PBS Music Licensing

There are two separate and distinct rights to music licensing, public performance (broadcast) and synchronization. Broadcast is the transmission of your program by television, internet, OTT (Roku, Apple TV, Passport) and Linear Live Streaming (skinny bundles such as Sling). Synchronization (aka sync) is the license required to pair music with a visual image.

Broadcast
PBS is signatory to broadcast licensing agreements with ASCAP, BMI and SESAC (the public media “blanket license”) which allow PBS stations to stream non-dramatic, licensed music via PBS Media Manager websites, OTT, and LLS, in addition to television broadcast.

Synchronization
A producer or other supplier of a program to PBS is 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 for your program 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) are not covered under the PBS copyright statutes and the producer must request and negotiate a license directly with the rights holder for synchronization and broadcast.

PBS Licensed - Compulsory Sync License
One way that producers can clear music for their programs is by requesting the compulsory sync license for published (popular) music. Published music is defined as music that is available to the general public in the US on the radio or online streaming, or for purchase as a CD or download. You must request the compulsory license on your cue sheet to have PBS license this music for your program.

The public media compulsory sync license covers music that has been published via a statutory compulsory sync license granted to public broadcasters by the Copyright Act, (17 USC §118, page 74), with rates and terms set by Federal Regulations (37 CFR § 381.7).

In addition, PBS is signatory to a voluntary sync license agreement with The Harry Fox Agency (HFA), which represents thousands of music publishers for this purpose.

Program producers or suppliers must cite their source of license for all music contained in their programs on a cue sheet submitted to PBS before initial broadcast. You will need to request the compulsory sync license at that time or affirm that you have licensed all music cues contained.
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 such as Amazon Prime, Netflix or other streaming entertainment services not controlled by PBS / Media Manager. Producers need to negotiate and pay for synchronization licenses from rights holders for these uses and other exploitations of your program beyond public television broadcast such as commercial/foreign telecast, theatrical performance, film festivals and video distribution to schools (there are special provisions for distributions to educational institutions, contact Music Copyright for more information, if needed).

Streaming on third party websites such as Facebook, YouTube, etc., or any outlet not sourced by PBS Media Manager is not covered under any PBS license. You will need to license sync rights for all third-party websites.

For any of the above uses, copyright owners can charge you any amount they want or deny you permission outright for any reason.

Master-Use Licenses

Under the Copyright Act, (17 USC § 114(b), page 49), you do not need a license to use a copyrighted sound recording in a public television program.

“Master-use” licenses are required if you are offering the program on home entertainment or third-party websites. Again, rights holders can charge you any amount they want or deny you permission outright for any reason.

Cue Sheets

You need to keep a music cue sheet for your program in your file and provide the information to PBS via the online RapidCue portal when your show is picked up for national distribution. Your cue sheet should 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

The definition of ephemeral is “short-lived, transitory, something that lasts a very short time”. Unless you are broadcasting a live event that will not be broadcast again or streamed on the COVE network, you likely do not have an Ephemeral Use.

Fair Use

For music that you deem to be Fair Use (§107, page 19), Columbia University has a Fair Use Checklist (to be used for reference only). Also, CMSI’s Documentary Filmmakers’ Statement of Best Practices in Fair Use, presented by American University. Fair Use music should be cleared with your attorney and disclosed on your cue sheet.

**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.

Updated 9/19/2019