



HOLIDAY MUSIC

A Guide to Copyrights, Mechanical Licenses, and Christmas Songs

Recording your own iconic versions of familiar Christmas carols or holiday songs might be the perfect way to catch the attention of new fans or thank your existing fan base with a free download or limited-edition CD. If you're planning a release to coincide with the holidays, including a seasonal cover can give your album extra timely relevance and be a focal point for your promotions, or could be a great live track to add as a bonus.

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There are so many possibilities when it comes to choosing a classic holiday number to cover. Which is the right track for your style, mood, and personality? And while it might seem that holiday songs have always been part of the musical fabric, the truth is a lot of seasonal favorites will require a mechanical license before you can legally record and release them as album cuts, singles, or downloads.

Any time you reproduce and distribute a recording of a composition you did not write – and that is not in the public domain – you need a mechanical license. Mechanical licenses are issued by the owner or controller of the composition (typically publishers) acting on behalf of songwriters or composers. Basically, this is a royalty payment to the copyright owner for allowing you the use of the composition.

A good many Christmas and holiday songs are public domain, but many of the more popular tunes are modern compositions that are copyrighted and need a license.

One important point to remember: Even though a song may be found in the public domain, a copyrighted arrangement of that song may not be, so always check first. An excellent rule of thumb: if you used sheet music to learn it, you can find the copyright information there.

Check out the list of songs that ARE and ARE NOT in the PUBLIC DOMAIN on the reverse side.



Limelight Licensing FAQ

Why is licensing necessary?

Just like you need a license to drive a car, fly an airplane, or sell real estate – it's the law! Copyright Law requires artists and labels to obtain a mechanical license before distributing a recording containing any song/composition they didn't write.

What's a mechanical license?

A mechanical license is a broad term that refers to the reproduction – for distribution or sale – of a musical composition in the form of a sound recording. Any time you reproduce and distribute a recording of a composition you do not control – including through physical and digital means – you need a mechanical license. Mechanical licenses are issued by the owner or controller of the composition in question. Typically, these are publishers acting on behalf of songwriters or composers. Some agencies represent many US publishers for mechanical licensing, although there are US publishers who are not represented by agencies and must be licensed directly.

Who gets the money?

There are two fees involved with [Limelight](#) – the \$15 per license service fee (which is discounted as you clear more songs or configurations), and the publishing royalties. The publishing royalty is a statutory rate set by law at 9.1¢ per unit for all recordings up to 5 minutes, and 1.75¢ per minute if a track is over 5 minutes in length. Limelight pays out all royalty fees to the respective songwriters and/or publishers for the composition(s) for which you are receiving a mechanical license.

How does this work for physical CDs?

For each physical CD manufactured that includes the cover song material, the royalties owed correspond to the statutory rate of 9.1¢ per pressing per song. For instance, if you were to manufacture 1,000 CDs of an album containing two cover songs, the royalties owed would be \$182 (1,000 CDs x 2 songs x 9.1¢ per song).

How does this work for digital?

The same statutory rate that applies to physical CDs also applies to digital downloads (also known as DPDs). For digital downloads, the royalties are calculated on the actual amount of downloads. For instance, if your album included 2 cover songs and was downloaded 500 times, the royalties owed would be \$91 (500 album downloads x 2 songs x 9.1¢ per song). Additionally, if your cover songs are available as singles, the same rate applies to all downloaded single tracks of the song.

What if I'm doing short runs?

The minimum number of physical pressings that Limelight will license for is 25. The same minimum applies to digital downloads.

What if we don't plan to sell the CDs?

If you are giving away CDs, downloads, etc. you will still need a mechanical license and will be required to pay mechanical royalties for all physical units manufactured and all digital units distributed.

What does public domain mean?

The public domain generally includes works that are ineligible for copyright protection or whose copyrights have expired. Songs or musical works first published in 1922 or earlier are in the public domain in the U.S.

How do I figure out if a song needs a license?

[PD Info Online](#) is a good starting point to determine if a song falls into the public domain.

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**HOLIDAY
SPECIAL!
SAVE
20%**

Limelight makes licensing easy

Limelight is a one-stop online tool that helps you clear cover songs quickly and easily. With Limelight, you can acquire the necessary licenses from music publishers for physical reproduction (CDs), permanent digital downloads (CD Baby, iTunes), ringtones, and interactive streaming and conditional downloads (Rhapsody).

Use coupon code HOLIDAY11

now, through through Dec. 31, 2011, to save 20% off Limelight's regular \$15 fee (you'll pay \$12).

Start the licensing process right now!

Go to www.songclearance.com

Can a mechanical license be withheld? Can a copyright owner decide they don't want their work available to be recorded by anyone else?

Under Section 115 of the Copyright Act, anyone is entitled to record a song which has already been released publically by another artist, irrespective of a copyright owner's permission. This type of license is referred to as a compulsory mechanical license, and is obtained by submitting to the copyright owner a Notice of Intent to Obtain a Compulsory License and abiding by Section 115 licensing and accounting regulations.

What constitutes a "copyrighted arrangement" for a song in the public domain?

A copyrighted arrangement consists of a version of a public domain song including changes or alterations with at least a minimum amount of creative musical expression. Sometimes, this can be difficult to determine. An excellent rule of thumb: if you used sheet music to learn it, you can find the copyright information there.

Is it legal to change the lyrics to a popular holiday song (or any song) and record our "revised" version? How would we go about getting permission to do something like that?

Changing the lyrics to a song constitutes a derivative work, which requires direct permission from the music publisher. If you are interested in contacting a particular publisher for permission to record a derivative work, songwriter and publisher contact information can often be found by searching the song databases on [ASCAP](http://ASCAP.com), [BMI](http://BMI.com), or [SESAC's](http://SESAC.com) websites.

What does RightsFlow do?

RightsFlow provides artists and record labels with an end-to-end solution for the licensing, accounting, and payment of mechanical publishing rights. RightsFlow acts as an agent on behalf of its clients and acquires licenses from music publishers of all types. These licenses include physical reproduction (i.e. CDs), permanent digital downloads (via CD Baby and iTunes), ringtones, and interactive streaming and conditional downloads (e.g. Rhapsody). RightsFlow handles the entire licensing process as well preparing quarterly royalty reports and administrating payments to publishers.

In short, RightsFlow simplifies copyright licensing, and our core service is mechanical licensing and royalty reporting. Limelight and MySpark are the two consumer-facing services powered by RightsFlow. [Limelight](http://Limelight.com) is a one-stop online tool that allows anyone to clear cover songs quickly and easily. Through Limelight, artists, bands, ensembles, and other groups can get mechanical licenses which allow those groups to manufacture, distribute, and sell recordings of compositions owned or controlled by a third party publisher. [MySpark](http://MySpark.com) provides creators (e.g. songwriters) with an easy online way to register and protect their intellectual property.

Who are RightsFlow's clients?

RightsFlow serves over 16,000 clients, including marquee companies such as YouTube, Rhapsody, Muzak, The Orchard, INgrooves, Wolfgang's Vault, Thumbplay, Guvera, Dada Entertainment/Play. ME, Scattertunes, [PIAS], Alliance, Kontor New Media, Zynga, Beatport, Zebalution, E1 Canada, [CD Baby](http://CDBaby.com), [Disc Makers](http://DiscMakers.com), Qello, REBEAT, and X5 Music Group

Here is a list of some top
Christmas songs that
ARE in the PUBLIC DOMAIN.

"Angels We Have Heard On High"
"Away In A Manger"
"Deck The Halls"
"God Rest Ye Merry Gentlemen"
"Good King Wenceslas"
"Hark! The Herald Angels Sing"
"It Came Upon The Midnight Clear"
"Jingle Bells"
"Joy To The World"
"O Come All Ye Faithful"
"O Come O Come Emmanuel"
"O Holy Night"
"O Little Town of Bethlehem"
"Silent Night"
"The First Noel"
"The Twelve Days of Christmas"
"We Wish You A Merry Christmas"
"What Child Is This"

Christmas Songs NOT in the PUBLIC DOMAIN
(Writer/Composer)

"All I Want For Christmas Is My Two Front Teeth" (Donald Yetter Gardner)	"Jingle Bell Rock" (Joseph Carleton Beal, James Ross Boothe)
"Do You Hear What I Hear?" (Noel Regney, Gloria Shayne Baker)	"Let It Snow! Let It Snow! Let It Snow!" (Sammy Cahn, Jule Styne)
"Santa Claus Is Coming To Town" (Fred Coots, Haven Gillespie)	"Little Drummer Boy" (Katherine K. Davis, Henry V. Onorati, Harry Simeone)
"A Holly Jolly Christmas" (Johnny Marks)	"Rockin' Around The Christmas Tree" (Johnny Marks)
"Carol Of The Bells" (Peter J. Wilhousky, Mykola Leontovich)	"Rudolph The Red Nosed Reindeer" (Johnny Marks)
"Feliz Navidad" (Jose Feliciano)	"Silver Bells" (Jay Livingston, Ray Evans)
"Frosty The Snowman" (Steve Nelson, Walter E. Rollins)	"Sleigh Ride" (Leroy Anderson, Mitchell Parish)
"Have Yourself A Merry Little Christmas" (Ralph Blane, Hugh Martin)	"The Christmas Song (Chestnuts Roasting on an Open Fire)" (Mel Tormé, Robert Wells)
"Here Comes Santa Claus (Right Down Santa Claus Lane)" (Gene Autry, Oakley Haldeman)	"White Christmas" (Irving Berlin)
"I'll Be Home For Christmas" (Walter Kent, Kim Gannon, Buck Ram)	"Winter Wonderland" (Felix Bernard, Richard B. Smith)
"It's The Most Wonderful Time Of The Year" (Edward Pola, George Wyle)	

Social notes: How to make a classic holiday tune your own.

One challenge with putting out a holiday single is how to inject your personality and musical style into a Yuletide favorite without mangling it beyond recognition or sounding like the other hundred versions of the same song. Here's some advice from your peers:

"A unique musical arrangement can be your greatest asset. Don't be afraid to compose away from the traditional melody for a moment within the song. Something as simple as a few extra chords or a key change can add spice to the eggnog. You can always return to the traditional melody after a few measures." – Daniel G. Benes

"Find the essential melodies that define a song, and keep them intact. Then break the song down to its basics and – using them as building blocks – re-create the song as you would any of your own. Organically, the song will take on a feel that's comfortable for you, reflects your style and musical personality, and ends up being different without your consciously trying to deviate from the original." – Andre Calilhanna, Hijack

"One effective method of 'owning' a cover song is to move outside your genre element when selecting the original. Are you in a metal band? Cover a pop song. Play in a bluegrass ensemble? Cover a hip hop tune. The juxtaposition of your musical style against the song's original inherent genre can result in a truly unique performance." – Mike Gavigan, Escape Route