



Music Licensing

Office of Multimedia [June 2021]



Music is protected by copyright law, which provides exclusive rights of ownership to the creator(s) of the content. If you use the music without permission, you are infringing on the copyright, and the law allows the owner to recover damages.

The copyright for a song may be held by more than one entity. For example, a popular song on the radio may have a composer and a lyricist. In such cases, it's critical to ensure you obtain a blanket license for use of the material.

If you're using the content for private use only – that is you will show your video featuring the music track to a handful of people and don't intend to publish it anywhere on the internet, let alone distribute it, then you don't have to license the song. However, if you plan to show the video to

people outside of this small group or members of the general public, make it available online (like on YouTube) or want to distribute it to a wide audience, you must license the music.

There are two different types of rights:

1. **Master rights:** The owner owns the actual recording of the song's sound. This is usually the party that financed the recording, like a record label.
2. **Publishing rights:** Usually the owner of the composition is also the author of the music. The author holds the copyright unless there is a written agreement that transfers ownership to another person or entity.

If you publish your audio/video content featuring the music track without acquiring usage rights, there can be serious legal consequences. In the case of YouTube, for example, your content can be blocked from being uploaded or your account could be suspended or deleted.

Remember, when you license a song you are also likely licensing it for a one-time use. You will not have transfer rights – so if someone else asks you for the piece of music, you can't give it to them.

Make sure you keep a record of the license.

STOCK MUSIC RESOURCES

There are many online resources that simplify the music licensing process. These sites provide music beds with the purchase of a one-time license. Most of these licenses are valid worldwide and unlimited – this is key to being able to have a long shelf life for your video content and being able to distribute it to a wide audience. Some examples of such web sites include: pond5.com, premiumbeat.com, audiosocket.com, soundstripe.com, storyblocks.com, musicbed.com, etc.).

Each site offers a constantly growing pool of pre-cleared soundtracks. At the time of purchase, you may need to provide information about your project to secure the license for the copyright material.



If you use royalty free/creative commons music, read the licensing requirements carefully because some rights may be reserved. You may need to credit the source, or there may be restrictions to the use of the music score. The terms may vary by track.

GETTING AN ORIGINAL SCORE FOR YOUR VIDEO

You may know someone who is willing to create original music or sound effects for your video. In such cases, provide as much detail as possible in writing to the individual on how you intend to use the song – will it just be used during the intro and closing animation, or will it serve as the background music throughout the whole video; also specify your video distribution plans.

Once the music is created, before you include it in your video, it is critical you have the individual sign the official EPA content licensing agreement so that they understand the agency is using the music for educational purposes, will not be selling the video content and will make it available for wide distribution. Remember to keep this document on file per records keeping regulations.

FAIR USE

Some music falls under the Fair Use provision of the Copyright Law. Fair use is a set of guidelines used to determine whether a work can be used without permission. Examples include news reporting, criticism, comment, scientific research, teaching, and parody.

Be aware that if the copyright owner disagrees with your use, you may be facing legal action for copyright infringement.