
How To License Music – Frequently Asked Questions

Universal Music Publishing Group (UMPG) is a leading global music publisher with 48 offices in 46 countries. Headquartered in Los Angeles, UMPG represents music across every genre from some of the world’s most important songwriters and catalogues.

The following FAQs explain a little more about licensing our musical works for:

- films & series,
- advertising and brand campaigns,
- sampling, translations, covers,
- lyric usage,
- other usages.

Please note that copyright laws vary from country to country. As you are visiting the Universal Music Publishing South Africa page, these FAQs are written from a South African perspective and do not constitute legal advice or represent a formal position, but should be treated only as a guide.

What is the difference between a “song/composition/musical work” and a “sound recording/track/master”?

There can be multiple composers, writers and publishers controlling the publishing rights for one song, but typically only one record label can own a sound recording.

What rights do I need to clear to use a song in my audio-visual production?

When you want to synchronise music with any visuals (i.e., film, adverts etc.), there are two separate sets of rights (copyright), or “sides”, that you need to consider and clear by means of two separate synchronisation licenses:

- The first side is the **Publishing Rights** which are for the use of the **composition and lyrics** and can be licensed from the music publisher(s) who represent the composer(s) and writer(s) of the song.

- The second side is the **Master Rights** which are for the use of a **sound recording** of a song and can be licensed from the record label who owns the sound recording.

For example, if you would like to use the song 'White Christmas', written by Irving Berlin in your own re-recorded/cover version of the song (a newly recorded sound recording but using the original

composition and lyrics), you would only need to clear the Publishing Rights with UMPG who control the publishing rights to this song.

However, if you wanted to use the existing sound recording of 'White Christmas' by Bing Crosby, you would need to clear the Publishing Rights with UMPG as well as the Master Rights with Universal Music who own that sound recording of the song. If you, however, decide to use Michael Buble's version of 'White Christmas', then you would need to clear the Master Rights with Warner Music who own that particular sound recording of the song.

For clarity, whichever sound recording you've used, even if you've re-recorded, or commission a re-recording of a song, you will always need the music publisher's permission – in this case, UMPG.

How can I check who owns Publishing and Master Rights for a song and/or sound recording?

To check who holds rights to a song or sound recording, you can contact us on LicensingZA@umusic.com. You can also use online resources such as Wikipedia, Discogs or your favourite streaming service to check the credits as initial research to find out who composed a song or owns the rights to the sound recording of the song.

I'm based in Africa, and I want to use a UMPG song in my video. What happens next?

1. If the song belongs to UMPG, then you will need to contact us, letting us know what song you would like to use and a brief description of your project.
2. We will then confirm our share of the publishing and send through the appropriate form to get as much accurate information as possible on your project.
3. Based on the information that is provided by you, we will then send through a suggested publishing fee for the use of the song, or the publishing share of the song that is controlled by UMPG (as the case may be), which would be strictly subject to final writer and composer approval. For clarity, we can only licence and charge for the share of the composition that we control. It is important to note that there is often more than one party to contract with for clearance of a song, as there is often more than one composer or writer on a song. Every rights holder in the song must agree to and be remunerated for the synchronization of the song.
4. If you would like to proceed with clearance of the song based on the terms of our quotation, we would request approval from the relevant writer(s) and composer(s) for the percentage share of the song that UMPG control.
5. If the request is approved by the writer(s) and composer(s), we would then issue our formal approval along with a request for contracting and invoicing details. All approvals are subject to the full execution of a synchronisation licensing contract by the relevant parties and as such the use of the song may only proceed once all paperwork has been completed.

6. Please note: we cannot guarantee that your request will be approved.

What if I'm not based in Africa?

Music Publishing requests need to be submitted to, and cleared by, the local UMPG office where the production is being produced. As the South African office, however, we are mandated to manage requests for many African countries. Please contact LicensingZA@umusic.com if you are unsure of your local office.

I'm not sure if I want to use the song yet but I want a quote?

Our fees are based on the terms that you request via a synchronisation form that you will need to complete before we are able to provide a pro-forma quote. It is only once you accept the pro-forma quote that we would proceed to clearance.

How long does it take to seek clearance?

As a rule of thumb, we generally advise to allow for a minimum of 2 weeks for clearance, although the vast majority of our catalogue can be cleared in a shorter time frame. This is only a guide and request times may vary depending on which song you request for clearance or even the type of request.

Can I go directly to the composer(s) / writer(s) / artist's management for clearance?

Unless the composer or performing artist is independent (not signed to music publisher(s) or a record label respectively), the music publishers and record labels generally have exclusive rights to grant synchronization rights for their catalogue. You will need to obtain a licence of copyright from the legal rightsholder, so it is advisable to confirm this before proceeding, bearing in mind there is often more than one rights holder that needs to provide permission and a licence.

How can I speed up the clearance process?

To ensure that your request isn't delayed, it is important to provide as much accurate information as possible about the usage from the start, including term (for how long the production will be made available, aired, or flighted), territory, media, extent of usage required etc. If you are unsure of one or more of your desired usage limitations, please let us know and we will advise accordingly.

The quote states that the fee is "based on 100%". What does that mean?

Generally, a song can have more than one writer or composer and we may not represent all of the writers and composers of the song. Our quote will outline the percentage that we control for the requested song. For example, if it is specified that our quote is "based on 100%" and the usage is approved, we would only invoice you for our percentage share of the full 100% quoted fee. The

remaining rightsholder(s) will then invoice you separately for their respective share(s) of the “100%” quoted fee.

The quote also states the fee is “MFN”. What does that mean?

Most Favoured Nations (MFN) ensures fairness between the rights holders. If another rights holder (co-publisher on the song or master rights holder of the sound recording) quotes a higher fee than UMPG, then our fee must be increased to equal the higher fee.

A few other handy bits of information:

- Some songs can be more difficult to clear than others so it’s a good idea to prepare an alternative song in the event that we are unable to secure approval for your request.

- Due to the differences in nature between copyright in compositions and sound recordings, UMPG and Universal Music Group (UMG) operate independently from one another in relation to clearances and licencing for synchronization. For clarity, if the music publishing rights and master rights are controlled by UMPG and UMG respectively, then you will need to contact each company separately.

What about production / library music?

- Production music is recorded music that is generally created for and can be licensed to customers for use in any kind of media production. [Universal Production Music](#) is a leading, global production music library. Our production music is a more affordable, quality alternative to commercial music and it is therefore a very good alternative for productions with a limited budget.

What about Blanket Licenses?

Collective Management Organizations (CMOs) such as CAPASSO offer blanket licences on behalf of their members for the act of reproduction (i.e., making copies), generally for high-volume licensing. Once a song is synchronized, the production is then broadcast or streamed and this requires additional reproductions which are often covered by CMO blanket licences. However, the initial right to license a song for synchronization purposes is strictly reserved to the music publisher.

For the avoidance of doubt – If your project i) has any branding or brand tie-in; ii) is broadcast for longer than 4 weeks or iii) becomes available outside of South Africa, then you will require permission and a license from us to synchronize our catalogue. It is advisable to always check with us when synchronizing a song from our catalogue.

What is User-Generated Content (UGC) and do I need to clear these rights?

User-generated content (UGC) is images, videos, text, and audio, that has been posted by users on their online social media platforms. Mostly, the same Blanket Licence principles apply to UGC, and one of the

most important factors to consider is whether there is branding / commercial tie-in or sponsorship linked to the production itself. In these cases, a synchronization licence will need to be obtained from us. This is different from advertising that is pre- or mid-rolled by a digital service platform.

Samples, Adaptations, Interpolations, Translations, Arrangements, Medleys, Mashups and Remixes

Musicians often use existing music when creating a new song in the following ways*:

- **Sample:** When an original master sound recording is incorporated in a new sound recording. Permission is required (for both the use of the original master recording and the composition).
- **Interpolation:** When a replayed sample is incorporated in a new work, *i.e.*, no part of the original sound recording is dubbed into a new work, but only the composition is incorporated. Permission is required (for the composition only).
- **Adaptation:** When an original composition is altered in any way. Permission is required.
- **Translation:** When the original lyrics are translated to another language. Permission is required.
- **Arrangement:** When the original composition is transcribed to fit another performance medium than that for which it was originally written, while keeping the general character of the original composition. Permission may be required.
- **Medley:** A new work composed from parts of existing songs, played one after another, sometimes overlapping. Permission is required.
- **Mashups:** A new work created by digitally overlaying an existing instrumental sound recording with an existing vocal sound recording from a different recording and composition. Permission is required.
- **Remix:** An arrangement of a work which usually dubs an original master recording, mixing it with a new electronic accompaniment. Permission may not be required, but in any event original composers must be credited and rights holders should be informed.
- **Cover:** A re-performance of an original composition without altering the composition or incorporating other compositions. Permission may not be required, but in any event original composers must be credited and rights holders should be informed.
- **Derivative:** A broad term for any new work that substantially includes other existing, original composition/s. Permission is required.

*PLEASE NOTE: These terms are not necessarily legal definitions and may vary in definition across genres and countries, so it is always advisable to seek advice from the copyright owners before releasing a new version.

Can I claim 'Fair Use'?

Currently, South Africa does not recognize "Fair Use" in its copyright laws, but other jurisdictions may do so.

If I only use a short duration of a composition or sound recording, do I still need a licence?

Yes. Substantiality, it is not simply determined by duration.

When is a work considered in the 'Public Domain'?

This varies from country to country and is different for compositions and sound recordings. Currently, musical works / compositions in South Africa belong to the public fifty years after the last surviving composer / author's death (if already released).
