

Music Performance Licensing for the Dance Professional

"Copyright" describes the legal rights given to the creator of an original work to control reproduction, distribution and transformation of that work. "A work" is broadly defined and includes dance, music, visual art, theater, film and television, and literature and other writing and printing such as newspapers and magazines.

"Performance Rights" - These are the rights to perform a piece of music, either live or through recorded playback. When a choreographer wants to use a piece of music in a dance performance they must petition (ask) for license to use the music from whoever holds the performance rights to that music.

In the case of an audio recording used as part of a dance performance, there are generally two sets of performance rights licenses that must be petitioned for separately:

License 1 - "publishing rights", ("Grand Rights" when a person making dance is asking). Someone (generally the composer/songwriter or their publishing company) owns the performance rights to the musical work, and must give their permission for it to be used.

Example: John Lennon and Paul McCartney write the song *Yesterday* and license it through their publishing company, Northern Songs. The choreographer must petition Northern Songs for permission to use *Yesterday* in a performance.

License - 2 "recording rights" or "master rights". Someone (generally the record label) owns the performance rights to the sound recording. The recording company may license the rights to other recording companies for territories around the world.

Example : The Beatles record *Yesterday* on their album *Help!*, released on the Parlophone record label, a division of EMI, which licensed the record release to Capitol Records in the United States. The choreographer working in the US must petition Capitol for license to broadcast the recording as part of the performance.

How do I know whom to contact?

Step 1: Check your media.

Most compact discs will have both the publishing copyright holder and the copyright holder for the sound recording listed in small print on the album jacket or booklet. Most digital media, such as tracks purchased through iTunes, tend only to have the sound recording copyright holder listed.

© is the symbol that identifies the publishing copyright holder.

ℙ is the symbol that identifies the copyright holder for the recording (the "P" stands for *phonogram* (the fancy legal term for a sound recording)).

Be aware that many albums of popular songs, particularly in certain genres (Country, Top 40 R&B) will have a different songwriter/publishing company for each track, and the artist on the album will not be the one who holds the publishing copyright.

Example: you want to use "What's My Name" by Rihanna. Rihanna's recorded rendition of the song is licensed through her record label, Def Jam, but publishing rights must be licensed from the songwriters and their publishing company.

Example: You're using a remix. The original songwriter will retain publishing rights, but the label that remix is released on will have recording rights.

I tried to do Step 1, but no publisher and/or record label is listed!

Step 1a: In this case, you must search for them. First, make sure that you have the correct artist, title and album information. **Don't assume that a track off someone else's iPod has correct information listed.** If you've decided to use a track, go to a record store or legit online seller and BUY IT. If you are then still missing the publisher or record label, take the verified track information you have and do a track title and artist search on Wikipedia or Amazon.com. If these searches come up empty for the publisher, try finding a direct contact for the composer/songwriter, particularly if they are a small name rather than a big one. Which brings us to Step 2.

What if I'm using music from the early 1900s or before?

Most of these works are in the public domain, but a recorded performance of them is still owned by the record label. In this case you will have to ask

Step 2: Comb the internet for contact information.

Google "<the name of the publisher> licensing contact" or similar and the odds are good that you'll get either an address to send licensing requests to or, better yet, and automated contact form that will tell you exactly how the publisher or record label wants requests filled out.

Step 3: Make your requests for license to use the work.

Use the form letter given to you by SOD, or adapt it to fit the publisher or record label's desired format. Send the letter or form as early as you can in the production process. Make sure to list the dates, times and number of performances, the money to be made from the performance, and the educational nature of the setting.

What if I want to alter the recording (cuts, fades, remixes, etc.)?

You must note the type of alterations you want to make on both of your requests. The copyright holders may approve use of the music unedited but deny edits.

What if I don't hear back from one or both copyright holders?

Bug them. Resend, look for phone contacts, do what you can to get their attention. Polite persistence is key here. If you don't hear back from them, it's legally the same as a no.

Step 4: If you are given permission to use the work by both the publisher and the record label, keep a copy of the documents granting you license to use the work and submit them to the sound coordinator along with the track you are using.

Note: Many small composer/performers and singer/songwriters have set up their own publishing company and record label – in cases like this you will be contacting the same person to request license to use the music and the recording.