

Music Rights Tip Sheet

Acquiring the rights to use music in theatre productions can be complicated and there is no one size fits all answer.

Rights need to be obtained for any music you use in a show for dramatic use, this includes singing a song live, using a recording or making a parody of music.

In general, you need to acquire **two sets** of rights.

- **Publishing rights** (from the composer(s)) for the right to use the composition. This is also known as Performing Rights.

AND

- If you are using recorded music, **recording rights** – for the use of the recording (from the performers, musicians, record label). This includes Master and Neighbouring Rights.

Grand Rights

Grand Rights are the rights you acquire directly from the composer (or publisher) of an opera, operetta, musical theatre work, ballet or similar work in its entirety. Grand Rights encompass several copyrights (including the libretto, the music etc). If you acquire the Grand Rights to perform a musical – for instance Little Shop of Horrors – **and** you are singing and playing the music live in your performance – you do not need to acquire any other license.

SOCAN

SOCAN deals only with Publishing Rights. However, SOCAN does not license music for dramatic use. A Theatre's SOCAN license likely covers their use of music in the lobby, and pre and post show music in the theatre. Any time music is used within a theatre production to advance the story (either through music or lyrics) it is generally considered "dramatic" use. The argument can be made that music setting time and place is moving the story forward.

We caution against assuming that your use of music is non-dramatic and that you will be adequately covered by your standing SOCAN license.

Re:Sound

Neighbouring Rights and Master rights are covered by Re:Sound. If the Theatre has a blanket license, this covers Neighbouring Rights (the right to perform a recording in public) for existing recordings used in both Dramatic and Non-Dramatic settings.

However, Re:Sound does not cover Publishing Rights. Having only a Re:Sound license means that you may not have adequately licensed the music you are intending to use.

Both SOCAN and Re:Sound licenses are venue based so venue rental productions may be included under your license for the music used as covered by those license agreements.

Moral Rights

Moral Rights are the right of the music's creators to have final say on how a piece of music is represented. Once licensing has been obtained for the use of any piece of music moral rights must still be taken into consideration. This includes crediting the creators of the piece and confirming with the creators any changes or edits done to original work. Even when licensed properly, the creators retain the Right of Integrity to the work.

The role of the Designer:

It is the Designer's responsibility to inform the Theatre Producer if any of the music they intend to use requires licensing. Negligence to do so may leave the Designer liable.

The role of the Theatre:

It is the Theatre's responsibility to acquire and pay for the required licenses for any and all music used in a production as appropriate.