

Who Owns What in Music?



Gordy L'Orange wrote a love ballad. He then got signed to a label, and made a recording of that love ballad.

There are now **two copyrights**:

1. Musical work copyright

This is for the love ballad *itself*-- the sheet music and lyrics. These rights belong to Gordy, as the creator. He assigns these to a music publisher.



2. Sound recording copyright

This also initially belongs to Gordy, who transferred it to his record label as part of his contract. The label only owns the rights to that particular recording.



I want to use that ballad! How do I do that?

Well, that depends...

If you want to put the ballad (either the original recording or a new one) on a CD, ringtone, or digital download, you'll need a **Mechanical License** from the music publisher.



If you want to play the original recording via an "online radio" service like Pandora, you'll need to obtain **Digital Performance Rights** from a DPR organization like SoundExchange.



If your Gordy L'Orange cover band wants to record the ballad, that's covered by a **Compulsory License**. You notify and pay the music publisher.



If you want to use the original recording for, say, a film soundtrack, you'll need to obtain a **Sync License** from the record label.



If you want to perform the ballad publicly to a substantial number of people (live or recorded), you or your venue will need a **Public Performance License** from a performing rights organization like BMI, ASCAP, or SESAC.



Same deal if you want to play it before, after, or at the intermission of a dramatic work (like a play or dance piece).



There are three common kinds of public performance agreements:

Per-use: Pay each time you perform the song.

Buyout: Unlimited right to perform the song publicly.

Blanket: Access to a library of music for performance.

If you want to integrate the ballad directly into a dramatic work (again, live or recorded), you need to obtain **Grand Rights**, which are directly negotiated with the copyright owner.

GRAND RIGHTS

For more information on these various licensing systems, see generally
Sound Exchange: <http://www.soundexchange.com>
ASCAP: <http://www.ascap.com>
BMI: <http://www.bmi.com>
Harry Fox Agency: https://www.harryfox.com/license_music/what_is_mechanical_license.html