptions. But the doomsayers in organizations like the RIAA are fond of assuming that we all are like "the exceptions", with "decent, reasonable folks" non-existent. Everyone is out to screw them and, thus, they have to treat everyone like the criminal they are.

Guess what, kids. This tactic works very poorly with Americans. The vast majority of us consider ourselves to be good people. Everyone has their own sense of dignity & self-respect and generally respond well when they feel that is respected by whomever they are dealing with. Push us, though, and we push back.

So, the RIAA and its ilk will be spending those hard earned royalty dollars on lawyers instead of new talent. The taxpayers will spend money to convene the Congressional

panels, process the subpoenas and try the cases. Money which could clearly be spent on cases more pressing to the American public.

Some subpoena recipients have already stated that they would have responded to a simple phone call or missive. They are reasonable people. But instead of that civilized communication, they were shoved and bullied and, now, the predictable - and expensive -- fight ensues.

What a waste.