

Overview of Music Licensing

Music licensing is the process of licensing, or negotiating permission, to use an existing piece of music. The "license" is a document that is created to document the terms and conditions that are negotiated for the usage of the music.

What are some of the different types of licenses?

Music generally has 2 copyrights that those licensing music need to be concerned with:

The ownership of the music is one of the copyrights. Usually, music is owned either by the actual writer of the music or a music publisher. A music publisher is a company which owns music and works to have that music exploited (here meaning a beneficial use of the music for profit) and heard by as many as possible.

The ownership of a particular sound recording of a piece of music is another copyright, usually owned by a record company or by the writer of the music.

A license between a music user (such as a film/tv production company) and the owner of the music (again, usually a publisher) to use that music in a film/tv production is called a SYNC LICENSE or synchronization license.

A license between a music user and the owner of a music recording to use that particular recording is called a MASTER LICENSE or master use license.

Sometimes these licenses are combined into a single license called a "SYNC AND MASTER USE LICENSE" which covers both copyrights – this is usually done when the same person or company owns the publishing of the music and the master rights of the recording.

What are some of the elements of music licenses?

Some of the elements most commonly seen are:

1. Term of the license – that is, the term (time) that the music usage is allowed.
2. Geographical area covered by the license (usually "the world," but can be limited to specific geographical areas for projects like music for advertising, etc.)
3. Types of "performances" allowed – this refers to the type of performance or exhibition of the film/tv production. Some licenses are specifically for films shown only at film festivals (a "festival license") and may be available on a low-cost or no-cost basis. Other licenses cover "commercial exhibition" which refers to commercial performances of the film at theatres, on television, etc.
4. Compensation (aka "license fees")
5. Screen credit. Screen credit for licensed music is usually placed at the end credits for a film, and includes the title, author(s), performers, publisher, record company or whoever owns the recording, and who the arrangements for licensing are made through.

What is a composing contract?

When a film or television production company hires a composer to write original music, an agreement called a composing contract or composing agreement is usually created.

This document confirms the terms and conditions under which the composer is being hired to write the music. It is a legally binding agreement that covers the writing of the music, and the ownership and usage of the music going forward into the future. Since the time period covered can be many years, it's important that the document is complete and accurate.

What are the two major types of composing contracts?

The two types seen most often are:

PACKAGE DEAL – where the composer is paid a single fee for the entire job, and the composer is responsible for paying all expenses related to writing, recording, mixing and delivering the music to the production company.

NON-PACKAGE DEAL (aka "CREATIVE FEE DEAL") – where the composer is paid a specific creative fee for writing the music, and the production company pays for the recording and mixing of the music.

What are some of the elements of a composing contract?

Some of them are:

1. The "work" – that is, the music to be written.
2. The timetable or schedule for delivery of the music.
3. Payment for the work, which is usually divided up into 2 or 3 payments – One at the outset of the contract, one upon delivery and acceptance by the client, and sometimes an additional payment midway through the contract or at the beginning of the recording sessions.
3. Screen credit
4. Ownership of the final music
5. A statement certifying that the music to be written will be original, and not a copy of other music (this section is often called the "Certificate of Authorship").
6. If the production company owns the music, a listing of specific royalties to be paid to the composer for different types of sales (sheet music, videotape, licensing to third parties, etc.)

Source: "Film Music" FAQ