

PBS Music Licensing

There are two separate and distinct rights in music licensing: public performance (broadcast) and synchronization. The broadcast license is required to transmit your program on the many distribution platforms used by PBS. Synchronization (aka sync) is the license required to pair music with a visual image.

Public Performance (Broadcast)

PBS is signatory to broadcast licensing agreements with ASCAP, BMI, SESAC and GMR (the statutory public media “blanket license”) which allow PBS stations to stream non-dramatic, licensed music via traditional television (cable, over the air, etc.) as well as digital/internet platforms including PBS Media Manager, PBS apps, Passport, live linear streaming (YouTube) and FAST platforms (Local Now).

Synchronization

Program producers or suppliers are responsible for clearing all music synchronization rights so public television stations can broadcast the program.

What Music Do I Need to License?

Producer Licensed

- Specially composed music is sync licensed in your own agreement with the composer.
- Production library music is sync licensed in your own agreement with the library music company.
- Grand Rights, aka “dramatic music” (opera, ballet, musical theater) is not covered under the public media copyright statutes and must be licensed directly with the rightsholders.
- Station ID’s, sizzle reels or “out of context” promotional uses need to be licensed directly with the rightsholders.

PBS Compulsory Sync License

Producers can clear music for their program by requesting the public media compulsory sync license for published “popular” music; meaning, music that is already available to the public in the US on radio, streaming services, or for purchase. You must request this compulsory license on your cue sheet to have PBS license this music for your program.

The compulsory sync license is a statutory license granted to public broadcasters by the Copyright Act, ([17 USC §118](#)), with rates and terms set by the Copyright Royalty Board ([37 CFR § 381.7](#)). In addition, PBS is signatory to a voluntary sync license agreement with The HarryFox Agency, which represents thousands of music publishers.

Program producers or suppliers must cite their source of license for all music contained in their programs on a cue sheet submitted to PBS Music Copyright before initial broadcast. You will need to request the compulsory sync license at that time or affirm that you have licensed all music in your program.

Home Entertainment and Uses Beyond Public Television Broadcast

Home entertainment includes CD's, DVD's and downloads provided as "member thank-you gifts" or for retail sale and streaming on third-party platforms not controlled by PBS Media Manager such as Amazon Prime, Netflix, or other streaming services. Producers need to negotiate and pay for synchronization licenses from rightsholders for these uses and other exploitations of your program beyond public television broadcast.

Social Media sites such as Facebook, Instagram, TikTok, or YouTube, are not covered under the compulsory license. You will need to license sync rights for all social media. Embedded links that open in a separate window in Media Manager are allowed.

Master-Use Licenses

Master-use licenses authorize the use of a sound recording in an audiovisual project. Under the Copyright Act, [\(17 USC § 114 \(b\)\)](#), you do not need a master-use license to use a copyrighted sound recording in a public television program unless your program will be offered for home entertainment or third-party websites.

For any of the above uses (excluding covered PBS programming), copyright owners can charge you any amount for publishing and master-use licenses or deny you permission outright for any reason.

Cue Sheets

You need to keep a music cue sheet for your program and provide the information to PBS Music Copyright when your show is picked up for national distribution. Your cue sheet must list all music that you are using, whether specially composed, production library music, popular music licensed by your company or using the compulsory license, Fair Use, or public domain. You must cite your license source for each cue listed.

Ephemeral Use

An ephemeral use is "short-lived, transitory, something that lasts a very short time". Unless you are broadcasting a live event, you do not have an Ephemeral Use.

Fair Use

Fair Use is a legal doctrine allowing unlicensed use of copyrighted works in certain circumstances ([Title 17 § 107](#)). There are many resources to help determine if your music could be deemed Fair Use including Columbia University's [Fair Use Checklist](#) and [CMSI's Documentary Filmmakers' Statement of Best Practices in Fair Use](#), presented by American University (these are for reference only, they are not a substitute for legal advice). Fair Use requires an opinion letter from your attorney and must be disclosed on your cue sheet.

**This information is provided for informational purposes only and not to provide legal advice or opinions. If you have further questions, please consult your attorney or the PBS department that you have contracted with for your production.