



**MECHANICAL
LICENSING
COLLECTIVE**

Educator Toolkit Resource Guide

Version 3

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The materials in this Educator Toolkit are available for use in classes and workshops taught at colleges and universities, to students and/or members of the community. They can be freely posted on a Learning Management System but not on the internet.

Video and Slides Learning Outcomes

Consider creating class discussions, test questions, and/or assignments from these learning outcomes.

Cognitive Process	Learning Outcomes
Remember	<ul style="list-style-type: none"> • List the exclusive rights that apply to musical works under the copyright law. • List the four key changes created by Title I of the MMA. • Identify the types of uses of music that are authorized by the new blanket compulsory mechanical license. • Recall the types of parties who need to become Members of The MLC. • State how often The MLC pays royalties. • Name the organization responsible for setting statutory royalty rates.
Understand	<ul style="list-style-type: none"> • Explain the difference between a musical work and a sound recording. • Describe the relationship between John Lennon, Paul McCartney and The Beatles with the song <i>Yesterday</i> • Compare a compulsory license to a voluntary license. • Discuss the types of activities that The MLC does and does not do, and why. • Explain how to become a Member of The MLC.
Apply	<ul style="list-style-type: none"> • Classify the different uses of music according to what rights under copyright law are involved. • Contrast how digital mechanical licensing worked before and after the MMA. • Restate the scenarios which determine whether or not a songwriter needs to become a Member of The MLC. • Demonstrate, using the Public Search, on The MLC website, the association of a musical work to a sound recording.

Cognitive Process	Learning Outcomes
Analyze	<ul style="list-style-type: none"> • Examine the copyright rights involved in an interactive stream or download of music to those involved in FM radio play or a non-interactive stream of music. • Compare eligibility for a compulsory mechanical license before and after the MMA. • Diagram the flow of digital mechanical royalties.
Evaluate	<ul style="list-style-type: none"> • Assess how the MMA addressed the challenges the industry was having with respect to digital mechanical licensing.
Create	<ul style="list-style-type: none"> • Design a flyer to post around your school that targets self-administered songwriters or composers and describes what they need to do in order to Connect to Collect and why.

In Class Activities

The games described below can be played with teams, or individuals. Students will need to access a computer with a connection to the internet.

Musical Works Data Scavenger Hunt

Have students try to find information about a particular song using The MLC Public Search found at <https://portal.themlc.com/search>.

- Writer names and IPIs
- Publisher and Administrator names and IPIs
- Ownership share %
- ISWC
- Related recording Artist name
- Related recording ISRC

The MLC Trivia Game

- Use any questions from the Questions section of this kit
- Have each individual or team connected to a digital platform with a chat tool (Zoom, Teams, etc.).
- Ask the class one of the questions and direct each team to type their answer into the chat. You are essentially using the chat as a buzzer since it will show who posted an answer first.
- The first person, or group, to enter the correct answer into the chat wins the round.
- Decide how to acknowledge the winner (extra credit, bragging rights, etc.).

Section 115 Scavenger Hunt

Have students find specific language in section 115 of the copyright law

- You can find the current version of section 115 here: <https://www.copyright.gov/title17/92chap1.html#115>
- You can also find it here (I like this one better to see the levels more clearly): <https://www.law.cornell.edu/uscode/text/17/115>

Level 1: (a)

Level 2: (1)

Level 3: (A)

Level 4: (i)

Level 5: (I)

Level 6: (aa)

Level 7: (AA)

For each item listed below in the scavenger hunt, have the student provide you with the title of the section, and the section number (e.g. (a)(1)(A))

Item	Title and Section Number
Item 1: Find the title of the Level 2 sub-section that explains the eligibility for a compulsory license	(a)(1) Eligibility for compulsory license

Item	Title and Section Number
Item 2: Find the title of the Level 1 subsection that creates the blanket license and The MLC	(d) Blanket License for Digital Uses, Mechanical Licensing Collective, and Digital Licensee Coordinator
Item 3: Find the title of the Level 2 subsection that describes The MLC	(d)(3) Mechanical licensing collective
Item 4: Find the title of the Level 3 subsection that describes what activities are included in the blanket license	(d)(1)(B) Included activities
Item 5: Find the title of the Level 3 subsection that describes the functions The MLC is authorized to perform	(d)(3)(C) Authorities and function

Class Discussion

- What makes it difficult to identify and contact the copyright owners of musical works? What would make it easier? (hint – a public database)
- Why did music publishers support the MMA? How did they benefit from it?
- Why did songwriters support the MMA? How did they benefit from it?
- Why did digital service providers support the MMA? How did they benefit from it?

Questions

Exam Questions

The questions below are taken from the educational video and PowerPoint presentation.

Q: What does MLC stand for?

A: Mechanical Licensing Collective

Matching – Match up the creator with the creation

Musical Works	Songwriters Composers Lyricists Music Publishers
Sound Recordings	Recording Artists Producer Record Companies

Q: Is a video a sound recording?

A: No

Q: When was the MMA signed into law?

A: Late 2018 (October)

Q: What exclusive rights are related to mechanical licensing?

A: Reproduction and Distribution

Multiple choice idea – use Public Performance as a wrong answer

Q: What are the 4 major PROs in the US?

A: ASCAP, BMI, GMR, SESAC

Multiple choice idea – include The MLC and/or SoundExchange as wrong answers

Q: Is The MLC a PRO? (or will The MLC replace the PROs)

A: No

Which of these uses would require a mechanical license?

Correct

Vinyl Record
Permanent Download
Limited Download
Interactive Stream

Incorrect

Non-Interactive Stream
FM Radio
Satellite Radio
Internet Radio
Live Concert

Q: Which type of mechanical license does the U.S. copyright law create?

A: Compulsory

Multiple choice idea – include voluntary as a wrong answer

Q: What section of the U.S. copyright law establishes the compulsory mechanical license?

A: Section 115

True Statement: Before the MMA, to obtain a mechanical license, a DSP had to identify copyright owners of each musical work and take action to secure a voluntary or compulsory license

False Statement: The MMA was focused entirely on mechanical licensing

True Statement: The MMA changed the eligibility criteria for some compulsory mechanical licenses

Q: When did the new blanket compulsory mechanical license become available?

A: January 2021

Q: Who administers the new blanket compulsory mechanical license

A: The MLC will be the exclusive administrator

Q: What percent of royalties collected by The MLC will be paid to rightsholders?

A: 100%

Which of these uses fall under the blanket mechanical license?

Correct

Permanent Download
Limited Download
Interactive Stream

Incorrect

Non-Interactive Stream
Vinyl Record
CD
Video streaming
FM Radio
Satellite Radio
Internet Radio
Live Concert

Q: Will The MLC handle all mechanical licensing in the U.S.?

A: No. The MLC will not handle mechanical licensing for physical products.

Q: Will The MLC handle video licensing?

A: No. Mechanical licensing in the U.S. involves only audio uses of musical works

Q: Will The MLC replace a PRO or SoundExchange?

A: No. Those organizations will continue to operate as they have been.

Q: Will The MLC collect mechanical royalties from outside of the United States?

A: No. The MLC only collects digital audio mechanicals for uses that occur within the United States

Q: Who sets the compulsory mechanical royalty rates?

A: The Copyright Royalty Board (CRB)

False Statement: The MLC pays royalties to sound recording rightsholders.

True Statement: The MLC pays royalties to music publishers, self-administered writers, and foreign mechanical rights organizations

Note: Foreign mechanical rights organizations are similar to what The MLC is in the U.S., but are permitted to collect royalties for their members from activity in other countries.

Trivia Questions

The answers to the questions below can be found on the Internet with some well-considered searches

Q: Where is The MLC office located?

A: Nashville, TN

Q: Which significant amendment to U.S. copyright law established the compulsory mechanical license?

A: 1909 Copyright Act

Q: Where are the compulsory mechanical rates published?

A: The Code of Federal Regulations (CFR) in Part 385

Q: What are the short names used to describe the 5-year statutory royalty rate decisions?

A: Phono, which is short for phonorecord (e.g. Phono I, II, III, and IV)

Q: What is the name of the famous legal case decided by the Supreme Court soon before the U.S. copyright law was amended to require permission to make mechanical reproductions of musical works

A: White-Smith Music Publishing Co. v. Apollo Co

Q: Is the section 115 compulsory mechanical license the only compulsory or statutory license related to music in the U.S. copyright law?

A: No, there are others, like sections 112 and 114 which apply to sound recordings and are administered by SoundExchange

Resources

Type	Title (with Hyperlink)
Website	The MLC website Resources , How It Works , FAQs , Student Resources
Website	Copyright Office Summary of the Musical Works Modernization Act
Website	Copyright Office MMA FAQs
Website	Copyright Royalty Board (CRB)
Document	The MLC Annual Report (2022)
Document	Harry Fox Agency rate explanation charts (archived charts)
Document	Phonorecord “Phono” I rates (2008-2012) Original rates (1/26/2009)* Rate modification (2/11/2009) *Includes a very good history of mechanical licensing and rates.
Document	Phono II rates (2013-2017) Final rates (11/13/2013) Technical corrections (12/20/2013)
Document	Phono III rates (2018-2022) Amended draft rates (5/23/2023) Final rules have not been published (as of 5/30/23)
Document	Phono IV rates (2023-2027) Final rates (12/16/2022) for physical products and downloads Final rates (12/30/2022) for other configurations (including interactive streaming)
Document	U.S. Copyright Office Unclaimed Royalties Study (2021) , includes video recordings of the public roundtables.

Type	Title (with Hyperlink)
Document	U.S. Copyright Office Music Licensing Study (2015). Look under the Full Report option on the right.
Document	Copyright Office Circular 73 A - Compulsory License for Making and Distributing Phonorecords (Other Than Digital Phonorecord Deliveries)
Document	Copyright Office Circular 73 B – Compulsory License for Making and Distributing Digital Phonorecords (and Limitations on Liability Prior to the License Availability Date (January 1, 2021))
Videos	The MLC YouTube Channel About The MLC in 60 seconds Digital Music Royalties – The 4 Ways to Get Paid (36:11) The MLC Explained (Part 1) The Basics (28:56)
Video	Breaking Down the MMA: Part 1 - Introduction to the Music Copyright Law Protections (3:43)
Video	Breaking Down the MMA: Part 2 - The History of the Statutory License for Musical Works (6:42)
Video	Breaking Down the MMA: Part 3 - How the MMA Changes Mechanical Licensing (4:16)
Video	Breaking Down the MMA: Part 4 - Duties of the Mechanical Licensing Collective (6:52)
Video	Breaking Down the MMA: Part 5 - The MLC's Work Processing & Identifying Uses of Musical Works (6:41)
Video	Breaking Down the MMA: Part 6 - Changes for Rate-setting Under Title I of the MMA (2:26)
Book	David Baskerville, Tim Baskerville, and Serona Elton. Music Business Handbook and Career Guide (13 th Edition). Information about mechanical licensing and The MLC start on page 157.

Type	Title (with Hyperlink)
Book	Jeff Brabec and Todd Brabec. <i>Music Money and Success: The Insider's Guide to Making Money in the Music Business</i> (8 th Edition). See index page 646 for a listing of page numbers related to mechanical licensing and royalties.
Book	Donald Passman. <i>All You Need to Know About the Music Business</i> (10 th Edition). See index page 469 for a listing of page numbers related to mechanical licensing and royalties.