

BZ/Brief

MULTIMEDIA COPYRIGHT FOR NEW MEDIA PRODUCERS

Rights clearances have to be one of the first things to think about when planning products for CD-ROM, on-line or any multimedia project—retail or educational. Whether clearances can be obtained, which ones and at what cost, will often determine the feasibility of a project. Clearances impact the project budget, its possible content and its production schedule in a major way. Moreover, the process of clearance is time-consuming. Forethought about rights will be repaid a thousand times over in frustrations avoided and dollars saved.

Books/Printed Materials

1. If you want to have a text appear on a screen in your production, you need rights from the publisher, or sometimes the author or the author's agent, for the territory (US, US and Canada, World) in which you plan to market your production. Rights for the Internet are automatically World rights.
2. If you wish to market the production in a language other than the English language (Japanese, French, etc.), you need specific rights to market in that language.
3. If you wish to have an actor read the copyrighted material aloud on your soundtrack, you need to obtain spoken word rights.
4. If you wish to print the copyrighted material in an accompanying text or a pamphlet, you need to obtain separate print rights.

Film & TV Clips

If you want to use a film or TV clip in your production, you need:

1. Rights from the owner of the film or TV show.
 2. Rights from every performer appearing in the clip, living or dead.
 3. To check to see if Writers and Directors Guild fees or any other fees need to be paid for the clip you are using.
- Do you have other clearances to obtain? Is there copyrighted music in the clip? Do you see a stunt person (however briefly)? Both need to be cleared. Clearing film & TV clips is an *extremely expensive and time-consuming undertaking*.

Music

If you are using a commercial recording of a piece of music — Louis Armstrong singing, "What A Wonderful World", for instance, you need:

1. Rights from the music publisher.
2. Rights from the record company.
3. To check with the record company to see if any other rights are necessary.
4. To check on union fees. Are there fees due to the musicians union? background singers? the star performer?

If you are going into a studio to record the music yourself with your own musicians or talent of any kind, you need:

1. Rights from the music publisher.
2. Agreements and releases from your talent.

Speeches

If you want to use a speech, you need:

1. Rights from the author of the speech or a determination that the speech is in the Public Domain.
2. Rights from the owner of the audio or video clip you are using.

Photographs

If you want to use a photograph in your production, you need:

1. Rights from the owner of the photograph, usually the photographer, sometimes a publisher, such as *Time Magazine* or *The New York Times*.
2. To think about whether you need rights from the people, celebrities or private persons, in the picture. It depends on the nature of your project and the law. If in doubt, discuss this issue with an attorney.

Fine Art

If you'd like to use fine art in your production, you need:

1. Rights from the artist (painter, sculptor, etc.) or a determination that the work of art is in the Public Domain.
2. Rights from the owner of the photograph or transparency from which you plan to reproduce the art.

Graphic Art

If you'd like to use graphic art in your production, you need:

Rights from the graphic artist, who can usually provide a transparency to reproduce from.

Cartoons/Licensed Characters (Bugs Bunny, The Pink Panther, Superman, et. al.)

If you'd like to use a cartoon character or other licensed character for your production, you need:

Rights from the owner of the character — often movie studios or large professional licensing firms. Characters are usually extremely expensive to use.

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