

FREQUENTLY ASKED QUESTIONS ABOUT

MECHANICAL LICENSES

AND

SYNCHRONIZATION LICENSES

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For additional information on music licenses (CCLI, LicenSing, OneLicense.net), see the Music Licensing Comparison Chart:

<http://www.gbod.org/worship/Licensing.pdf>

For additional information on video licensing (CVLI), see the CVLI License Q&A at:

<http://www.gbod.org/worship/licensing-cvli.pdf>

What is the definition of “mechanical license”?	<ul style="list-style-type: none"> ▪ The licensing of copyrighted musical compositions for use on CDs, records, and tapes.
What is the definition of “synchronization license” (or “sync license”?)	<ul style="list-style-type: none"> ▪ The licensing of recording copyrighted music in a visual form, such as television broadcast, film, motion picture, music video, commercial announcement, or videotape.
If you purchase sheet music or choir music, you MAY :	<ul style="list-style-type: none"> ▪ sing from and use each copy that you purchased
If you purchase sheet music or choir music, that DOES NOT give you the right to:	<ul style="list-style-type: none"> ▪ photocopy additional copies ▪ perform the music in a live public performance ▪ record the work ▪ broadcast the work in live performance (radio or TV) ▪ broadcast a recording of the work on radio or TV
What about purchased choir music for use in worship services?	<ul style="list-style-type: none"> ▪ Publishers and experts disagree, but the prevailing practice is that churches may sing music purchased for use in their worship services without having to obtain any additional permissions or

	licenses.
What if we want to sell tickets or take an offering or donations?	<ul style="list-style-type: none"> ▪ Legal purchase of choir music does not allow you to perform the music at concerts or events for which you sell tickets, charge admission, or take an offering or donations (with the exception of the church’s regular worship services). ▪ You must obtain a license from the owner in order to perform a musical work in public. ▪ Churches are allowed to recoup the expenses associated with presenting the purchased music. If this is done through offerings or donations, the church must obtain a performance license, must keep records to show the expenses, and must donate all profits received over “reasonable expenses.”
How do we obtain a performance license?	<ul style="list-style-type: none"> ▪ By contacting the copyright owner, or by going through one of the performing rights organizations, such as ASCAP, BMI, or SESAC.
Which organization is the best?	<ul style="list-style-type: none"> ▪ Composers are represented by performance rights societies – ASCAP, BMI, or SESAC. If the composer of the music you select is represented by ASCAP, then you must obtain an ASCAP license, and the same for BMI and SESAC composers.
How do I know who owns the music?	<ul style="list-style-type: none"> ▪ Each performance rights society has its own web site for searching. ▪ Check the CD jacket and printed music.
How do I request a license?	<ul style="list-style-type: none"> ▪ Contact the publisher, recording company, or performance rights society directly.
What does the performance license cover?	<ul style="list-style-type: none"> ▪ The right to perform a musical work in public – live performances and broadcasts of recordings. ▪ <u>Live in-church worship is exempt from the requirement to obtain a performance license, unless that worship service is broadcast or telecast to a location other than where it takes place.</u>
What is not covered by the performance license?	<ul style="list-style-type: none"> ▪ Many things, including the right to make a recording or to record for TV and/or video.
What is a mechanical license?	<ul style="list-style-type: none"> ▪ The mechanical license covers the audio only recording of music and making multiple copies, as a cassette or CD. To make a CD of your choir singing, you must obtain a mechanical license if you do not already own the rights to the music.
How do I obtain a mechanical license?	<ul style="list-style-type: none"> ▪ Contact the Harry Fox Agency (www.harryfox.com) or ▪ Contact the copyright owner directly ▪ You will be required to register and pay a fee determined by the length of the work and the number of copies made, according to a schedule determined by the U.S. Copyright Office.
What are Grand Rights?	<ul style="list-style-type: none"> ▪ You must obtain a separate license from the copyright owner for Grand Rights if you wish to perform music that is associated with drama, dramatic action, dancing, or staging, such as an opera, a stage play, a musical, a Broadway show, a ballet or other kinds of dance. ▪ Grand Rights are not included with a music license (CCLI, OneLicense.net, LicenSing) or with the mechanical license. The Grand Rights license must be obtained separately.
What about TV, video, or film? (Synchronization License)	<ul style="list-style-type: none"> ▪ In order for churches to make recordings of copyrighted music for live or recorded broadcast on TV, video, or film, you must obtain a Synchronization License from the copyright owner. The Harry Fox Agency used to handle synchronization rights but no longer does, so you must contact the copyright owner directly.
We want to make a CD of our	<ul style="list-style-type: none"> ▪ You must obtain a Mechanical License.

choir or musicians and give them away or sell them as a fundraiser.	
We want to make a CD of our choir or musicians and give them to our shut-ins and sick.	<ul style="list-style-type: none"> You must obtain a Mechanical License.
We want to make a video tape of our choir or musicians or worship services and give them away or sell them as a fund raiser	<ul style="list-style-type: none"> You must obtain a Synchronization License.
We want to make a video tape of our choir or musicians or worship service and give them to our shut-ins and sick.	<ul style="list-style-type: none"> You must obtain a Synchronization License.
Doesn't the CCLI or other music licenses allow for some recording, distribution, and sale of music?	<ul style="list-style-type: none"> This may be the case for one or more music licenses, but we will not deal with this here. Contact the individual license companies for what their license will or will not do. These are very limited, specific conditions under which this may be allowed.

May we play music CDs in our worship service?	<ul style="list-style-type: none"> Yes, you do not need a license to play recorded music in worship.
May we play videos or video clips in our worship service?	<ul style="list-style-type: none"> You must have a license to do this. See CVLI license Q&A
May we record copyrighted music performed in our worship service without a license?	<ul style="list-style-type: none"> No, not without a license.
May we include recorded copyrighted music in our worship service radio or television broadcast?	<ul style="list-style-type: none"> No, not without a license.
May we include copyrighted hymns sung by the congregation from legally purchased hymnals on a recorded CD or video or broadcast on radio or TV?	<ul style="list-style-type: none"> No, not without a license. Broadcasting audio only requires a mechanical license. Broadcasting video and TV requires a synchronization license.
What do we need if we want to make copies of a record, tape, or CD?	<ul style="list-style-type: none"> You will need two permissions or two licenses, one from the music publisher or owner of the copyright, and one from the company that issued the record, tape, or CD.
What about music in the public domain?	<ul style="list-style-type: none"> You do not need a mechanical or synch license if you are recording or distributing public domain music. However, be careful because the arrangement you are doing may be copyrighted even if the song is in the public domain.
We are not selling the CDs or tapes we record. Isn't that "fair use"?	<ul style="list-style-type: none"> No, you still need a license.
We are a church. Doesn't that mean our recordings or videos are covered under "fair use"?	<ul style="list-style-type: none"> No, you need a license.

Harry Fox Agency
<http://www.harryfox.com/index.jsp>
 711 Third Ave.
 New York, NY 10017
 Telephone 212-370-5330

Online Song Search and Mechanical Licensing Tool, <http://www.harryfox.com/public/songfile.jsp>
(HFA represents the song catalogs of over 28,000 publishers)

Mechanical License Royalty Rates
<http://www.copyright.gov/carp/m200a.html>

For help with the rights of record labels and recording companies:

Recording Industry Association of America (RIAA)
1020 19th St. NW, Suite 200
Washington, DC 20036
Telephone 202-775-0101
<http://www.riaa.com>

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

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

SESAC
<http://www.sesac.com>

U.S. Copyright Office
<http://www.copyright.gov>

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