

# Music Rights

The following is an article written by Texas Performing Arts Associate Director for Programming and Production [Rachel Durkin-Drga](#). Please use the attached [Music Rights Request Form 04.11.17.doc](#) and return to Academic Production Manager [Jeff Grapko](#) to obtain music rights for a Theatre and Dance Production.

## Obtaining Rights for Music Used in Live Performance

The process of obtaining rights to use music in live performance is never an easy one. Unlike obtaining the rights to produce a play, there is no central clearinghouse for music clearance. Two major pieces of advice I can offer are, one, give yourself plenty of time to go through this process and two, always have a back-up plan if you are not successful in obtaining the rights.

One of the biggest misconceptions about music rights is that if you are working at, or are a student at a college or university, the rights are already taken care of by the educational institution. This is true, but only in a limited sense. While most colleges and universities do pay a licensing fee to ASCAP and BMI, the licenses are very narrow in terms of what's covered by that fee. What is never covered by these standard university licenses is "grand rights" which is defined as the use of music in a "dramatic setting". This means that if you are presenting a play or dance performance, you cannot legally use any copyright protected music without first obtaining permission.

So you now know you need to get the rights. The first thing to do is to get as much information about the song you want to use. Look on the CD label for the following information:

- Record Company
- Record Company's address, phone number
- Name of song
- Artist who performed the song
- Who wrote the song
- Album title

How one goes about getting permission varies depending on how you want to use the song. If you want to use a specific artist's version of a song, you'll need to contact the record company and the publisher (the publisher can usually be found via ASCAP or BMI). If you want to have someone sing or play a song live, you need to find out who represents the composer and lyricist and contact them, as well as the publisher. The specifics for each situation are detailed below.

If you want to use a specific artist's version of a song, you would need to contact the record company and publisher. If the record label did not provide an address for the record company, check the Internet for the information. Whenever possible, it's best to find out what information the record company needs or if there is a specific form that needs to be completed in order for your request to be considered.

Generally, when you contact the record company, there is some basic information they will want to know:

- What song do you want to use?
- How much of the song will you use? (Give an exact timing)
- How many other songs will be used in the production?
- What is the production? (A play? A dance performance?)
- If it's a play, they will want to know the play title and what the play is about. Some companies may even want to have a copy of the scene during which the music will be played
- If it's a dance performance, they will want to know what kind of dance it is.
- Who is presenting this performance? (A university, an amateur theatre, a professional theatre, etc)

This is just a general list of information. Again, it is best to find out the specific requirements for each record company.

If you want to play or sing a song live during a performance, you need to contact the composer's/lyricist's representative and the publisher. The best place to find out who the representatives are is via the internet. Both ASCAP (American Society of Composers, Authors and Publishers) and BMI (Broadcast Music, Inc.) have web sites (addresses below) and represent the interests of composers, lyricists and publishers.

- [ASCAP](#)
- [BMI](#)

These two web sites allow you to search a database by song title or composers' name and in most instances, will indicate who holds the rights to that particular song. If you try both web sites and the song is not listed at either site, you need to contact the record company. They may be able to provide information on who to contact.

Some cautionary notes:

1. Be aware that you may need to contact more than one representative. The number of representatives you may need to contact is often based on how many composers/lyricists worked on a song.
2. Be sure that the person you deal with has the authority to grant permission for your particular usage.

## Obtaining Rights to Produce a Play or Musical

The rights for most plays and musicals are held by play publishing houses. To obtain the rights to produce a play or musical, complete the following steps:

1. Determine which play publishing house has the rights to the play you wish to produce. Each company has a catalogue which will indicate a royalty fee. However, be aware that the fee for your particular organization may differ.
2. You should call the company to find out if the play is available for production. In some instances, plays are "restricted" which means that a particular play/musical is not available for production. Never assume that a play is available, you should always check with the play publishing house before you advertise or begin work on the production.

3. Once you have determined that the play is not restricted, you will need to contact the publishing house in writing. Generally the following information is needed in order to provide a royalty quote## Play Title
  - a. Place of performance (City, State & Theatre)?
  - b. Producing organization?
  - c. Seating capacity?
  - d. Ticket prices?
  - e. Not-for-profit or for-profit group?
  - f. Number of performances?
  - g. Performance dates?Equity (Actor's Union) or non-Equity production?
4. Once your letter is received, you will be sent a quote for the royalty fee and if acceptable, a contract may be sent. Some companies however will simply send an invoice.
5. Be aware that for plays, the royalty fee covers the royalty only. Scripts are extra, however, plays may also be ordered directly from the publishing house.
6. For musicals, the fees to produce a work are generally higher with a royalty fee, a rental fee (for scripts and scores) and a refundable security deposit.If the play you wish to produce is not held by any of the play houses, you will need to find a copy of the play to find the publisher's information. Contact that publisher and hopefully they can help refer you to the correct source for obtaining producing rights.

Below are the major play/musical publishing houses:

Anchorage Press	504.283.8868	<a href="#">Anchorage Press Plays</a>
Baker's Plays	617.482.1280	<a href="#">Bakers Plays</a>
Dramatic Publishing	800.448.7469	<a href="#">Dramatic Publishing</a>
Dramatist's Play Service	212.683.8960	<a href="#">Dramatist's Play</a>
Music Theatre International	212.868.6668	<a href="#">MTI Shows</a>
Rogers & Hammerstein	212.564.4000	<a href="#">RnH</a>
Samuel French, Inc.	212.206.8990	<a href="#">Samuel French</a>