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.

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

   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 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 perform the ballad publicly to 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).

   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.

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.

   **Well, that depends...**

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

   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.

   For more information on these various licensing systems, see generally

   Sound Exchange: [http://www.soundexchange.com](http://www.soundexchange.com)
   ASCAP: [http://www.ascap.com](http://www.ascap.com)
   BMI: [http://www.bmi.com](http://www.bmi.com)
   Harry Fox Agency: [https://www.harryfox.com/license_music/what_is_mechanical_license.html](https://www.harryfox.com/license_music/what_is_mechanical_license.html)