

Licensing and Copyright for Performing Ensembles

Jane Cross, U.S. Marine Band
Laurie Lake, Interlochen Center for the Arts



(note: we are not lawyers)

Remember 1923

Music written (or revised) after 1923

Rental or Purchase

- Boosey & Hawkes www.boosey.com
- G. Schirmer www.schirmer.com
- PAD www.mola-inc.org



MAJOR ORCHESTRA LIBRARIANS' ASSOCIATION

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Welcome to the website of the Major Orchestra Librarians' Association (MOLA). This site contains information, resources, and links for MOLA member librarians, as well as for other musicians, conductors, publishers, and administrators. All areas of the website are publicly accessible except for the Members Area and the MOLA Forum.

Founded in 1983, the Major Orchestra Librarians' Association is comprised of over 240 professional performance organizations around the world, represented by more than 350 librarians. The job of these performance librarians is to acquire, prepare, catalogue and maintain the music for each institution. Through MOLA, librarians share information and resources to help them in their daily work.

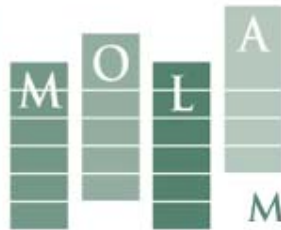
MOLA's mission is to facilitate communication between professional performance librarians, educate and assist them in providing service to their organizations, provide support and resources to the performing arts, and work with publishers to achieve the highest standards in

Our 26th Annual Conference will be held in Nashville
May 30-June 2, 2008

2008 CONFERENCE FORMS

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MOLA Resources

• MOLA Publications:

- [Marcato - Back Issues](#)
- [Guidelines for Professional Music Hire](#)
- [The Music We Perform](#)
- [Music Preparation Guidelines for Orchestral Music](#)
- [The Orchestra Librarian: A Career Introduction](#)



• **PAD** [Publishers, Agencies & Dealers](#)

- [Composers Page](#)
- [Professional Organizations](#)
- [League of American Orchestras, Orchestra Repertoire Reports](#)
- [Opera Resources](#)
- [Names of Instruments in Russian](#)

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- [Steps to Enlightenment](#)
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MOLA Index to international listing of *Publishers, Agencies & Dealers*

[Scroll through the index. Click on the name of a business. A new window will open showing the details for that business.]

USA & Canada

A

- [Alfred Los Angeles](#)
- [American Composers Alliance \(ACA\)](#)
- [American Composers Forum](#)
- [American Music Center \(AMC\)](#)
- [American Symphony Orchestra League \(ASOL\)](#)
- [ASOL - Washington Office](#)
- [American Society of Composers, Authors, and Publishers \(ASCAP\)](#)
- [A-R Editions, Inc.](#)
- [Arcana Editions](#)

B

- [Bärenreiter's World of Music](#)
- [Belmont Music Publishers](#)
- [Berandol Music](#)
- [Boosey & Hawkes, Inc.](#)
- [Boosey & Hawkes Rental Library](#)
- [BMG Editions](#)
- [Bourne Company](#)
- [Breitkopf & Härtel \(US\)](#)
- [Broadcast Music, Inc. \(BMI\)](#)
- [Broude Brothers Limited](#)

C

- [Canadian Music Centre](#)
- [Carl Fischer LLC \(Promotion\)](#)

EUROPE

[EMS Music - Europe](#)

Austria

- [Doblinger Music Publishers](#)
- [Universal Edition AG](#)
- [Josef Weinberger](#)

England

- [ALAW Music Publishers](#)
- [Barenreiter](#)
- [Boosey & Hawkes Music Publisher, Ltd.](#)
- [Brass Wind Publications](#)
- [Breitkopf & Haertel](#)
- [Concord Hire Libraries](#)
- [Cramer Music](#)
- [Doblinger Musikverlag, Austria](#)
- [EMI Music Publishing](#)
- [EMI Music Vault Service](#)
- [Eschig](#)
- [Faber Music Ltd.](#)
- [Faber Music Hire Library](#)
- [King's Music](#)
- [MDS \(Music Distribution Services\) Hire Library](#)
- [Music Forte Ltd.](#)
- [Music Sales \(ChesterNovello Hire Library\)](#)
- [Oxford University Press](#)
- [Lars Pavnø](#)

Boosey & Hawkes Rental Library: T 212-358-5300 x.2, F 212-358-5307

35 East 21st Street
New York, NY 10010-6212 USA
usrental@boosey.com
Rachel Peters, Rental Library Manager
Elizabeth Blaufox, Assistant Rental Library Manager
Davis Erin Anderson, Rental Librarian
Paul Lee, Rental Librarian
Laura Thompson, Rental Administrative Assistant

We ask that you use our general phone number 212-358-5300 x.2
and our general e-mail usrental@boosey.com
for all correspondence so that requests are handled efficiently.

Order form attached to email is preferred for Rental requests: usrental@boosey.com.

Fax accepted but we have limited time to fax back confirmations and we are not responsible for fax orders that fall in transmission: fax 212-358-5307.
Orders are not taken over the phone, as documentation of proof of order is required and provided by the use of the form.

[US Rental Forms and Instructions, click here](#)

Lola Kavonic, Grand Rights & Licensing Manager: see "Boosey & Hawkes, Inc", above

E-mail also preferred for perusal requests to Promotion Assistant Eddle Whalen, x.5362: Eddle.Whalen@boosey.com

Ana McQuiller x.5315 (accounting issues)

Ricordi, Durand, Salabert, Weinberger, Faber, Carisch, Sugarmusic, Gehrman, Fennica Gehrman

BMG Editions

(represented by Boosey & Hawkes in North America)

[Mary Madigan](mailto:Mary.Madigan@boosey.com), mary.madigan@boosey.com

BMG Edition companies are Amphion, Durand, Eschig, Editio Musica Budapest, and Ricordi (London, Milan and Munich), Rideau Rouge, Salabert

Parts are available directly from the Boosey & Hawkes Rental Library

Bourne Company: T 212-391-4300, F 212-391-4306

<http://www.bournemusic.com>
see also International Music Company
5 West 37th Street
New York, NY 10018 USA
Bourne@bournemusic.com

Breitkopf & Härtel (US)

<http://www.breitkopf.com>
see also listing under Germany
sales@breitkopf.com
[Annkathrin Mascus](mailto:Annkathrin.Mascus@breitkopf.com), [Daniel Nibbe](mailto:Daniel.Nibbe@breitkopf.com), Sales, sales@breitkopf.com
[Dr. Frank Reinisch](mailto:Dr.Frank.Reinisch@breitkopf.com), Public Relations, pr@breitkopf.com
[Clemens Falkenstein](mailto:Clemens.Falkenstein@breitkopf.com), [Thomas Trapp](mailto:Thomas.Trapp@breitkopf.com), Hire, hire@breitkopf.com
[Christian Rudolf Riedel](mailto:Christian.Rudolf.Riedel@breitkopf.com), Editorial, editorial@breitkopf.com

Broadcast Music, Inc. (BMI): T 212-830-2536, F 212-262-2824

Small Rights

“...a performance of musical sounds only.”

- Licensed by a Performing Rights Organization
 - Blanket
 - Case-by-case

- Exemptions (USC Title 17, Section 110)
 - (4) performance of a nondramatic literary or musical work...without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if —
 - (A) there is no direct or indirect admission charge; or
 - (B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for **educational, religious, or charitable purposes and not for private financial gain**

Performing Rights Organizations (PROs)

American Society of Composers, Authors and Publishers (ASCAP)

1914

Society of European Stage Authors & Composers (SESAC)

1930

Broadcast Music, Inc. (BMI)

1944

- ❑ Labor unions for artists
- ❑ Org collects fees and distributes among artists
- ❑ Websites: valuable information
- ❑ Quarterly reports filed
- ❑ Venues and broadcasters/transmitters need licenses from all 3 PROs
- ❑ Individual artists do not secure small rights; venues and transmitters do

Grand Rights

- "...literary or visual elements that go beyond the performance of musical sounds alone."

- Negotiable with publisher
 - Based on ticket price
 - % of house sold
 - Budget of organization

From <http://www.mola-inc.org/pdf/MusicWePerform.pdf>

Mechanical License

- Necessary for distributed audio recordings
 - CDs, cassettes, vinyl
 - Downloads (permanent and limited)
 - On-demand streams (ahem)
 - Ring tones
- Compulsory (unless premiere recording)
- Where to get license?
 - Copyright holder/publisher
 - Harry Fox Agency
- Statutory Royalty Rates
 - 9.10 cents for songs 5 minutes or less, or
 - 1.75 cents per minute or fraction thereof over 5 minutes
- duration x rate x reduction x units produced = \$\$



home

publisher
informationlicensee
informationinformation
center

today at HFA | license music | affiliation | about hfa | contact

Terms of Use | Privacy

registered user login

>home >today at HFA

search for:

go

Services:

- Overview
- Mechanical Licenses
- Digital Licenses
- HFA Online for Licensees
- Limited Quantity Licenses
-Songfile
- Import
- Synchronization
- Statutory Rate
-Royalty Rate Calculator

Mechanical Royalty Calculator:

As of January 1, 2006, the statutory mechanical royalty rate is 9.1¢ for recordings of a song 5 minutes or less, and 1.75¢ per minute or fraction thereof for those over 5 minutes. This is then multiplied by the number of recordings you wish to make. For more information about the statutory mechanical royalty rate, click [here](#).

You can use the calculator below to determine the mechanical royalties due per song for a certain number of recordings. Please note that there is a minimum number of licenses that can be obtained through HFA Songfile, and there is also an additional processing fee that is dependent upon the number of songs you are licensing in a single transaction. For more information on HFA Songfile licensing, click [here](#).

Enter the length of your recording of the song you wish to license here:

Minutes: Seconds:

Enter the number of recordings you plan to make and/or distribute:

Calculate

Licensing Online Streaming Audio

- Stream types
 - Non-interactive/webcasting = transmission
 - Website needs blanket licenses from 3 PROs
 - Interactive/on-demand = transmission + mechanical reproduction
 - Website needs blanket licenses from 3 PROs + quarterly payments to Harry Fox Agency
 - Confusing law addressed 2009 at the earliest.
- Exemption from small rights does not extend to streaming (transmission).

Synchronization License (Synch)

This license gives you the right to “synchronize” the copyrighted music with video.

- Negotiate with the copyright holder/publisher
- Information requirements include:
 - Duration
 - Media type (film, DVD, online video, etc)
 - Production synopsis
 - # of works in production
 - Description of scene in which the work will be used:
 - Altering work?
 - Master rights required?

Permission to Arrange/Transcribe

- ❑ A derivative work is a new work that takes an existing work and adapts, transforms, or recasts it.

- ❑ Contact copyright holder
 - Helpful site: Music Publishers' Association website:
http://www.mpa.org/directories/music_publishers/

- ❑ If granted: fee + contract.

- ❑ Negotiate for intended uses and any retention of rights

Licensing takes time!

- ❑ 3 days to 9 months process
- ❑ Different types of rights can be divided between different publishers (ex. Alfred=print and Warner=synch for the same work)
- ❑ Each publisher has a different system
- ❑ Follow up after 30 days, not before
- ❑ Track your work
- ❑ Failure of copyright holder to respond can result in your “due diligence”

Resources

Cross, Jane and Laurie Lake. Performing Ensemble Licensing Chart.

<http://ella.slis.indiana.edu/~lklake/MLALicensingChartJ.pdf>

Monath, Rob. *By the Book: A Simple Copyright Compliance Method for Musicians and Music Professionals*. Hinshaw (2006).

Moser, David. J. *Moser on Music Copyright*. Thomson Course Technology and Artist Pro Publishing (2006).

Tarlow, Larry and Robert Sutherland. *The Music We Perform: An Overview of Royalties, Rentals and Rights*. MOLA.