

INSTRUCTIONS FOR USING MUSIC IN YOUR EPISODE

Start with the “Chart for Using Music in Your Episode” and follow the path on the chart that relates to your specific music use. That will guide you to the sections of these instructions that relate specifically to you.



If you are using music in your show that you did not personally create, then **by law** you must take specific steps to get permission to use it.

These steps differ based on several things. Some music use is complicated and expensive. Some music use is not allowed by its owners. Some music use is free and easy. Some music use involves you paying fees at an extremely reduced rate (less than \$10 for a 3-year use) because NECAT is a Public Education Government (PEG) station. **START WITH the “Chart for Using Music in Your Episode”** at the front of this packet to guide you through the specific steps in this instruction document that apply to you. That chart will direct you to only the various steps and instructions in this document that you personally need, depending on your particular music use.

SECTION 1

If someone physically performs and sings a song during your shoot, you will need to get permission from the people who own the written song that your guest is performing. You do that through a **Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3**.

How do you fill out that form?

- A. Identify the composer/songwriter of the musical composition/song.
 - i. Song owners are typically called “publishers” and can be identified by conducting a “Repertory” search by song title at the Performing Rights Organizations: BMI.com, ASCAP.com, SESAC.com and HARRYFOX.com. If you do not find your specific song on any of these sites, it may have been created before 1923 and therefore in the public domain, which means it does not require licensing for you to use it. If you do find your specific song on any of those sites, it does require licensing and a payment from you to the publishers identified on the sites. Contact the publishers identified for your specific song on the PRO sites to determine where and how to send payment.
 - ii. NOTE: Though familiar with PBS, many publishers will not be aware of this reduced rate license for performances of musical compositions/songs on PEG channels like NECAT. You may need to email them the Code of Federal Regulations included in this packet or refer them to it online: 37 C.F.R. 3811.7(b)(ii).
- B. Using the owner information you found above, obtain a **Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3** from all songwriters and composers or music publishers that own the song.
- C. If you cannot obtain the songwriter/publisher signatures on the Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3, you can still legally have someone physically perform the song in your episode, **IF** you pay the very minimal fees specified for you in the **Cue Sheet - Form 6**. These are “statutory” fees and are greatly reduced for you because NECAT is a PEG station. If you do go

this route, complete the Cue Sheet - Form 6 and mail it with your payment to the publisher that you identified from the PRO sites in Section 1, Item A above. You may use the **Letter Template - Form 7** to customize and send with your payment. Provide copies of your Cue Sheet - Form 6 and your customized payment letter based on Form 7 to NECAT as documentation of your payment of these music rights to the owner.

SECTION 2

If you use music taken from a CD, record, cassette, MP3, album, or other electronic file, you will need to get permission (which may not be granted) from the owner of that recording and for which you will be charged any amount of money the owner wishes. This is a much **more difficult, time-consuming, and “iffy” process** than having someone physically perform and sing a song in your show, whether or not the person performing the song wrote and owns it or is simply “covering” the musical composition/song owned by someone else (see Section 1 above). The reason is that laws governing PBS and PEG stations put more value in producers *performing* musical creations than they do simply *inserting* a pre-existing sound recording created and owned by someone else.

NOTE: This will be the hardest form of music to legally use in your show because of the steps needed to properly license sound recordings.

BUT—IF YOU DO want to try to get permission to use someone else’s recording like this, you need a **Broadcast Rights & Master Use License for Sound Recording - Form 4**.

How do you try to get that?

- A. Identify the owner of the specific sound recording you wish to use. Owners of sound recordings are typically artists or record labels and are identified by the symbol of a capital letter P with a circle around it in the liner notes of CDs, albums, etc. and in the purchase information for downloaded songs from iTunes. 
- B. Contact the owner and request use of the sound recording. If granted permission to use, you will need to negotiate the cost.
- C. If—DESPITE THE DIFFICULTY—you do get permission to use a sound recording like this and you do get a **Broadcast Rights & Master Use License for Sound Recording - Form 4**, and you negotiate a price with the owner that is acceptable to you, THAT IS AMAZING. You have one more (relatively easy) step remaining.
- D. You now need to get permission from the people who own the written song that the sound recording you are taking from a CD, cassette, album, iTunes, or other electronic file is made from. You do that through a **Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3**.

How do you fill out **Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3**?

- A. Identify the composer/songwriter of the musical composition/song.
 - i. Song owners are typically called “publishers” and can be identified by conducting a “Repertory” search by song title at the Performing Rights Organizations: BMI.com, ASCAP.com, SESAC.com and HARRYFOX.com. If you do not find your specific song on any of these sites, it may have been created before 1923 and therefore in the public domain, which means it does not require licensing for you to use it. If you do find your specific song on any of those sites, it does require licensing and a payment from you to the publishers identified on the sites. Contact the publishers identified for your specific song on the PRO sites to determine where and how to send payment.

- ii. NOTE: Though familiar with PBS, many publishers will not be aware of this reduced rate license for performances of musical compositions/songs on PEG channels like NECAT. You may need to email them the Code of Federal Regulations included in this packet or refer them to it online: 37 C.F.R. 3811.7(b)(ii).
- B. Using the owner information you found above, obtain a **Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3** from all songwriters and composers or music publishers that own the song.
- C. If you cannot obtain the songwriter/publisher signatures on the Broadcast Rights and Synchronization License for a Musical Composition/Song - Form 3, you can still legally have someone physically perform the song in your episode, **IF** you pay the very minimal fees specified for you in the **Cue Sheet - Form 6**. These are “statutory” fees and are greatly reduced for you because NECAT is a PEG station. If you do go this route, complete the Cue Sheet - Form 6 and mail it with your payment to the publisher that you identified from the PRO sites in Section 1, Item A above. You may use the **Letter Template - Form 7** to customize and send with your payment. Provide copies of your Cue Sheet - Form 6 and your customized payment letter based on Form 7 to NECAT as documentation of your payment of these music rights to the owner.

Remember: Someone physically performing and singing a musical composition/song during your shoot (see Section 1 above) has dramatically reduced price rates because NECAT is a PEG station. THIS SAME BENEFIT DOES NOT EXIST FOR SOUND RECORDINGS taken from an artist’s CD, album, iTunes, or other electronic file. If you do not receive a **Broadcast Rights & Master Use License for Sound Recording - Form 4**, you cannot use sound recordings taken from CDs, albums, iTunes, or other electronic files at NECAT.