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Independence Day

“Tip of the Month”

Music Licensing for YouTube Content Creators

YouTube estimates that 1.3 billion people use its site each year. Boasting more than 300 hours of video uploaded to its platform every minute, YouTube has become the popular choice for viewers and content creators alike, especially the latter. From amateur musicians performing cover songs to the ever popular “fail” videos to tutorials and how-to’s on, well, just about everything you can think of. YouTube has it all. For content creators, the site can be a pathway to fortune and fame. But to make it on YouTube, you must follow the rules.

One of the most common rule violations on the juggernaut video-hosting website is music-based copyright infringement. Many folks don’t realize that music must be licensed. Whether it’s played firsthand or quietly in the background, you must first get permission to use someone else’s music in a YouTube video. It doesn’t matter if it’s a song or a melody, an entire album or just a portion of a track. It doesn’t matter if the video is monetized or posted only for your fans, almost all music must be licensed. The very limited exceptions to the licensing requirement include self-written songs, music that appears in the public domain and that which is royalty-free, such as music found in YouTube’s audio library.

YouTube takes copyright infringement seriously. The consequences for a first offense include immediate take down of the infringing video and loss of all ad revenue. The infringer will also be issued a strike and be required to take an online course on copyright law. A second offense will result in a lifetime ban from posting to the platform.

To license music for a YouTube video, the first step is identifying the owner of the copyright. A good place to start in identifying the owner is with the music’s publisher or record company. Contact information for these groups can often be found with performing rights organizations, such as ASCAP, BMI and SESAC. Running a search of the song title in their respective repertoires is likely to produce copyright owner information. With that information in hand, you can now request permission or a license to use the song in your video.

For YouTube videos, this type of license is known as a synchronization license, or an agreement between a music user and the owner of a copyrighted composition whereby the owner grants the user permission to use the song in video format. The cost for a license to use a particular song can range from several hundred dollars to no cost at all depending on the song and who owns the copyright. A lot of times, cost is negotiable.

If you’re producing videos for a YouTube channel and need assistance licensing music, then call the attorneys at Mesmer & Deleault today at (603)668-1971, or contact us by email at mailbox @ biz-patlaw.com.

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