



Music Sample Clearance Checklist

Sampling copyrighted music requires properly licensing or “clearing” the sample. Failure to do so can lead to, music removals, costly infringement fees, forfeiture of royalties, or production delays. It’s critical that you properly clear every piece of music you intend to borrow or it will cost you money! Follow this step-by-step guide to clearing samples for copyrighted music. If you need help, consider enlisting an attorney or clearance service.

Identify Both Copyright Owners

There are two copyrights for every recorded piece of music. You must find both owners!

- Musical Composition Copyright - owner of the music & lyrics (composition)
- Sound Recording (Master) Copyright - owner of the particular sound recording

Verify Ownership for Each Publisher & Sound Recording Copyright

The owner may no longer be the original copyright holder.

- Verify the publishing company of each musical composition copyright owner
 - Check with the major PROs (ASCAP, BMI, SESAC) for contact information
- Source the record label that released the original sound recording
 - Verify the record label still owns the sound recording copyright

Request Permission(s) to Use the Sample

Requests should include critical details about the sampled use, distribution, and fees

- Draft request details in one place or in an email request template
- Find licensing instructions and contact information for each publisher/owner
- Submit a request to EACH copyright owner regardless of ownership splits
- Mark and track request submissions and follow-ups on your calendar



Music Licensing Sample Clearance Checklist

The first several steps of the sample clearance process can usually be done on your own! Success with the following steps will depend on your experience level, the agreement's complexity, and your ability to negotiate or draft a license on your own.

Negotiate All Licensing Terms & Fees

Once you've received approvals of use from all copyright holders...

- Discern whether you'll negotiate fees together or separately (if multiple owners)
- Research fees based on the popularity or success of the sampled song
- Prepare a detailed proposal supporting your initial offer
- Negotiate your sample fees based on quantitative and qualitative assessments
- Include incentives or upsells in exchange for lower base fees

Draft Your Licensing Agreement

Next you'll want to formalize and memorialize your agreed terms in writing.

- Use a prepared template or have an attorney draft an agreement for you
- Know which licensing clauses will have the most importance in that agreement
- Allocate time for any back and forth edits to your agreement
- Review your agreement for improvements or ambiguities

Document Everything For Royalty Collections

You'll want to keep copies of all agreements, renewal terms, and royalty statements.

- Place one copy in a secure place and one with a trusted colleague or agent
- Start and maintain a file to keep all royalty statements in one place
- Keep record of usage dates, incentive progress, and renewal options
- Be familiar with audit provisions and when or how often they'll be required



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General Considerations For Your Project

Depending on your situation, you'll need to have done the following:

- Obtained a clearance for each sampled song or sampled part of a song
- Started the process early enough not to interrupt your production deadlines
- Used a workflow template to track the progress of multiple clearances
- Considered a contingency plan in advance for unobtainable clearances
- Maintained a database of contacts to facilitate faster clearances in the future

For songs owned by large publishing houses, it's not uncommon for the clearance process to take months. So start early! In fact, you'll want to avoid as many common mistakes you can when licensing music. To learn more, check out our article the [Top Ten Artists and Film Productions Make When Sampling Music \(What You Need To Know To Save Money\)!](#)



Should You Hire An Attorney?

If you're producing a significant project, you should include licensing music as part of your overall legal budget. Good reasons to hire an attorney are to facilitate the overall process, protect your interests, negotiate on your behalf, and to draft or review complex agreements. You might only need an attorney for just one part of the process.

If you have you can schedule a consultation at www.zalalaw.com or email us directly at info@zalalaw.com.