

BZ/Brief

MUSIC USING MUSIC IN-HOUSE

In-house: like most phrases commonly used in the rights field, this one has a specific legal meaning. In this case, the music will be used in a corporate production (videotape, film, power point presentations, DVD, CD ROM, etc.) that may be seen by your employees, dealers, distributors or franchisees whether the meeting takes place at your corporate offices or at a hotel or restaurant. Here are some things that can not be done with an in-house production: (1) the production containing the music can never be broadcast; (2) the general public cannot be admitted to see the production; (3) you cannot charge admission to see the production; (4) the production cannot be featured at your booth on a convention floor (5) your salespeople cannot carry a tape of the production containing the music from customer to customer's offices. If your plans include any of these options, they are not covered by an in-house license—you need a different agreement.

THREE POSSIBLE OPTIONS FOR USING MUSIC IN-HOUSE

Option #1: *Get the publisher's permission to use the music & lyrics exactly as written and make your own original recording.*

Most music publishers make their money from having people use their songs over and over again and happily grant permission, for an appropriate fee. Fees usually range from \$1500 to \$5000 for a single meeting and \$4000 to \$10,000 on up, for a year. However, some writers — Bruce Springsteen, Paul Simon and Bob Dylan are examples — will not allow their music to be used commercially. To them, in-house use is commercial use.

Remember: Releases, or an agreement, in writing and signed, are required from the talent you use to make the recording.

Option #2: *Get permission from the music publisher AND the record company to use its recording by the big name artist(s).*

Permission from the music publisher for the music and lyrics is required, as in Option #1, plus permission from the record company for the specific recorded performance you are using. The music publisher's fee will be the same as in Option #1. Record companies' fees will be about the same as music publishers' — \$1500 to \$5000 for a single meeting, and from \$4000 to \$10,000, or more, for one year. The recordings of many big-name stars, because of policy or contracts, just aren't available for in-house use.

Remember: Using a master recording involves payment to unions like the AF of M and AFTRA.

Option #3: *Get the music publisher's permission, and buy the use of a re-recording.*

Permission from the music publisher for the music and lyrics is required for this option, as for all others. Re-recordings are well-done, word-for-word, note-for-note, performances by no name talents. Fees to use these recordings range from \$500 to \$1000 for a single meeting, and from \$1000 to \$3000 for one year. This option is great for your budget.

TWO POSSIBLE OPTIONS WHEN YOU WANT TO CHANGE THE LYRICS FOR IN-HOUSE USE

For both options, you will have to get permission from the music publisher: (a) to use the music and (b) for the changed lyrics. Permission will usually be granted, for the usual fee, with most publishers reserving the right to see *and to approve* the specific lyric changes you have in mind.

Naturally, extra time will be required for the publisher's approval of your changes. *However*, a few publishers and artists will *never* permit changed lyrics — for example, anything by The Beatles can't be changed. Check first and save yourself wasted time.

Tip: A small change in lyrics is more likely to be approved, in less time.

Option #1: *Get the music publisher's permission to use the music and change the lyrics, and make your own completely new recording.*

Except for the lyric change, this option is the same as Option #1, discussed earlier. As in that case, you will need releases/agreements from the talent you use to make the recording.

Option #2: *Get the music publisher's permission to use the music and change the lyrics; buy the use of an instrumental track (which is also sometimes called a music bed) from an independent music producer or production house; and make your own recording of the vocal.*

Under this option, you record your own singers, using your version of the lyrics, over the pre-recorded instrumental track. Yes, you still need releases or agreements from your singers. For information on re-recordings, see Option #3, discussed earlier.

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