

UMBC Dance GENERAL RULES FOR USING MUSIC WITH CHOREOGRAPHIC WORKS

There are 2 different copyrights in music:

1. The music composition, with rights typically held by a music publisher
2. The audio recording of the composition, typically held by a recording company



Generally, if a piece will be performed live, you will need a license from the music publisher.

If you want to use a sound recording, you will need to contact the recording company *and* the music publisher.

Music performed LIVE in connection with a choreographed work

You DO NOT need a license if:

1. The dance is not open to the public but is presented as part of a class, workshop or other setting that is not open to the public; OR
2. The song is no longer protected by copyright [anything written before 1923]; OR
3. The song is available under a Creative Commons or other type of royalty-free license for non-commercial uses; OR
4. Your use of the song qualifies as a “fair use” under copyright law. (Unlikely if the piece is being performed in its entirety in connection with a public dance recital.)

However, you DO NEED a license if:

1. The song is still under copyright protection; AND
2. The dance recital is public; AND
3. The dance performance and music qualify as a dramatic presentation
(Does the dance involve, conjure up, or evoke any definite plot or storyline where the performance of the music supports and carries forward that plot or storyline?
Does the dance performance involve characters, costumes, scenery, lighting, staging and other theatrical production components?)

For the license, you need permission from the **music publisher**.

(To make an audio-video recording of the dance performance to post on line, you will ALSO need a synchronization license from the music publisher to allow you to “sync” the sound to the visual.)

Sound recording in connection with a choreographed work

You DO NOT need a license if:

1. The performance is presented as part of a class, workshop or other setting that is not open to the public; OR
2. The sound recording is not protected by copyright [very unlikely]; OR
3. The recording is available under a Creative Commons or other type of royalty-free license for non-commercial uses; OR
4. The dance performance and music do not qualify as a dramatic presentation (if the university holds non-dramatic public performance licenses for sound recordings)
5. Your use of the recording qualifies as a “fair use” under copyright law. (Unlikely to be the case.)

However, you DO NEED a license if:

1. The performance is open to the public; AND
2. The recording is protected by copyright (very likely); AND
3. The dance performance and music qualify as a “dramatic presentation.”

To license the recording, you will need to contact the **music publisher AND the recording company.**

(To make an audio-video recording of the dance performance to post on line, you will ALSO need a synchronization license from the music publisher & recording company.)

Sampling: ANY use of any amount of a recording, as a sample, requires a license from the recording company AND the music publisher.

Helpful Websites

Compendiums

<http://www.publicdomainsherpa.com/public-domain-recordings.html> - a list of sources.

http://guides.library.harvard.edu/Finding_Images/finding_audio#s-lg-page-section-2072817 - list

Sites

<http://www.freemusicpublicdomain.com>

<http://freemusicarchive.org>

<http://search.creativecommons.org>

<http://www.royaltyfreemusic.com/public-domain/>

<https://musopen.org>

Sound effects

<https://www.freesound.org/browse/>

<http://www.zapsplat.com>

(others)

Websites to help you determine whether a work is under copyright.

How to Investigate the Copyright Status of Work (US Copyright Office):

<http://www.copyright.gov/circs/circ22.html>

When Works Enter the Public Domain (University of North Carolina):

<http://www.unc.edu/%7Euncclng/public-d.htm>

Duration of Copyright (US Copyright Office): <http://www.copyright.gov/circs/circ15a.html>

Identifying music publisher and recording company.

The following companies maintain databases that can help.

US Copyright Office database: <http://www.copyright.gov/records/>.

(The Copyright Office database does not include works that have not been registered with the Copyright Office or records of works that were registered before 1974.)

ASCAP: <http://www.ascap.com/index.html>

BMI: <http://www.bmi.com/>

SESAC: <http://www.sesac.com/index.aspx?flash=1>

Music Publishers' Association: <http://www.mpa.org/>

Harry Fox Agency: <http://www.harryfox.com/index.jsp>