

The Laws Using Music in Commercials

- To use copyrighted or recorded music in a commercial you must obtain two licenses: one from whoever owns the copyright/publishing rights to the song and the second from whoever owns the copyrights to the recording.
- Do I need permission to perform music as part of a presentation in class or at a training seminar?

If the performance is part of face to face teaching activity at a non-profit educational institution, permission is not required. Permission is required when music is used as part of training seminars, conventions, or other commercial or business presentations.

- What does the ASCAP Radio License give you? **THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS**
 - Access to every variety of music you need to attract and entertain your viewers.
 - The immediate right to perform great new music written or published by our members.
 - Access to perform music in the repertoires of similar foreign performing rights organizations in nearly every country around the world where copyright law exists.
 - The right to perform music in commercials and jingles.
 - An indemnity if a claim for infringement is made against you, your staff or your advertisers based on the performance of our member's works.

What doesn't the ASCAP Radio License do?

The ASCAP radio license does **not** provide the right to authorize retransmissions of broadcasts of ASCAP music over loudspeakers in stores, restaurants or other locations open to the public, or by means of music-on-hold systems.

The ASCAP license does **not** provide the right to record copyrighted music, or change the lyric of a copyrighted work and use it in a commercial jingle or station promotion. These are known as "mechanical" or "recording" and "synchronization" rights and you should deal directly with the copyright owners for permission to record music or change a song.

- **I want to record or videotape a song or record. Do I need permission, and how do I obtain it?**
- If you want to make copies of, or re-record an existing record, tape or CD, you will probably need the permission of both the music publisher and the record label. A music publisher owns the song (that is, the words and music) and a record company owns the "sound recording" (that is, what you hear... the artist singing, the musicians playing, the entire production).
- If you plan to hire your own musicians and singers and create an original recording of a copyrighted song, then you need the permission of only the music publisher.

An industry-wide flat dollar annual fee has been negotiated between ASCAP and the Television Music License Committee ("TMLC"), the fees are determined according to the market size.