



Using Copywritten Music

Does your theatre use music in your productions? Is music used during intermission? Have you ever used music to underscore a poignant moment during a production? If you answered yes to any of these questions – did you consider getting copyright permission?

As with using any copyrighted work, permission must be secured by all types of theatre organizations including community theatres, school theatre, professional and university theatres, in order to use copyrighted works including using the music within a production, revue, cabaret, or musical. By obtaining a license, the theatre has entered into an agreement with the rights holder to perform the work and provide the copyright holder with payment. Just as theatres pay for the rights to perform a copyrighted play, theatres must also consider the use of music in their productions to ensure that they have a legal agreement that provides them with the rights to perform the music.

In a good faith effort to comply with copyright laws, many theatres have elected to get an ASCAP (American Society of Composers, Authors and Publishers) or BMI (Broadcast Media, Inc.) license to cover their use of music. ASCAP and BMI are performing rights organizations established to work with composers, songwriters and publishers to make their works available to entities interested in using their music. These organizations have the right to license their works to other entities to perform their music in nondramatic settings. However, contrary to popular belief, ASCAP licenses do not provide theatres the right to use music during the course of a production or to cover the use of music in a cabaret or revue. The key to understanding an ASCAP license is understanding the term “non-dramatic” use of the music.

An ASCAP license only provides a theatre the right to use music during pre-show, post-show or intermission. It does NOT give the theatre the right to use music during a production to enhance the moment.

We have all seen it—as the lovers approach for the climatic kiss, music begins to play and swells as the moment becomes more passionate. This can certainly be an effective ploy to further engage the audience, but first secure the rights to the music or use music that is in the public domain. In order to use copyrighted music in this fashion a license is required.

To secure the rights, the theatre must contact the rights holder. This can be a very time-intensive process tracking down the rights holder and, depending on the songwriter and publisher, it could be expensive.

So, as you work on your next production, whether it is a straight play and you want to use music to add to the dramatic moment or a musical revue of favorite songs or a full musical production – don't violate copyright laws and put your organization at risk of a lawsuit.

Either get a license or find music that is in the public domain. To learn more about using music in a theatrical production visit these sites:

- [Music in Theatre: The Do's and Don'ts](#)
- [AACT FAQ](#)
- [10 Reasons to Not Use Copyrighted Music](#)
- [ASCAP FAQ](#)
- [Public Domain Music](#)