

BULLETIN

Music Copyrights


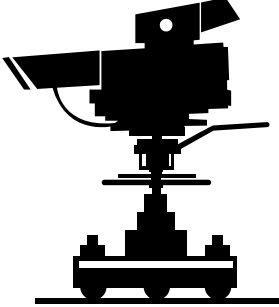



IBOA INTERNATIONAL

Music Copyrights Guide



MUSIC COPYRIGHT LICENSES – UNITED STATES

Use of Work	License Type	Contact
<p>Live band plays cover songs at your event <i>and/or</i> songs are played over the intercom system</p> 	<p>Public Performance License from one of the three major U.S. licensing organizations: ASCAP, BMI or SESAC.</p>	<p>IBOs are covered by blanket music performance licenses with ASCAP and BMI. If asked by a representative of ASCAP or BMI if you have a license, state that the IBOAI has obtained a license. Then, refer the representative to the ASCAP account representative (Ms. Octavia Holloway in Atlanta, Georgia at 770-805-3426); or provide the BMI national account number (925-6000).</p> <p>If you wish to use SESAC's music, contact a representative of the location <i>and/or</i> SESAC to see if the location has a license. If not, contact SESAC for a license.</p>
<p>Recorded music plays in background as you introduce a speaker and the event is digitally recorded</p> 	<p>Same as above, plus you need a Master Use License from the record company, which you may contact through the Recording Industry Association of America (RIAA). Since you are combining audio and video content, you also need a Synchronization License from the music publishing company.</p>	<p>Same as above, plus you will need to contact the RIAA for the Master Use License in the song recording. Obtain Synchronization Licenses directly from the music publishing company.</p>
<p>Reproduce a song by recording your own version onto a DVD with visual images, and then distribute those versions either via DVD or making the performance available online</p> 	<p>If you are recording your own version of a song along with images onto a DVD, then you will need a Mechanical License from the Harry Fox Agency. You will also need a Synchronization License from the music publishing company. If you are recording <i>someone else's</i> song along with images onto a DVD, then you will need a Master Use License and a Synchronization License.</p> <p style="text-align: center;">OR</p> <p>If your version is audio-only, meaning no images are simultaneously recorded with the song, then you need a Compulsory License from the Harry Fox Agency. If you are recording <i>someone else's</i> song without using images, you will need a Master Use License.</p>	<p>Obtain Mechanical Licenses for the recording of musical works from the music publisher through The Harry Fox Agency or, in some instances, a music library company. Obtain Synchronization Licenses directly from the music publishing company. Obtain Master Use Licenses from the RIAA.</p>

MUSIC COPYRIGHT LICENSE GLOSSARY – UNITED STATES

Type of License	Definition	Examples	Licensing Organization
Public Performance	Covers the right to publicly perform or transmit the song to the public, including but not limited to, conference halls, theatres, songs played from radio, songs played from television and songs played from online (music streaming)	For a live performance: <ul style="list-style-type: none"> • Have a band play a cover of the song For playing recorded music: <ul style="list-style-type: none"> • Have recorded music played from an mp3 player, CD or DVD 	Most compositions are represented under one of the three national performing rights societies: ASCAP, BMI or SESAC
Mechanical	Covers the right to reproduce recorded songs	For the Musical Work: <ul style="list-style-type: none"> • Record your own version of a song onto a CD or digital recorder 	The Harry Fox Agency or a music library company, which acts as a publisher's agent for mechanical rights to the song
Compulsory	Covers the right to reproduce and distribute recorded songs if (1) the song is a non-dramatic musical work, (2) the song has been previously recorded, (3) the previous recording has been distributed publicly in phonorecords, (4) the recording doesn't change the basic melody or fundamental character of the song, and (5) use of the recording will be for audio only recordings	For the Musical Work: <ul style="list-style-type: none"> • Reproduce and distribute a particular version of a song (including portions of the song) from an mp3 file, CD, or DVD • Only covers audio recordings 	The Harry Fox Agency or a music library company, which acts as a publisher's agent for mechanical rights to the song Note: It also may be necessary to license the work for public performance.
Master Use	Covers the physical right to use a particular recording of a song	For the Sound Recording: <ul style="list-style-type: none"> • Reproduce (re-record) a particular version of a song (including portions of the song) from an mp3 file, CD, or DVD 	Record company (through the RIAA)
Synchronization	Covers the right to use music in "timed synchronization" with visual images, such as movies, television, home video, and online	For the Musical Work: <ul style="list-style-type: none"> • Record your own version of a song to synchronize with visual images (e.g. onto a DVD) 	Music publishing company (information about music publishing companies is often posted online with the performing rights society)

- Notes**
- The owner of a sound recording copyright generally has no right of public performance.
 - If you want to reproduce a particular version of a song (e.g., a song sung by Barbra Streisand), you generally have to obtain licenses from both the musical work copyright owner and the sound recording copyright owner, i.e., a Mechanical or Synchronization License from The Harry Fox Agency or a music library and a Master Use or Synchronization License from the record company.
 - Recording music and then selling those recordings is considered an unauthorized commercial use, which can subject you to copyright infringement liability as well as criminal sanctions under Anti-Bootlegging Statutes.
 - Under the Copyright Act, there are "performer's rights." In particular, you cannot make an audio or visual recording of a live performance without the consent of the performers. You also cannot distribute or reproduce recordings of a live performance without the consent of the performers.

MUSIC COPYRIGHT PROCEDURES - CANADA

Type of Work	Use of Work	License	Licensing Organization	Need to contact and obtain license?
Musical Work	<p>Public performance</p> <p>Examples:</p> <ul style="list-style-type: none"> • Have a band play the song • Have recorded music played from an mp3 player, CD or DVD 	Public Performance License	<p>For a live performance, e.g. a band performing the song: SOCAN</p> <p>For playing recorded music: SOCAN and Re:Sound</p> <p>(SOCAN represents the right of composers, authors and music publishers while Re:Sound represents the performers' rights of performing artists and record companies in a performance. They are distinct groups and both may be required to be compensated when a sound recording is played in public.)</p>	<p>NO – Canadian IBOs need licenses for public events held in Canada if the location where the event is held does not have a license from SOCAN and Re:Sound. Most venues have licenses, but the IBO should ask a representative of the location if it has licenses. If not, the location should contact SOCAN and Re:Sound.</p> <p>Note: Performer's rights to compensation for the public performance of sound recordings only apply to sound recordings made by a citizen or permanent resident of Canada or a Rome Convention country or sound recordings where all of the fixations on the recording occurred in Canada or a Rome Convention country (Sections 19 and 20). As the U.S. is not a contracting party to the Rome Convention, such performer's rights in sound recordings made in the U.S. may not apply.</p>
Musical Work	<p>Reproduction of a song</p> <p>Examples:</p> <ul style="list-style-type: none"> • Record your own version of a song onto an mp3 player, CD or DVD • Record your own version of a song to synchronize to visual images (e.g., onto a DVD, film, or other audio-visual presentations) 	<p>Mechanical License: recording audio only (no visual images)</p> <p>OR</p> <p>Synchronization License: to reproduce and synchronize with visual images</p>	CSI Music Services	<p>YES – Contact CSI Music Services, which licenses reproduction rights in the joint repertoires of CMRRA and SODRAC. If the mp3 file, CD or DVD is to be publicly played, then you must also obtain Public Performance Licenses for this use of the musical works from SOCAN.</p>

<p>Sound Recording</p>	<p>Reproduction (re-recording) of a particular version of a song (including portions of the song) from an mp3 file, CD or DVD</p> <p>Examples:</p> <ul style="list-style-type: none"> • Recording this version of the song onto your mp3 player • Recording this version of the song onto your DVD 	<p>For the Musical Work contained in the recording:</p> <p>Mechanical License: audio only (no visual images)</p> <p>Synchronization License: to reproduce and synchronize with visual images</p> <p>For the Sound Recording:</p> <p>Master Use License: for audio only or for synchronization with visual images</p>	<p>For the Musical Work: CSI Music Services</p> <p>For the Sound Recording: Record company (through Music Canada/AVLA or SOPROQ)</p> <p>(AVLA represents major record companies, while SOPROQ represents mostly Francophone record companies from Quebec)</p> <p>Note: Performer's Rights: A sound recording also includes the separate rights of the performer in their performance contained in the recording. However this right is generally acquired by the record company and thus should be handled by the license for the sound recording.</p>	<p>YES – Generally if you are recording the sound recording for personal use onto a CD, no license needs to be obtained for that personal use (the home recording exemption). Otherwise, a license is needed; contact CSI Music Services for a license to use the musical work and the Music Canada/AVLA or SOPROQ to get in touch with the particular record company that owns the rights to the recording you wish to use, or contact the record company itself.</p>
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- The owner of a sound recording copyright generally has no right to exclude anyone from publicly performing the sound recording.
- If you want to reproduce a recording of a cover song (e.g., Céline Dion's version of Power of Love), you generally have to obtain licenses from both the musical work copyright owner and the sound recording copyright owner, *i.e.*, a Mechanical or Synchronization License from CSI Music Services and a Master Use License from the record company.
- Under Canadian Copyright Law, you generally are not subject to any liability for copying sound recordings of musical works onto an audio recording medium for your private use. However, recording music and then selling the recordings is not a private use and can subject you to copyright infringement liability.
- There are "performer's rights" under Canadian Copyright Law. In addition to a performer's rights to compensation for the public performance of a sound recording, discussed above, a performer has rights to the fixation and reproduction of the performance. In particular, if the performance is not fixed, the performer is given the sole right to fix it, communicate it to the public by telecommunication or perform it in public by means other than radio wave communication. If the performance is fixed, the performer has the right to control any reproduction of an unauthorized fixation and to control any reproduction of an authorized fixation that goes beyond the purpose for which the authorization was given or for which is permitted under the Copyright Act. Furthermore, the performer has the sole right to rent out a sound recording of the performance and to authorize any of the foregoing acts. (Section 15 (1)). Although the performer's rights under section 15, do not apply when the original performance occurred in a country not adhering to the Rome Convention e.g. U.S., a citizen of such a country may be entitled to such rights if the original performance is in Canada or a Rome Convention country or is communicated by a broadcast from Canada or Rome convention country by a broadcaster with headquarters in that county. In addition, performer's rights may apply if the performance is first fixed in a sound recording made by a corporation with headquarters in Canada or a sound recording that was first published in a quantity to satisfy public demand in Canada or a Rome Convention (Section 15(2)). Furthermore, similar rights are provided to any original performance in a WTO member country that took place after January 1, 1996. (Section 26)
- There are also authors' or moral rights under Canadian Copyright Law. Under these rights, the composer of a musical work or the creator of a sound recording has the ability to restrain distortions or modifications of his or her work and the ability to prevent the use of his or her work with a product, service, cause, or institution if that performance damages his or her reputation. The author also has the right to have his or her name credited with the work or have it removed from the work. These rights may not be assigned or licensed, but may be waived by the author.

CONTACT INFORMATION - UNITED STATES ORGANIZATIONS

ASCAP (American Society of Composers, Authors and Publishers)

One Lincoln Plaza
New York, NY 10023
Phone: 212-621-6000

**Website: www.ascap.com,
www.ascap.com/licensing**

420 Lincoln Road
Suite 385
Miami Beach, FL 33139
Phone: 305-673-3446

7920 W. Sunset Boulevard
Third Floor
Los Angeles, CA 90046
Phone: 323-883-1000

2 Music Square West
Nashville, TN 37203
Phone: 615-742-5000

950 Joseph E. Lowery Boulevard
NW, Suite 23
Atlanta, GA 30318
Phone: 404-685-8699

Ave. Martinez Nadal
c/ Hill Side 623
San Juan, PR 00920
Phone: 787-707-0782

8 Cork Street
London W1S3LJ
United Kingdom
Phone: 011-44-207-439-0909

BMI (Broadcast Music, Inc.)

7 World Trade Center
250 Greenwich Street
New York, NY 10007
Phone: 212-220-3000

**Website: www.bmi.com,
www.bmi.com/licensing**

1691 Michigan Avenue
Suite 350
Miami Beach, FL 33139
Phone: 305-673-5148

10 Music Square East
Nashville, TN 37203
Phone: 615-401-2000

8730 Sunset Boulevard
3rd Floor West
West Hollywood, CA 90069
Phone: 310-659-9109

3340 Peachtree Road, NE
Suite 570
Atlanta, GA 30326
Phone: 404-261-5151

1250 Ave. Ponce de Leon
San Jose Building, Suite 1008
Santurce, PR 00907
Phone: 787-754-6490

84 Harley House
Marylebone Rd
London NW1 5HN
United Kingdom
Phone: 011-44-20-7486-2036

The Harry Fox Agency

601 W. 26th St., Ste. 500
New York, NY 10001
Phone: 212-834-0100

Website: www.harryfox.com

RIAA (Recording Industry Association of America)

1025 F St. N.W.
10th Floor
Washington, D.C. 20004
Tel: 202-775-0101

Website: www.riaa.com

SESAC (SESAC, Inc.)

55 Music Square East
Nashville, TN 37203
Phone: 615-320-0055

**Website: www.sesac.com,
[www.sesac.com/Licensing/
Licensing.aspx](http://www.sesac.com/Licensing/Licensing.aspx)**

6100 Wilshire Boulevard
Suite 700
Los Angeles, CA 90048
Phone: 323-937-3733

981 Joseph E. Lowery Blvd. N.W.
Suite 111
Atlanta, GA 30318
Phone: 404-897-1330

152 West 57th Street
57th Floor
New York, NY 10019
Phone: 212-586-3450

420 Lincoln Road
Suite 502
Miami, FL 33139
Phone: 305-534-7500

6 Kendrick Place
London W1H 3ff
United Kingdom
Phone: 011-44-20-7486-9994

CONTACT INFORMATION – CANADIAN ORGANIZATIONS

CSI Music Services (CMRRA-SODRAC Inc.)

Tower B, Suite 1010
1470 Peel
Montreal, Quebec H3A 1T1
Phone: 514-845-3268 or 888-876-3722

Website: www.cmrrasodrac.ca

56 Wellesley Street W. #320
Toronto, Ontario M5S 2S3
Phone: 416-926-1966

Music Canada (formerly CRIA) and AVLA (Audio-Visual Licensing Agency)

85 Mowat Avenue, Toronto, Ontario M6K 3E3
CRIA phone: 416-967-7272
AVLA phone: 416-922-8727 or 800-668-8820

Music Canada website: www.musiccanada.com
AVLA website: www.avla.ca

SOPROQ (The Quebec Collective Society for the Rights of Makers of Sound and Video Recordings)

6420 St. Denis Street, Montréal, Québec H2S 2R7
514-842-5147

Website: www.soproq.org

Re:Sound

1235 Bay St., Suite 900
Toronto, Ontario M5R 3K4
Phone: 416-968-8870

Website: www.resound.ca

SOCAN (Society of Composers, Authors, and Music Publishers of Canada, Ltd.)

41 Valleybrook Drive
Toronto, Ontario M3B 2S6
Phone: 416-445-8700
or 800-55SOCAN

Website: www.socan.ca, www.socan.ca/jsp/en/lic/n_user.jsp

SOCAN EDMONTON
6005 Gateway Boulevard NW
Suite 288

Edmonton, AB T6H 2H3
Phone: 780-439-9049
or 800-51SOCAN

SOCAN QUEBEC

600 de Maisonneuve Blvd. West
Suite 500
Montreal, Quebec H3A 3J2
Phone: 514-844-8377
or 800-79SOCAN

SOCAN WEST COAST DIVISION

1201 West Pender St.-Suite 400
Vancouver, British Columbia V6E 2V2
Phone: 604-669-5569
or 800-93SOCAN

SOCAN DARTMOUTH

45 Alderney Drive-Suite 802
Queen Square
Dartmouth, Nova Scotia B2Y 2N6
Phone: 902-464-7000
or 800-70SOCAN

CIMA (Canadian Independent Music Association)

30 St. Patrick St., 2nd Floor
Toronto, Ontario M5T 3A3
Phone: 416-485-3152

Website: www.cimamusic.ca

CARAS (Canadian Academy of Recording Arts and Sciences)

345 Adelaide St. West, 2nd Floor
Toronto, Ontario M5V 1R5
Phone: 416-485-3135

Website: www.carasonline.ca

SONGWRITER'S ASSOCIATION OF CANADA

129 John St.
Toronto, Ontario M5V 2E2
Phone: 416-961-1588
or 866-456-7644

Website: www.songwriters.ca

**Independent Business Owners
Association International
220 Lyon Street, N.W.-Suite 850
Grand Rapids, MI 49503
Phone: 616-776-7714
Fax: 616-776-7734**

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