

# IJA Competitions Music Policy

Competitors may use any music for which the IJA or the competitor has procured live performance rights. In cases where the competitor cannot procure adequate publishing rights, music will be replaced with royalty free music on the DVD.

## **What are the rules for the use of music in IJA competitions?**

If you are entering any IJA competition with an act set to music, you must make sure that the IJA has a legal right to use that music in your live performance. You are no longer required to provide the legal right to use your music on our videos, however if you don't have those rights the IJA will dub over your act with different music on the video.

By entering any IJA competition you agree that the IJA has performance rights for all of your music.

## **Why have the rules changed?**

Faced with massive piracy, the music industry has become increasingly aggressive in the enforcement of the copyright laws. The IJA has to produce shows and videos that are in full compliance with the law, or we face the risk of a lawsuit, which could bankrupt the organization. Also, our DVD replication companies now require documentation that we have the rights to all the music used on our DVDs.

## **I'm entering a competition. What rights do I need?**

You need the rights to use your music in your live performance. The IJA will purchase live performance licensing from BMI and ASCAP for the festival. This license includes 98% of the music heard on the radio. If your music is covered by these licenses, then the IJA already has the rights it needs and you don't need to do anything.

Complete listings of the music covered by the IJA's licensing is available here:

- <http://repertoire.bmi.com>
- <http://www.ascap.com/ace/>

If your music is not covered by these licenses you will need to obtain permission from both the composer and performer.

### **Will my music be on the DVD?**

The IJA can only use your music on the DVD if you can provide adequate proof of publishing rights. For commercial music this is much more difficult and expensive than performance rights. The IJA cannot provide any music licensing for the DVD.

There are two sorts of license needed to use music on a DVD: one for the composition and one for the recording. They are called the master use license and synch rights. You will need to obtain both licenses for each piece of music you use. For original music you may use the form provided at the bottom of this page.

The IJA, along with our DVD replication company, will determine if the proof of publishing rights are adequate. This decision cannot be made at the festival.

If you cannot obtain adequate proof of publishing rights your music will be dubbed over on the DVD.

### **Can I use royalty free music?**

Yes. If you provide the name of the company you bought it from, the name of the track, a copy of the license agreement that came with the CD or download and proof of purchase, we will very likely be able to use it on the DVD.

### Where can I find royalty free music?

You can buy CDs of royalty free music in various styles from a variety of vendors. Typically they cost \$100 per CD or \$30 per track and up. Here are some sources:

- <http://www.freestockmusic.com/>
- <http://www.stockmusic.net/>
- <http://www.premiumbeat.com/>
- <http://www.royaltyfreemusic.com/>
- <http://www.shockwave-sound.com/>

There are many more and most of them will let you listen to the music on their web site before you buy the rights.

### How can I get synch rights and master use license for a popular song? Can I get them through ASCAP, BMI or Harry Fox?

No. Those agencies only license music for broadcast, live performance or audio reproduction. For rights to include a song on a DVD, you need to go to the record company directly. They all have a licensing department. Unfortunately, the rights from major record companies are usually expensive, from \$600 total for a little known song or artist, up to thousands of dollars for a popular hit. There is an agency called the Music Bridge <http://www.themusicbridge.com/> that can help you obtain these rights if you have difficulty contacting the record company.

### I'm talking to the licensing department and they want more information on the DVD.

The DVD is produced by the  
International Jugglers' Association

a 501 (c) 3 non-profit corporation, EIN 16-1111652. It will be called "Highlights and Championships XXXX" (or "Individual Prop Competition XXXX") where XXXX is the current year. No more than 1,000 copies of the video will be made, in a single edition to be produced in the

current year. The contact person at the IJA is the video coordinator listed on the web site, currently Jeff Peden, [video@juggle.org](mailto:video@juggle.org), 585-748-2433.

### **I found a web site where I can get mech rights to a song. Is that OK?**

No. Mech rights allow you to put a cover version of a song on your audio CD. They do not give permission for live performances or videos.

### **Is it OK if I use classical music?**

Not necessarily. There are two copyrights associated with every recording – one for the composition, owned by the composer or their music publisher, and one for the performance, owned by the performer or their record company. So, if you want to use a recording of the 1812 Overture made by the Chicago Symphony, you don't have to worry about the copyright of the composer, but you still need to get synch rights to that particular recording. If you find a MIDI file of classical music on the web and play it through your computer or a synthesizer, then you will own that recording and can do what you like with it. You can also purchase royalty free versions of many classical pieces here <http://royalty-free-classical-music.org/index.php>

### **Can I use live music?**

Yes, if the composition is original or public domain or you have permission from the composer. The musician(s) will also have to sign an IJA video release.

### **What about the Creative Commons license?**

There are a variety of Creative Commons licenses, each of which give you different rights. See the license overview page <http://creativecommons.org/about/licenses/meet-the-licenses> on the Creative Commons web site for a summary. Music released under the "Attribution" and "Attribution No Derivatives" licenses will be no problem; just make sure you tell us how to attribute the music. In other cases you will have to contact the copyright owner. A Creative Commons license suggests that the owner of the copyright is likely to be open to licensing it for other uses, either free or for a minimal fee. If you find Creative Commons music on the web that you like, you should contact the composer and performer to obtain the necessary rights. It may help if you tell them that the IJA is a non-profit organization.

### **I found a web site with free MP3 downloads. Can I use those?**

Probably not. Most web sites that allow music downloads place restrictions on subsequent use of the music. However, as with the creative commons license, the fact that a track is available for free download means that it is likely that the artist will be willing to grant the necessary rights freely or for a minimal fee.

### **Can I use copyright material other than music? For instance, a video from a TV show or a copyright character from cartoons, TV or movies?**

We don't have a rule against this, so you would not be prevented from entering the competition. However, we may not be able to show your act in our videos, and you might not be able to market that act in any professional venue. We advise against this.

### **Can I make "fair use" of copyright music by using a brief quote?**

There are no simple rules to determine what is fair use under the copyright act, and fair use cases have sometime gone to the Supreme Court. If the owner of the copyright agrees this is fair use, or if you get a legal opinion saying that it is, then we will accept it.

### **Which IJA competitions do these rules apply to?**

Any competition that may include music. Currently, that's the Stage Championships (Individuals, Teams and Juniors) and the Individual Prop Competition.

### **What do I need to do to compete?**

The [Stage Championships Application](#) will guide you through everything you need to do to compete.

- If you are using BMI or ASCAP-licensed music, you will be asked the artist and track name(s).
- If you have purchased video recording rights to your music, you will need to provide artist name, track name, source, and proof of purchase.
- If the composer and/or recording artist has granted you video recording rights to your music, you will be asked to complete the [Public Performance/Synchronization Rights/Master Use License](#).
- If you are not using recorded music, you will not have to do anything.