



## **Song Use Licenses**

A song use license is basically just permission to use something that you didn't create. Without getting too deep into copyright law, the reason you need a license is because someone used their time and talent to create that song and by doing so they have earned certain rights which include getting compensated and being able to say no.

It is important to know that there are two separate copyrights in each song - one for the underlying composition and the other for the recorded performance of the song. The kind of license that you need for a particular use will depend on which copyrights are involved.

As with most legal issues, there are always exceptions. The following is a general description. If you are about to begin a project and are unsure of which license you will need, consult a qualified attorney first.

### **Blanket Licenses**

Blanket licenses deal with the copyright in the underlying composition. The performing rights organizations (PROs) ASCAP, BMI, and SESAC issue blanket licenses. If you want to simply broadcast a variety of songs, (like in a store, restaurant, website, or radio station) you can obtain a blanket license that covers all of the songs that are registered to that particular PRO.

### **Mechanical Licenses**

Mechanical licenses deal with the copyright in the underlying composition. In the U.S., the Harry Fox Agency issues most mechanical licenses. If you are planning to record a new version of a song that has already been recorded you will probably need to obtain a mechanical license.

Example: Bands covering other band's songs. Like when Cake covered "I Will Survive."

### **Master Recording Use Licenses:**

Master Use licenses deal with the copyright in the recorded performance. Record companies usually own the rights in the masters and issue most of these licenses. If you are planning to use the recorded performance of a song by the former artist in your own recording, whether as a sample or the whole song, you will probably need a master recording use license as well as a mechanical license.

Example: Sampling. Like if you want to use the intro to "I Will Survive" as performed by Gloria Gaynor in your own song.

### **Derivative Works:**

If what you plan to do will significantly alter the original song to the point where your work is copyrightable - then you need additional permissions. If you are planning to write new lyrics over an existing copyrighted composition, you will need to contact the song's publisher to get written permission to create the derivative work. The publisher may charge a fee for the use - or simply say no. The mechanical license, if needed, would come after you have obtained permission to create the derivative work. If you do it the other way around, and the permission isn't granted in the first step - you've wasted money on a mechanical license.

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