

Music Rights

Questions about music rights seem to keep coming up. While this short overview from the Carrboro Film Festival is not legal advice, we hope this helps new filmmakers answer the question:

“Do You Have Rights To The Music in Your Film?”

Here are some simple guidelines to answering this question.

1) You composed and performed the music.

If you're the composer and the performer of the music, then, yes, you have the music rights. If other performers were involved and you paid them or they signed a release on the performance, granting you rights to use the performance, then you are also fine. Note that ownership of the music (the composer) is separate from ownership of the performance (the musicians).

2) The composer and performers [the band] are friends of mine

If your friends **KNOW** you are using the music **they composed** and they have agreed, then you have the music rights also. Of course, they should agree in writing. However, your friends performance of a song or piece written / composed by someone else, does **NOT** grant you rights to that music, only to their performance of that piece. You must always have permission from the owner of the music, either the original composer or a rights management organization like BMI or ASCAP or possibly the record label.

3) The music is from [GarageBand or some music library you bought]

If you bought a music composition product, like GarageBand, or a CD of music that is sold specifically for film use and therefore includes the performance rights, you are probably just fine claiming the rights to the music in your film. An exception would be where you using e.g. GarageBand to compose a copy of a well-known song.

4) You sought and obtained a written release from the owner

If you contacted the owner of the rights (composer, record label, etc.) and they gave you permission to use the music in your film (usually referred to as “synchronization rights”) then you are fine. The CFF will sometimes ask for copies of such a release document.

Some common questions we run into:

5) “This is classical music and it’s in the public domain”

Maybe true. Music composed prior to 1923, in general, is now in the public domain. However, that recording of Bach by the London Symphony Orchestra from 1959 is NOT in the public domain. Again, the performance is separate from the composition and you must have rights to both. Or perform the public domain composition yourself, or commission a performance.

6) “It’s only Carrboro, you will know?”

It is unlikely for a film shown at our festival to become the reason for a major lawsuit about music rights. However, as the sponsoring body is the Town of Carrboro, the filmmaker MUST certify that they have the music rights.

7) “It’s from the Internet”

Cultural norms about the ownership of music (and films) are shifting. For better or worse, the law is not moving at the same speed or in the same direction. And while lots of music is available “free” on the Internet, downloading the music is not the same as having permission to use it.

The bottom line is actually pretty simple. In this litigious day and age, if you KNOW you have the music rights, fine. If you are unsure whether you have the music rights, you probably don’t. Please don’t submit a film to the festival if you cannot certify that you have rights to use the music.