

MUSIC LICENSING – QUICK SUMMARY OF KEY CATEGORIES

	Nature of Copyrighted Work	
	Musical Composition	Sound Recording
<p>Public Performance</p> <p><i>(e.g., streaming via broadcast, webcast, or satellite radio; playing music in bar or other public place)</i></p>	<p>Most licensing handled by collective licensing organizations -- ASCAP, BMI, SESAC</p> <ul style="list-style-type: none"> Voluntary system – composers / songwriters / publishers choose which collective licensing organization to use 	<p>No license at all required for:</p> <ul style="list-style-type: none"> Anything that is not a “digital transmission” – e.g., playing a song in public place Free over-the-air radio (analog or digital) <p>Statutory license under <u>17 U.S.C. 114</u> for streaming via webcasting, satellite radio, or online subscription service</p> <ul style="list-style-type: none"> Collected by SoundExchange <p>Interactive / on-demand performance (e.g., user selects specific songs): no statutory license; individual negotiation required</p>
<p>Reproduction and Distribution</p> <p><i>(e.g., making / distributing copies via CD or online delivery)</i></p>	<p>Compulsory license under <u>17 U.S.C. 115</u> requires copyright holder to license others to make / distribute recordings for a set fee</p> <p>Many publishers authorize Harry Fox Agency to issue licenses at statutory rate – because burdensome to handle licensing individually</p>	<p>Reproducing or distributing specific sound recording requires authorization / license from copyright holder</p>