

Licensing Guidelines  
Originally Prepared for GALA Choruses



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**\*Copyright laws are complex, and you should always do your research for the latest information and changes. Please consult an attorney if needed. This guide should be taken as a starting place to help you begin to navigate these issues, not as a definitive and comprehensive copyright guide.**

For more complete answers, please see the following resources:

[ASCAP Licensing Page](#)

[Webinar on Licensing \(from GALA Leadership Symposium 2020\)](#)

[Easy Song Licensing Guide](#)

**What kinds of licenses are available and what are they for?**

**Synchronization (“sync”) license:** needed to record music with ANY visual image (whether a video, slideshow or single image/title). *\*\*\*You might not need one of these if you will ONLY be presenting your video on YouTube, Facebook, or other social media platform. See below.\*\*\**  
Obtained through copyright holder (see copyright notice on sheet music) or middle agency.

**Performance License:** needed for “public performances” – any live or transmitted performance. Obtained through PROs (performance rights organizations) such as ASCAP, BMI, SESAC, GMR). See: <https://www.ascap.com/music-users/licensefinder>

**Mechanical License:** for audio only: CD, audio download, interactive streaming. Obtained through copyright holder or [www.harryfox.com](http://www.harryfox.com)

**Master Recording License:** needed for the right to use pre-recorded accompaniment. Generally obtained through the print publisher (ie Alfred, Hal Leonard)

**Grand Rights:** the right to perform musical compositions within the context of a dramatic work (ie scripted performances with costuming, stage action, etc). Obtained through copyright holder.

**What kind of license do I need?**

**Virtual Choir Performance:** requires **sync license** (OR okayed through content ID/other blanket license on YouTube, etc) and **performance license**. May also need **master recording license** if using backing tracks)

**Livestream of a live concert:** (non-interactive, not recorded) **performance license.**

**Livestream of a live concert with recorded accompaniment track:** (non-interactive, not recorded) **performance license** and **master recording license**

**Video of a previous performance:** (pre-recorded, interactive – can pause/rewind)  
**performance license** and **sync license** (unless songs are cleared under YouTube content ID)

**Livestream of a live concert plus on-demand replay) :** (streamed, recorded, interactive)  
**performance license** and **sync license**

### \*\*\*YouTube and other Social Media caveats\*\*\*

**YouTube:** Many copyright holders have entered into an agreement with YouTube that allows people to post covers of their songs (this would include virtual choir performances and concert footage) without an additional sync license. The challenge is that there is no longer a list of these songs. For YouTube, if you'd like to post a virtual choir or previous performance, look to see if other similar groups have posted the same work. If they have you are *most likely safe* to do the same.

### How do you know for sure?

As of 2023: Upload the work. YouTube now has an additional screening step as part of the upload process.

On the third screen, it will check to see if the song is recognized as part of their Content ID system. Copyright CLAIMS are ok. Copyright STRIKES are not!

Details Video elements Checks Visibility

### Checks

We'll check your video for any copyright issues that may restrict its opportunity to fix any issues before publishing your video. [Learn more](#)

**Copyright**

No issues found

Remember: These check results aren't final. Issues may come up in the future that impact your video. [Learn more](#)

[Send feedback](#)

This will tell you right away if your submission is allowable on your channel and what the impact will be. In this example, “Feelin’ Good” is allowable on the channel, but the copyright holder may place an ad on the video:

**Feelin’ Good Test**Saved as draft!×

Details

Video elements

Checks

Visibility

✓

○

!

○

### Checks

We'll check your video for any copyright issues that may restrict its visibility. You'll have the opportunity to fix any issues before publishing your video. [Learn more](#)

#### Copyright

Copyright claim found. The copyright owner is allowing you to use the claimed content and will run ads on your video. [SEE DETAILS](#)

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Remember: These check results aren't final. Issues may come up in the future that impact your video. [Learn more](#)

[Send feedback](#)

I do not yet have an image of this step for Copyright STRIKES (please contact me if you have one!), but this is where that would appear.

Please check out YouTube’s [Copyright Claim Basics](#) for more information including information on what happens when you get a [Copyright Strike](#).

**The challenge:** is that you do not want to create a virtual choir, post it, and have to take it down (or worse, have it muted mid-stream!). To mitigate that risk:

- look for others who have posted the same
- upload your practice/guide tracks (with backing track) as an unlisted video
- contact the copyright holder to see if they’re covered on youtube (the person that answers the phone does not always know the answer to this, so it is not generally the easiest route to take)

**What about other platforms such as:**

**Facebook:** try it, but they might mute it. See risk mitigation above.

**Vimeo:** no known blanket license negotiations – at this time they do not aggressively scan for copyright infringements, but you should get a sync license to be legal.

**Other platforms:** are not very forthcoming with information at this time. The folks at [ASCAP](#) are very helpful, so feel free to look at their FAQs and contact them if you have additional questions about your specific need. ASCAP does not grant sync licenses, but they can help you get in touch with copyright holders. When in doubt, get a sync license.

## What about music in Podcasts?

Podcasts can be complex because **it depends** on the type of podcast. You will generally always need a performance license (ASCAP/other PRO license) or direct permission to perform/broadcast any performance.

If it is downloadable, you'll need a **mechanical license**.

If it has an accompanying video, you'll need a **sync license**.

If it is a streaming podcast, **contact the copyright holder** for permission.

Please [read this page](#) if you'd like to know more about web and mobile licensing.

*\*\*\*Information below this line about YouTube was entered prior to the new screening step and is waiting for verification and editing\*\*\**

If YouTube recognized the song as part of their [Content ID](#) program (that uses a crawler to “listen” for songs in the system), you may get a “Copyright Claim” that looks like this:

Video: 05 White Wine in the Sun

Copyright summary and status

The Content ID claim on your video doesn't affect your channel. This is not a copyright strike.

<div>Channel impact</div> <div> <b>Not affected</b></div> <div>The Content ID claim on your video doesn't affect your channel. This is not ...</div>	<div>Visibility</div> <div> <b>Unlisted</b></div> <div>Anyone with the video link can see this video.</div>	<div>Monetization</div> <div> <b>Ineligible</b></div> <div>Even though you're not in the YouTube Partner Program, ads may be showing o...</div> <div><a href="#">Learn more</a></div>
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The content identified in your video is listed below, along with details and actions.

Content used	Claim type	Impact on the video	Actions
<div></div> <div>White Wine In The Sun</div> <div>Video uses this song's melody</div> <div></div>	<div></div>	<div> <b>Video cannot be monetized</b></div> <div>Ad revenue paid to copyright owner</div> <div>Copyright owner's policy</div> <div> <b>Monetized in some territories</b></div> <div>Content found during</div> <div>4:13 – 6:28</div>	<div><a href="#">SELECT ACTION</a></div> <div>Copyright owners</div> <div>LatinAutor, LatinAutorPerf, Kobalt Music Publishing, AMRA, UMPI</div>

Copyright **claims** are ok – they will usually say something like channel impact not affected, monetization ineligible (which means the copyright holder CAN put an ad on your content and collect money, but you cannot). Please note “channel impact” on the left above.

If you get a **copyright strike**, that is not good and you either need to remove the content, or prove that you have permission. Copyright **strikes** look like this:

The screenshot shows the 'Copyright Status' page on YouTube. At the top, there is a progress bar with four segments: two grey, one green, and one red. Below the progress bar, there are four icons: a grey sad face, a grey sad face, a red sad face with a speech bubble, and a grey happy face. A pink hand-drawn circle highlights the red sad face icon and the text below it. The text reads: 'You have 1 copyright strike. See details ▾'. Below this, there is a table with three columns: 'Type', 'Event', and 'Content'. The first row of the table shows 'Video' in the 'Type' column, a red copyright symbol in the 'Event' column, 'STRIKE 1' in the 'Event' column, and 'India vs West Indies 3rd t20 highlights' in the 'Content' column. Below the table, there is a section titled 'Reason' with the text: 'Copyright takedown request', 'Removed by Board of Control for Cricket in India on Nov 12, 2018', and 'Expires on Feb 10, 2019'.

### Copyright Status

You have 1 copyright strike. [See details ▾](#)

Type	Event	Content
Video	© STRIKE 1	India vs West Indies 3rd t20 highlights

Reason: Copyright takedown request  
Removed by Board of Control for Cricket in India on Nov 12, 2018  
Expires on Feb 10, 2019