

MY ADVICE TO PROFESSIONAL SPEAKERS WHO USE MUSIC

Meet the Pros - National Speakers Association

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1. IF YOU ARE PERFORMING THE MUSIC, YOU USUALLY HAVE NO LEGAL LIABILITY.

A professional speaker who is "hired" is in the same category as a performing musician, singer or entertainer and usually faces no legal responsibility or liability. Legal liability usually falls to the individual "hiring" the music. (If you charge admission to your programs or conduct your own rallies, then you are hiring yourself, and you are liable).

2. YOUR CLIENTS SHOULD KNOW THAT MUSIC IS A PART OF YOUR PROGRAM SO THEY CAN SECURE LICENSES.

Simply advertising in your brochure that you use music in your program should be sufficient. Remember, even if you speak the lyric, a license is required. Even if you just play the radio during breaks, a license is still required. (If you deliberately mislead your client and use unlicensed music unexpectedly, you are liable.)

3. DO NOT PERMIT DUPLICATION OF MUSIC WITHOUT APPROPRIATE PERMISSION.

This is called piracy and is the most serious and expensive mistake you can make. Do not let your client do it. This is illegal even if you or your client are not selling the tape but merely want to make copies available for those not attending. If you are using music in your presentation, be sure and notify anyone who might be taping you that duplication of music without a license is illegal. If necessary, have them edit out the music before duplicating.

4. DO NOT USE MUSIC IN CONJUNCTION WITH A VISUAL MEDIA (sound on slide, music on video, etc.) WITHOUT THE APPROPRIATE SYNCHRONIZATION LICENSE.

In my opinion, this is the speaker's responsibility, not the client's. Do not believe the production people when they say it's OK. Without a specific license to "sync," it is illegal. If you sell a video with a song on it, a "sync" license is required.

5. OTHER OPTIONS:

*** OBTAIN LICENSES FOR THE MUSIC YOU USE.**

This will help your clients avoid the hassle of obtaining the license. ASCAP has a special license just for speakers. Although more difficult, you can obtain a BMI license as well. Numbers are listed below.

*** OBTAIN MECHANICAL LICENSES FOR MUSIC ON TAPES/CDs THAT YOU SELL.**

A mechanical license for your own production of a song is 9.1¢ per unit (CD or cassette). You must pay this royalty to the song's publisher. Jana Stanfield has written an excellent book on how to produce your own musical album. (Contact Jana directly at 615-333-7550, cost \$18.99). Keep in mind that this license would be for music that you have produced and recorded. This mechanical license does not give you the right to duplicate a song off a CD that you purchased. To duplicate and use a commercially recorded song, you must seek a master license from the record company. (See the notes on piracy above.)

*** USE COMMISSIONED OR SELF-COMPOSED MUSIC SPECIFICALLY BY YOU.**

Since all of my programs involve original music, I self-license. Our company has worked with many NSA members to create their own original music including Michael Aun, Patricia Fripp, Elizabeth Jeffries, Jeanne Robertson, Naomi Rhode, Dana May Casperson, Clifford Lee, Burt Dubin, Bob Danzig, and Dan Maddux.

*** WRITE YOUR OWN SONG.**

An NSA member, Connie Podesta and her sister Vicki Sanderson, wrote their own song to conclude their programs. They hired our company as consultants to assist their endeavors.

*** STOP USING MUSIC IN YOUR PROGRAM.**

I hope you don't choose this option. As a songwriter I know the emotional impact of the right song at the right time. There is a power in music that cannot be conveyed in the spoken word alone

OTHER SOURCES OF INFORMATION:

"Are Your Audiences Singing Your Song?" *Professional Speaker*, Dec 1997

"Intellectual Property and Fair Use," *Professional Speaker*, Dec 1997

"Keeping in Step with Music Licensing", Jonathan T. Howe & Henry M. Schaffer, *Meeting Planners Intl.*, 1992

"Paying the Piper," *Professional Speaker*, Mar 1992

"Who Pays the Piper?" *Speakout*, Apr 1991

The Musicians Guide to Making and Selling Your Own CDs and Cassettes, Jana Stanfield, Writers Digest Books.

Voices of Experience June 2000; NSA Audio Newsletter

ASCAP 1-800-952-7227

BMI 1-800-925-8451

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