

The Music Modernization Act

Downloadable Checklist

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This sweeping law reformed the ways musicians, songwriters, and producers license music and how they are paid. For many general practice and IP attorneys, learning the nuances of music licensing agreements is akin to wading into a swamp. This new law helps to clear up some of the confusion.

In the below checklist we will highlight 3 items general practice or IP attorneys should do when working with a client who might be affected by this new law.

1

Determine if the client is a rights holder of the underlying musical composition or lyrics, or a rights holder in the finished sound recording?

These two separate copyrights help to determine which parts of the MMA apply.

2

Is the work in question primarily distributed digitally through a music service such as Spotify or Apple Music?

If so, the Collective established by the Copyright Office will now be the one-stop shop for registration and royalties.

3

Was the work recorded prior to 1972?

If so, be sure to take a close look at the CLASSICS Act and possible remedies that did not exist prior to the MMA.

Conclusion

The MMA upends many parts of the music licensing system that has been in use for decades. In general, both creators and industry can find positives in this new statute and its impact on copyright law as a whole.