

Music Licensing Definitions

The following words and phrases will turn up regularly in any comprehensive discussion of music licensing:

assignment

a full ownership transfer of a copyright interest, in whole or in part, from one person or entity to another. A copyright assignment *must* be in writing.

copyright (“CR”)

with regard to musical works, the *exclusive* right to make and publish copies of the work, to make other versions of the work, to make recordings of the work, and to perform the work in public.

license

permission, granted by the copyright holder, given to a person or entity to broadcast, recreate, perform, or listen to a recorded copy of a copyrighted work

licensee (“l’ee”)

the person or entity to whom the work is licensed

licensor (“l’or”)

the owner of the licensed work

master use license

A master use license gives you permission to use an *existing recording* such as an accompaniment track in an audio or video project. You must obtain a license for **each track** in the project from the **owner of the recording**.

mechanical licensing

A mechanical license grants the rights to reproduce and distribute copyrighted musical compositions (songs), including uses on phonorecords (i.e., CDs, records, tapes, and certain digital configurations). Simply stated, if you want to record and distribute a song that was written by someone else, or if your business requires the distribution of music that was written by others, you must obtain a mechanical license.

performance

for the purposes of our class, the live performance of a musical piece, regardless of whether it's performed by the original artist or in the manner it is best known

performing rights organization

large companies, the best-known of whom are ASCAP, BMI, and to a lesser extent SESAC (there are others as well) whose fundamental job it is to keep track of every single performance or broadcast of all works protected under copyright.

public domain

the legal status of a work (1) for which copyright protection was never available; (2) for which copyright protection was never properly secured; or (3) for which copyright protection, though may have existed, has expired or otherwise has been lost. No permission or license is required to use a work that is in the public domain.

publisher

for the purposes of copyright, a publisher is the owner of the copyrighted work. It is now standard practice for songwriters of even the slightest prominence to form a “publishing company” who actually owns the rights to their work; the reasons for this are matters of legal finery and largely not of value to the scope of this article. This phrasing is reflective of the state of media at the time of the Berne Convention, when all music distribution was done on paper as sheet music (or player piano rolls).

synchronization licensing

the licensing of musical works to be performed as a soundtrack, “bumper,” “lead-in” or background to a motion picture.

work made for hire

A work made for hire (sometimes abbreviated to work for hire) is an exception to the general rule that the person who actually creates a work is the legally-recognized author of that work. According to copyright law in most countries, if a work is “made for hire,” the employer—not the employee—is considered the legal author. In some countries, this is known as corporate authorship. The employer may be a corporation or an individual.