



LICENSING MUSIC FOR THEATRE

PUBLIC PERFORMANCE

A public performance of music as defined by the US Copyright Law is any music played outside of a close circle of associates (under 10) including friends and family that occurs in any public place.

Music like any other property is owned by the copyright owner. They have the right, under the law, to be compensated for the use of their property. When music is played outside of certain educational exemptions (17 U.S.C. §110(1)) a public performance license is needed. There are currently four (4) US-based Performing Rights Organizations (PROs) and all of them have affordable and easy to get blanket licenses that cover their entire catalogue. It is important to purchase all PRO licenses as many songs may have artists, writers, and performers in different PROs.

PERFORMING RIGHTS ORGANIZATIONS (PROS):

AllTrack – [School-Based License](#)

GMR – [School-Based License](#)

ASCAP

SESAC

BMI – [School-Based License](#)

For a school theatre production that includes music, there are various copyright permissions needed depending on the type of music used:

Grand Rights: Applies to "dramatico-musical" works such as operas, operettas, musical plays, or shows where music is specifically written for the performance, like adaptations of cinematic musicals for the stage. These rights are typically controlled by the copyright holder of the work and need to be obtained directly from the copyright holder(s).

Small Rights: Cover music not specifically written for the dramatic presentation and are broken down into two categories:

- **Interpolated Music:** Music which exists within the dramatic world of the presentation, which means it is part of the drama and could be performed by or perceived as audible to the characters. For this type of music, a specific license needs to be acquired even if the venue already holds a general music license. This license is not covered by the general PRO licenses and must be applied for separately.
 - **Incidental Music:** This is music used for transitions, scene changes, and other background purposes that is not part of the story or heard by the characters. Incidental music is generally covered by the venue's general PRO music licenses.
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GRAND RIGHTS

To obtain grand rights permissions for a school theatre production, here are some typical steps:

1. **Identify the Rights Holder:** Determine who holds the grand rights for the work you intend to use. This is usually the publisher or the rights holder of the dramatic work.
2. **Negotiate Terms:** Contact the rights holder to negotiate the terms of use, which will include how the music will be used, the duration of the use, and the scope of the production. The terms might involve a flat fee or a percentage of ticket sales. In many cases the copyright holder will have predetermined terms.
3. **Draft and Sign Agreement:** Once terms are agreed upon, a formal agreement or contract is drafted and signed by both parties. This may involve the use of standardized contracts such as those provided by the Dramatists Guild or other associations.
4. **Pay for the License:** The agreed licensing fee is paid, which grants permission for the use of the music under the negotiated terms.
5. **Comply with the Agreement:** Ensure that the use of the music adheres to the terms of the agreement, including any restrictions on the number of performances or specific usage within the production. It is important to ask for all the permissions up-front as changes can be difficult to secure once the show process has started.

Begin this process well in advance of your production to ensure that all necessary rights are secured before auditions, rehearsals and performances begin.
