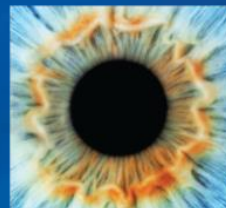


## Music Licensing Basics: *How to Legally Use Someone's Music in Your Business*

July 18, 2017

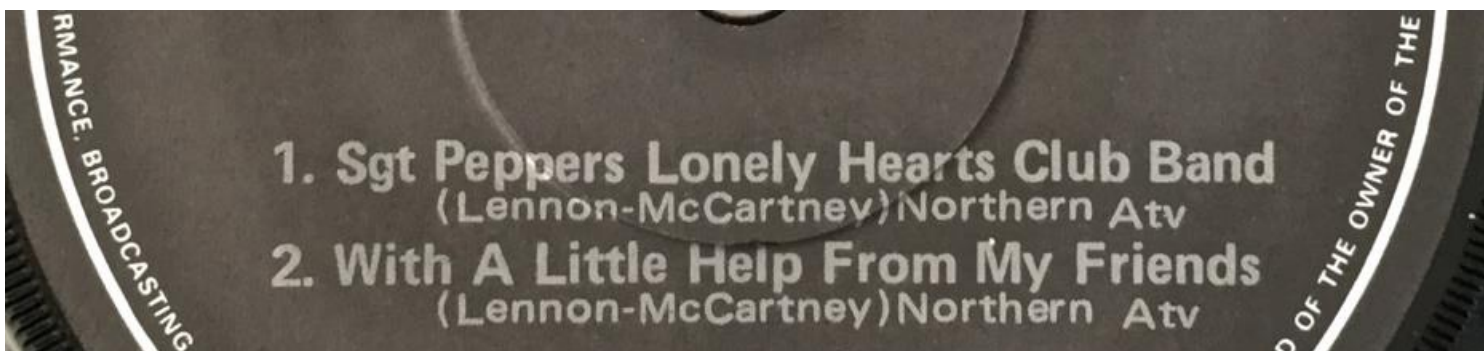
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ACC-SoCal DoubleHeader



## Introduction

- Music copyrights:
  - Musical works – sheet music and lyrics
    - Author is generally composer/lyricist and controls
    - Can be administered through a music publisher



## Introduction

- Music copyrights:
  - Sound Recordings – musical/spoken/other sounds
    - A particular version of a song
    - Author is generally performer(s) of song and producer who fixes the recording



## Introduction

- Copyrights – a bundle of rights:
  - Reproduction (copying)
  - Derivative works
  - Distribution
  - Perform publicly
  - Display publicly
  - Digitally transmit audio
- Each may be owned separately, and subdivided
- Each may be licensed separately, and sublicensed

## Music Licenses

- Mechanical license
- Synch license
- Master license
- Public performance license

## Music Licenses

- Synchronization (Synch) license
  - License to synch a song to visual images
    - Use a song in a movie, video (including corporate videos), webisode, TV show, commercial
  - If using recorded version, must also get Master License – could be cheaper to use cover
  - Granted by publisher and record company
  - No set rate, so can be expensive



## Music Licenses

- Master license
  - License to use a sound recording in other media (e.g., Rolling Stones version of “You Can't Always Get What You Want”)
  - Typically from the record label
  - Not automatic
  - No set rate



## Music Licenses

- Public performance license
  - License to publically perform a song for an audience
    - Bars, restaurants, radio stations, hotels, hold music
    - Live performances
  - Does not permit synch or reproduction
  - Administered through Performing Rights Societies:
    - ASCAP
    - BMI
    - SESAC
    - SoundExchange (digital only)



## Using someone else's music in your business

- Brick and mortar
  - When do you need a license?
    - Are you playing music:
      - On Hold
      - In a lobby
      - In an elevator
      - In a bar/restaurant
      - At a party
        - » Beware of BMI/ASCAP position

## Using someone else's music in your business

- Brick and mortar
  - What type of license?
    - Public performance
  - Options
    - SiriusXM for business
    - Spotify Soundtrack for business
    - BMI/ASCAP blanket license
- Risks of not getting a license?
  - ASCAP and BMI actively monitor new businesses to see if they have a license

## Using someone else's music in your business

- Social Media
  - When do you need a license?
  - What type of license?
  - Risks of not getting a license

## Using someone else's music in your business

- TV/radio commercials and corporate videos
  - What type of license? Synch license
    - Takes time
    - Discretion of artist/band
  - How to obtain?
  - Is other cheaper available music?
    - Be careful not to use sound-a-likes
    - Can you use a cover band/recording by someone else?

## Music Licenses



## Music Licenses

- The Problem:
  - We wanted great music but had little money in budget
- The Solution:
  - Angel Olsen
  - Yellow Red Sparks
  - Original songs by film music composer



## Using someone else's music in your business

- Trade show/live event
  - When do you need a license?
    - Playing someone else's music at an event
  - What type of license?
    - Public performance license
  - What is the risk analysis?
  - Considerations?
    - It's a small event - "no one will know"



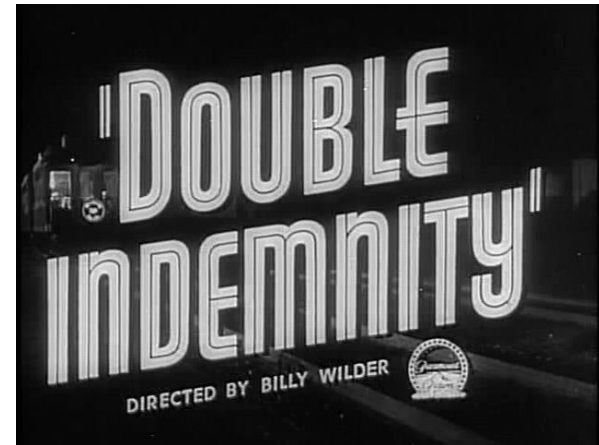
## Using someone else's music in your business

- Internal company meeting
  - Music used fleetingly in a presentation
  - Does fair use apply?
  - Face to face educational exception? (only for nonprofit educational institution)



## Using someone else's music in your business

- Consider the scope of your clearance
  - Have clear procedure and guidelines for clearances and make sure teams know limits of approval
    - DAM System – Digital Asset Management
  - Vendor agreements
    - Reps & Warranties
    - Ask for copies of licenses
    - Indemnity



## Using someone else's music in your business

- Consider the scope of your clearance
  - Real world situations
    - Video of internal meeting with music in background gets posted on Facebook? Used at trade show?
    - Video of sales event with music in background which was ok under ASCAP license ends up elsewhere?

## Why use someone else's music when you can create your own

- Why use someone else's music when you can create your own?
  - Why and when to choose this option
  - Benefits
  - Pitfalls/lessons learned



## Parting advice . . .

“Happy Birthday To You” is now in the public domain!

call him A zeph - yr, and some - times a breeze.  
snow - drifts And thinks it most cap - i - tal an.

**16** **Good Morning and Birthday Song.**  
Special permission through courtesy of The Clayton F. Summy Co.

*Children:* Good morn - ing to you, Good morn - ing to you,  
*Teacher:* Good morn - ing to you, Good morn - ing to you,  
*Optional:* Hap - py birth - day to you, Hap - py birth - day to you,

Good morn - ing, dear teach - er, Good morn - ing to you.  
Good morn - ing, dear chil - dren, Good morn - ing to you.  
Hap - py birth - day, dear \*....., Hap - py birth - day to you.

\*When the song is sung as a birthday greeting for some child in the room, the name of the child is inserted here.

**17** **Swing, Cradle, Swing.**  
*Smoothly.* George Cooper.

1. Ba - by is a sail - or boy. Swing, cra - dle, swing:

3. ...  
4. ...  
5. ...  
6. ...  
7. ...  
8. ...  
9. ...

**19**  
Dick

**20**  
Charles

Questions???

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