



PBS Music Licensing Overview

A producer or other supplier of a program to PBS is responsible for clearing music synchronization rights so public television stations can broadcast the program. One way that producers can clear music sync rights, just for public television broadcast, is by relying on the PBS compulsory sync license.

The PBS compulsory sync license covers music that has been published (released to the general public in the US) in two ways: one statutory sync license granted to public broadcasters by the Copyright Act (17 USC Sec. 118, <http://www.copyright.gov/title17/92chap1.pdf>, scroll down to 118) with rates and terms set by Federal regulations (37 CFR Part 381.7, link from <http://www.loc.gov/crb/laws/title37/index.html>); and one voluntary sync license that PBS has negotiated with The Harry Fox Agency (HFA), which represents thousands of music publishers for this purpose. The voluntary HFA sync license is available to any producer for public television. The compulsory sync license is available to “non-profit” – not necessarily tax-exempt – producers, co-producers or entities having some final say over what music does or does not get on the air.

PBS also has agreements in place with ASCAP/BMI/SESAC (the PBS “blanket license”) which allows PBS stations to stream licensed music on their non-commercial, non-pay, COVE website in addition to television broadcast.

What Music Do I Need to License?

Producer Licensed

Specially composed music for your program is not “published” music but is synchronized pursuant to your own agreement with the composer.

Grand Rights, also known as “dramatic music” (i.e. opera, ballet, musical theater) are not covered under the PBS copyright statutes and the producer must request and negotiate a license directly with the rights holder.

Production library music (e.g., APM, Killer Tracks, Jingle Punks, Firstcom, etc.) does not meet the definition of “published music” as it is not distributed to the general public but is only made available directly to producers, broadcasters, etc., with access subject to the library’s own terms.

Home entertainment such as CD’s, DVD’s and downloads provided as “pledge-premiums”, “member thank-you gifts” or for retail sale.

Streaming on third party websites such as Facebook, YouTube, Vimeo or any outlet not sourced by the COVE network is not covered under any PBS license.

PBS Compulsory Sync License Eligible

Music that has been released to the general public on radio, television, iTunes, CD, DVD, websites, etc.



Synchronizing Copyrighted Music Into Uses Beyond Public Television Broadcast

Producers need to negotiate and pay for synchronization licenses from rights holders for most distributions or exploitations of your program beyond public television broadcast such as commercial/foreign telecast, theatrical performance, film festivals, video distribution to schools, home video distribution, “pledge-premium” or “member thank-you gift” distribution and allowing schools to record the program off the air and keep it for more than seven days*. Copyright owners can charge you what they want for such purposes or deny you permission outright.

*Exception: If the music falls under PBS’s agreement with HFA, you have rights to allow schools to keep their off-air recordings for up to one year. That agreement also gives public broadcasting entities the right to keep the audio-visual work on their servers so that visitors to their non-commercial, non-pay, COVE websites can stream the work but not download and keep a permanent copy.

Master-Use Licenses

Under the Copyright Act at 17 USC 114(b), (<http://www.copyright.gov/title17/92chap1.pdf>, scroll down to 114, last sentence), you do not need a license to use a copyrighted sound recording in a public television program. You DO need a “master-use” license if you are offering the program on home video or audio. Again, rights-holders can charge you what they want for that purpose or deny you permission outright.

Cue Sheets

You need to keep a music cue sheet in your files for your program and provide a copy to PBS via RapidCue when your show is picked up for national distribution. Your cue sheet should list not only the published music that you are using under PBS-administered licenses, but also any specially composed, production library or public domain music you have added. You must cite your license source for each cue listed.

Ephemeral Use

A good overview of ephemeral use can be found here: <http://pmamusic.com/ephemeral-use-and-production-music-just-the-facts/>.

Fair Use

For music that you deem to be fair use (<http://www.copyright.gov/title17/92chap1.pdf>, scroll down to 107), Columbia University has good information and a checklist: <https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html#Fair%20Use%20Checklist>.

**I am not an attorney and cannot give you legal advice. If you have questions about specific situations, please consult your attorney or the PBS department that you have contracted with for your production.