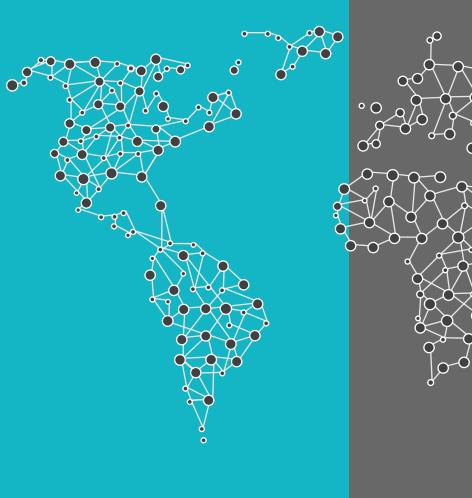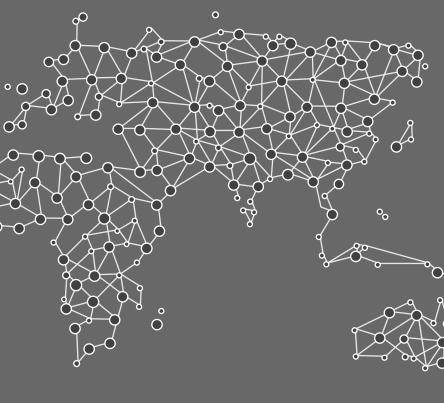# ACT
The App Association

Licensing
Guide

Introduction

App developers and tech innovators create products and services that enhance every aspect of our daily lives as part of the dynamic and growing app ecosystem. Their innovations and inventions have spawned solutions that manage our physical and financial health, improve workplace productivity, accelerate academic achievement, and more. In a $143 billion app ecosystem driven by the realization of new ideas and efficiencies, intellectual property (IP) rights and protections are vital.

Intellectual property takes many different forms. It is the lifeblood of an app developer's innovation and can be an important driver of their success.

IP refers to creations of the mind. These include inventions, literary and other artistic works, designs, and symbols, names, and images used in commerce. For app developers, IP can refer to much of the content created for an app or a game, like company brand, characters and their names, or designs, text, and music. While intellectual property protects unique content, it is possible to share your IP or use the IP of others, through licensing agreements.

The following guide outlines best practices, provides key resources, and shares candid advice from app developers and companies to help you through the licensing process. To provide guidance meaningful to app developers' needs, this guide will focus on two types of IP:

Copyrights

Copyrights can apply to original works fixed in any tangible medium of expression. That means that copyrights do not pertain to ideas, procedures, or concepts, but they do protect literary, musical, pictorial and graphic works, motion pictures, and sound recordings. For an app developer, your code, characters, graphics, photos, videos, and sound files can all be considered copyrighted works.

Trademarks

Trademarks indicate the source of a good or service. Trademarks can be a word, name, symbol, device, or combination of the four, used to identify the goods and services of one seller from another. Trademarks are typically the name and logo used to identify a company or a product. Coca-Cola® and Dora the Explorer® are both well-known examples of trademarks. In addition to a name or logo, trademarks also protect the trade dress of a product. Trade dress refers to characteristics of the visual appearance of a product or its packaging, and sometimes even the design of a building, that signify the source of the product to consumers.

Patents are another common form of IP that can be licensed, but this guide will focus on licensing copyrighted and trademarked content like branding, images, video, and music. Learn more about patents in the glossary.

Why does this matter?

As app developers and content creators, the protection of intellectual property is a critical part of your livelihood. Your IP helps define you and sets you apart from the pack. That's why when apps and their creators infringe on IP, whether intentionally or accidentally, it hurts the app economy. Not only does IP infringement hurt companies' ability to reap the benefits of their innovation, but it harms consumers by jeopardizing their trust, privacy, and security.

This guide will share tips about how to license content from others while protecting their intellectual property and what to do if your intellectual property is infringed.

Using this guide:

To better understand how to protect your IP and license IP from others, we've broken our guide into six easy-to-digest sections:

1. Best Practices

2. Words from the Wise: What to Consider if You Decide to License Content

3. Dos and Don'ts of Licensing

4. What to Do If It Happens to You

5. Resources for Licensing Content

6. A Glossary of Terms

Best Practices

You can find our official Best Practices for Copyright and Trademark Use <u>here.</u>

Intellectual property is a valuable asset that needs to be protected. To maintain the integrity of your intellectual property—and keep your and others' content safe—always do the following:

1) Remember the Golden Rule. Treat the intellectual property of others as you wish others would treat yours. Implement strong protections for your intellectual property so others will respect it.

2) Before utilizing any piece of intellectual property, establish who owns it, obtain verifiable consent to license the IP (or obtain legal guidance as to whether you can use the IP as intended), and understand the scope of your license.

3) Go through the proper channels to appropriately utilize the intellectual property.

4) Confirm your license agreement with the original IP holder before you officially use the content.

5) If you discover you are utilizing IP in an unauthorized manner, do the right thing. Stop using it immediately.

Words from the Wise:
What to Consider if You Decide to License Content

As you begin to think about licensing content from a brand or content owner, check out these education resources from the World Intellectual Property Organization and the U.S. Patent and Trademark Office:

[What is Intellectual Property? - The World Intellectual Property Organization (WIPO)](#)

[Inventor & Entrepreneur Resources - The United States Patent and Trademark Office (USPTO)](#)

To share the perspective of those who have gone through this process, we've called on a few app developers and content creators to share their words of wisdom about licensing intellectual property. Three ACT | The App Association members share their experiences and their advice to help make licensing content easy and navigable. Mobile marketing company Bare Tree Media provides helpful advice about the benefits of licensing from a well-known brand and music streaming and discovery app Hive shares their unconventional, but effective, method for licensing songs. Read on to learn the pros, cons, and best practices for making business decisions about licensing intellectual property – from the perspective of startups and tech innovators like you.

BARE TREE MEDIA

About

Bare Tree Media is a Boston-based mobile marketing company dedicated to helping brands reach, engage, and market their products to consumers across mobile and online platforms. The company has partnered with more than 100 licensed, consumer product brands including ABC Television, American Greetings, CBS Interactive, DreamWorks, Electronic Arts, FOX, King Features, Paws Inc., Paramount Studios, SONY, The SyFy Channel, Tootsie Roll Industries, and more. The company's agency division includes clients such as Disney, Life is Good, NETFLIX, New England Patriots, P&G, Warner Bros.

Author

Robert Ferrari is the CEO of Bare Tree Media and executive producer of the EmojiTap app. He is responsible for securing and maintaining Bare Tree Media's licensing, creative and marketing partnerships. His executive experience within licensing spans over ten years managing AAA brands and speaking at industry events. This his advice.

Advice from Robert

When developing and publishing a mobile game, a developer has many decisions to evaluate to position the game for success. These decisions include the genre, game play mechanics, user interface, monetization model, platform, and most importantly, the branding for the game. When it comes to branding, developers must choose between creating an internally owned property or licensing a branded property for content within the game. I'm going to help you identify the opportunity and benefits of licensing branded property for your game, and share a few words of caution.

The Benefits

There are many advantages to securing a licensed brand property for your game. Here are a few key benefits:

Awareness – Attaching a brand name to your game increases consumer awareness. On day one, consumers are more likely to recognize your game because it is associated with a well-known, branded property. In app stores, your game or product will show up in a search for, or associated with, the branded property. It's also no secret that Apple, Google Play, and Amazon stores tend to promote branded apps, and will possibly feature your game. Press outlets are also more likely to review and feature branded games in their game related articles.

Credibility – Along with increased awareness, a brand may also provide your game with greater credibility. When given a choice to play a generic or a branded game, the player will more likely chose the familiar, branded version. It is human nature to trust the things we know and enjoy. Therefore, a branded game provides near instant credibility, encouraging players to check it out. However, be cautioned – with greater recognition comes higher expectations, and consumers are likely to expect more of your game or product.

The Types

Now you know some of the benefits of a licensed brand property, but it's important to find the type of brand that works for you and your game. Here are a few:

Character/Entertainment - These are brands based on films, television, games and books. Examples include "Batman," "Stranger Things," "Family Guy," "Garfield," "Candy Crush," and "Lord of the Rings."

Sports – These are brands based on athletic leagues, sports teams, or even athletes. Examples include the NFL, NASCAR, FIFA, Boston Red Sox, Rob Gronkowski, and Tom Brady.

Celebrities – These brands are based on celebrities from film, television, sports, and music. Examples include Kim Kardashian, Lady Gaga, and Ellen DeGeneres.

Music – These are brands based on well-known bands and musicians. Examples include Shakira, KISS, and the Grateful Dead.

Company Names/Logos – These brands are based on highly-identifiable brand names. Examples include McDonald's, Betty Crocker, and Pepsi.

The Components of a Brand License

Once you determine the best brand type, but before securing a brand license, you should determine whether the costs associated with a licensed brand meet the strategic and revenue objectives of your game or product. The following checklist will help you do your due diligence when making these decisions, and minimize future risks and problems.

Cost – Does the brand require an upfront advance or minimum guaranteed payment during the term of the license? What is the ongoing royalty rate, and how often will it be paid? What is the length of the term for use of the license?

Exclusivity – It is crucial to understand whether the brand will be exclusively licensed to you, or shared with the developers of other products or games. If the license is non-exclusive, ask the brand to identify the genres, timing, and license length of the other licensees to reduce potential conflicts in the marketplace.

Category – When entering into a license agreement, think ahead to whether the license is covered for when your product evolves. Within the digital sector, technology is ever changing as is the way consumers engage within digital channels. By not anticipating broader coverage for your license you could be limiting business opportunities under your license agreement.

Geography – When you are granted a license, be sure to secure global rights. Mobile apps are ubiquitous and available all over the world, so it is important not to secure a license that limits you to specific regions. If you do decide on a geographically limited license, ensure the license includes the regions that meet your app release needs.

Availability – Be sure to select a brand that allows the license timing to sync with the timing of your game release. Important questions to consider are: when will the brand license be released? When can the brand promote your game on its social network?

References – The reputation of brands will vary. When licensing a brand for your game, you become attached at the hip -- for better or for worse to the licensor. If possible, reach out to current and previous licensees to hear their experiences with the brands in which you are interested.

Marketing – The popularity of the brand you choose can have a powerful impact on the exposure of your game. Determine the type of marketing support to which your brand partner can commit, and create a marketing plan to ensure the commitments are held, and there are no surprises. When possible list the marketing commitments into license agreements to hold the licensor accountable.

Approval Process – A development schedule is crucial in game creation; therefore, your brand partner's schedule should be aligned. Because your game is based on a branded property, the game assets, user interface (UI), marketing materials, and more must be pre-approved by the brand -- one step at a time. Some brands conduct reviews and provide approvals within days, while others can take months. In many cases the brand may require access to an operable version of the game for review before the game goes live to the public. You should incorporate your licensed brand's approval process into your game's development and launch schedule.

Copyright/Authorization - When producing a game and its related marketing materials, be sure to include updated copyrights and references for your licensed brand. Maintain all appropriate documentation to share with platforms like Apple and Google Play to verify you are authorized to use the licensed brand in your published app. Many app platforms have begun implementing verification processes to weed out unauthorized branded apps. Without verification, your app may not be approved and cause delays in launching.

In summary, licensing a brand can be a strategic and rewarding opportunity for game developers. Investing time and energy to plan for licensing a brand can pay off in the long run. It cannot be stressed enough: if you're a game developer not familiar with brand licensing, seek the guidance of an experienced and unbiased brand licensing professional to help make the right decisions throughout the licensing process.

Contact Info

For any licensing advice, Robert can be reached at info@baretreemedia.com and @BrandMoxi

HIVE

About

Hive is a music streaming app that helps users discover great new artists and share musical recommendations with friends. The company's patent-pending distribution method strives to help artists and artist and repertoire (A&R) firms reach and amass new fans through weekly playlists curated by musicians and industry experts. The Hive app provides an ideal platform for undiscovered artists to build a fan following, promote upcoming tours, advertise their album releases, and more. The platform also provides artists and A&R firms with usable metric reports to understand how their music is trending, and how it compares with other artists on the platform. The app also provides A&R firms with weekly reports of top performing artists, as voted by fans and app users, presenting them with a steady flow of talent to consider, and providing new opportunities for up-and-coming artists to be discovered.

Author

Andrew Savitz is Hive's CEO and cofounder, and is responsible for managing relationships with artists, managers, and other strategic partners. He frequently collaborates with Hive's engineering team to develop new and innovative ways to engage with artists and users.

Advice From Andrew

Licensing content can be expensive, particularly when you factor in hiring a legal team and paying artists for rights to their content. If you're a newer or smaller company, the cost of licensing content can possibly be too high. Fortunately, there are some interesting alternatives to traditional licensing that can make the process easier and more cost effective. In my experience with Hive, we had to determine two key things:

1. How could we secure enough quality music for our platform?

2. How could we ensure we were hosting the music legally?

Our solution: APIs

API stands for application programming interface, and we currently take full advantage of SoundCloud's API to source a lot of our music. The great thing about using an API from a large company like SoundCloud or Twitter is that they have already addressed the complex legal concerns associated with hosting content on their platform. These larger companies' APIs provide an important advantage to a smaller company like ours because it removes our need to establish individual licensing deals with a variety of record labels or rights holders before featuring the music and content on our app. More importantly, the SoundCloud API provides us with access to a giant database of excellent music, as well as useful data points from the company's users.

When deciding whether a particular API is right for your needs, you should consider the following questions:

1. What are the requirements of a company's API terms of use and privacy policy?

2. What types of access and permissions does the company provide?

3. Are there any risks associated with using the API? What are they?

Every company's treatment of an API is different. Some companies charge for access to their API, while others don't. Some companies require a reference to their brand before using their API, while others allow it to be used without mention. Be sure to carefully review the terms of use and privacy policy requirements before integrating any API into your app or platform. The data and content hosted within the API is the property of the company, and they retain the right to revoke access if the privilege is abused. Every company has different requirements and stipulations so do your research and understand what each company requires for API use, and how the API affects licensing rights.

Make sure a company's API permissions fit the needs of your product or service. For example, Hive just needed an API that enabled us to stream music to our users, while also allowing us to take advantage of established licensing rights. SoundCloud offered a bonus of valuable consumer data.

Moreover, every company that offers an API will also include documentation on the API's offerings and limitations. When we first launched Hive, we encountered a problem when using Twitter's API. We wanted to provide users with the ability to automatically generate and send tweets to artists found on our app, but quickly learned that this function was a breach of Twitter's API terms of use policy. Upon rereading their guidelines, we found that Twitter reserves the right to block users who "spam" their platform, and Twitter considered an automated tweet that tags a user without their permission spam. Twitter ultimately revoked our access to their API until we resolved the issue, but after research and negotiation, we proposed a simple, acceptable solution. We suggested showing our users a full draft of the proposed tweet, giving them the ability to edit and personalize it, and requiring them to send the tweet themselves, removing the automated elements of the process. Thankfully Twitter approved, and we were once again granted access to their API.

In most cases, companies set up APIs to encourage individuals and companies to use their content in creative ways because it ultimately adds value to their product or service. But in some cases, the API data may be proprietary, or some functions restricted, to protect their product or service. In our example, Twitter sought to protect the integrity of its platform by limiting the functions of their API and restricting the potential for unauthorized, "spam" tweets to degrade the quality of their platform. Other APIs may limit the type or amount of data to which you have access, particularly if the company generates revenue from specific content and data points.

While APIs present many benefits, they also present risks. If you become dependent on a single API, you run the risk of the company shutting down, or their decision to remove access to their API, and ultimately taking you with it. That said, it may be worth the risk if you are only using the API as a proof of concept, or if you have a good relationship with the company. Hive mitigated the risk of a single API by integrating multiple APIs into our platform. We included the Spotify and BandCamp APIs to grow our music library, and also ensure that if one API closed, we would remain in business.

In our experience, we benefited greatly from the utility provided by APIs, as opposed to licensing directly with content owners. APIs have allowed us to increase the availability of our products quickly and inexpensively while creating a valuable product for our customers. As Hive grows, our relationship with APIs might change, but they provided a vital resource in the development of our business.

The Dos and Don'ts of Licensing

DO seek legal counsel if you encounter any intellectual property questions or concerns.

DO pursue avenues to protect your intellectual property in every country and jurisdiction in which your app is available before a problem arises.

DO assume that if you didn't create it, someone else did. Always check a work's ownership before you use it.

DO explore your options for less expensive or restrictive licensing options before you make a final decision.

DO appropriately leverage the "fair use" exception to copyright law, especially if you do not have a license or express permission. Do always consider:

> 1) The purpose of use. Is the content being used for commercial use? Educational purposes?
>
> 2) The length and sustainability of the content being used. How long is the music or video clip? If the content is being used for educational purposes, how long will the content be a part of the curriculum?
>
> 3) Your impact on the content. How will your app or product affect the market opportunities for the content? Will your product hinder the distribution of the artwork, or future book, record, or film sales?

DO extensively research the intellectual property you wish to license. Google Trends and Bloomberg are great resources to understand the strength and popularity of a desired brand.

DO ensure the brand you license matches the genre of your app. Licensing the use of an American football team for a European audience may not bring the most desired benefits.

DO decide whether you want exclusive rights to the intellectual property before entering licensing talks.

- Pro: If you seek exclusive rights, no one will be able to license the same content, potentially giving you a market advantage.

- Con: Exclusive licenses cost significantly more than their unrestricted counterparts.

DO talk with companies that have licensed with your desired brand to hear their experiences and advice. If a license holder is notoriously difficult to work with, you may decide that the brand isn't right for you.

DO know and utilize your resources. The USPTO's database of trademarks and patents, the database of the U.S. Copyright Office, App Annie, and others help determine what kind of access you need to lawfully use someone's intellectual property.

DO thoroughly review the terms of your license. Understanding your licensing terms will ensure you are using the intellectual property within its legal license parameters.

DO understand the meaning of non-commercial licenses. This refers to content not primarily intended for business advantage or monetary compensation, but the parameters are intentionally broad to cover a variety of situations. These are important questions to consider:

- Does the use of the content help you make money?

- Does the use of the content generate promotional value for your game or app?

- Is the use of the content supported by advertising?

- Will use of the content have an impact on the market or a competitor?

If the answer is yes, consider alternative content for your app. Even if your product is free, or developed for a private company, it may have commercial implications that prohibit non-commercial use. You can learn more here.

DO confirm whether your granted license is global or restricted to a specific region. If your license is region-specific, ensure it's a market where your app has the potential to thrive.

DO ensure those on your team who oversee the execution of the licensing contract are as familiar with the contract as the individuals who negotiated it.

DON'T wait to protect your intellectual property. One ounce of prevention is worth many pounds of cure.

DON'T be afraid to seek professional and unbiased legal guidance on intellectual property questions and controversies. It never hurts to get a professional opinion; it's worth the money.

DO be willing to compromise. The intellectual property holder from which you license has the same goals of a mutually beneficial partnership. Approach the process with an understanding that both parties want a fair deal, and each will have to give and take.

DO remember to incorporate your licensor's approval process into the development timeline for your app. Some approval processes may take days, others take months.

DON'T, by any means, sell your app in illegal or unauthorized channels to meet royalty requirements. It's a lose-lose situation.

DO secure documentation as proof of your right to license a piece of intellectual property. Most app platforms will ask to review your documentation before your app can be sold in their store.

DO establish ground rules and expectations with your licensing partner. It should not be assumed that your licensing partner will always be available once your partnership is secure. Set expectation for how frequently you will be in contact, or they are willing to collaborate on marketing efforts.

DON'T provide functionalities that enable users to access sites or services that host illegal or unauthorized content. It's the golden rule: protect the intellectual property of others as you would like yours to be protected.

What To Do If It Happens to You?

How to Deal with IP Infringement

You've done everything right. You've heeded all of our advice to properly protect your intellectual property. You've considered the best licensing partner, licensed content through the appropriate channels, and followed the rules about when and how to use the licensed content. But still, bad actors exist, and they're waiting to pirate your content.

Stay on your guard, and be wary of these four key ways a pirate will attempt to steal your app content:

1) Copy the App: A pirate will completely replicate your app but remove the digital rights management (DRM) component, enabling them to publish a copy of your app on illegitimate websites, or even legitimate app stores.

2) Extract the Content: A pirate will steal content from your app—sounds, animations, characters, video, and the like—and repurpose it elsewhere or within their own app.

3) Disable the Locks or Advertising Keys: A pirate will change advertising keys to redirect ad revenue from your business to theirs. In other instances, they will remove locked functions, like in-app purchases.

4) "Brand-Jack" the App: A pirate will inject malicious code into an app that collects users' private information and republishes a copy of the app. The republished app looks and functions like the original—often using the same name, logo, or graphics – luring customers who trust the brand into downloading the counterfeit app and ultimately putting their sensitive information at risk.

Steps To Protect Your IP

These threats are real, but you can protect your app, your content, and your customers. Here's how:

Step 1) Understand and Follow App Store Procedures: Most app stores and online service providers have a "notice and takedown" procedure to address intellectual property infringement or copyright abuse in apps. To quickly and efficiently combat piracy and infractions, understand the "notice and takedown" procedure for each app store and platform on which you host your app.

Familiarize yourself with the procedures for these popular platforms:

Apple App Store: http://www.apple.com/legal/internet-services/itunes/appstorenotices/

Google Play (copyright): https://support.google.com/legal/troubleshooter/1114905?rd=1

Google Play (trademark): https://support.google.com/legal/contact/lr_trademark?product=googleplay

Amazon: https://www.amazon.com/gp/help/reports/infringement

Step 2) Register Your Copyright or Trademark: It is true that you gain certain copyright and trademark rights even without registering your intellectual property. However, the only way to fully preserve your rights is to register your intellectual property in each country and jurisdiction in which you do business.

Step 3) Pursue Legal Options: Despite diligent registration and protection of intellectual property, your content can still be infringed upon. In these cases, it may make the most sense to hire an attorney, particularly if the damages are large enough to justify the legal costs. An attorney can help represent and maintain your legal rights, in addition to sending cease-and-desist letters and initiating legal proceedings.

I've Decided to License Content. What Do I Do Now?

Licensing content for your app has many benefits, but understanding the different licensing types and finding usable and inexpensive content can be a challenge. Before you license content, be sure you understand the terms and parameters for its use.

Licensing Terms and Use

Creative Commons (CC): The CC enables the free distribution of a copyrighted work. The CC license gives the author flexibility and protects people who use or distribute an authors work from copyright infringement concerns if they abide by the conditions specified in the license.

BY (Attribution): In order to use this content, the license must be attributed to the source. To use this content, licensees may copy, distribute, display, and perform the work—and even derive other works from it—only if they give the licensor the appropriate credit or attribution as specified by the context of use.

SA (Share-Alike): Under this licensing agreement, licensees may distribute work derived from licensed content under a license identical to that posed on the original work.

NC (Non-Commercial): Under this license agreement, licensees may copy, distribute, display, and perform the content—and even derive other works from it—for non-commercial purposes only. Non-commercial works refer to those not intended for, or directed towards, commercial use or monetary compensation.

ND (No Derivative): Under this license agreement, licensees may copy, distribute, display, and perform verbatim copies of the work, not derivative works based on it.

The above license types may be combined to ensure the licensee uses the content within the appropriate scope of the license. Combinations include:

BY - NC: To license this content, it must be attributed to the source and used for non-commercial purposes.

BY - SA: To license this content, it must be attributed to the source, and any new material derived from the original content must also be attributed to the original source.

BY - ND: To license this content, it must be attributed to the source, but the content may not be modified in any way.

BY - NC - SA: To license this content, it must be attributed to the source, used for non-commercial purposes, and any new material derived from the original content must also be attributed to the original source.

BY – NC - ND: To license this content, it must be attributed to the source, used for non-commercial purposes, and may not be modified in any way.

Now you know how specific licensing terms and how to adhere to their requirements. Whether you're searching for images, audio and music, video, or text and publications, here are some tips on what to look for and how to find it.

Images

Based on your needs, you can search for several different image types, ranging from free, to a one-time fee, to subscription-based.

The *Creative Commons (CC)* was created to give artists a legal way to easily share their work, for free, with attribution. Most search engines like Google, Flickr, or Bing have an option to filter CC licensed images available for re-use. Typically, the filter is titled "commercial use allowed," "labeled for re-use with modification," or "free to modify, share, and use."

As their name suggests, *public images* are available to the public. These images are usually free, or paid for by tax dollars, via outlets like NASA or the BBC.

Alternatively, *stock images* can be procured for a fee and can usually be found on websites that serve as warehouses for a large volume of professional photographs. Many stock images offer the capability to choose specific metrics for your photo, including size and pixel count.

Here are some resources to find and license images:

Creative Commons
http://creativecommons.org/
Content: General
Media: Image, Music, Video, Text
License Type: All

Flikr
https://www.flickr.com/
Content: General
Media: Image
License Type: CC, BY, BY-ND, BY-NC

Bing
https://bing.com/
Content: General
Media: Image, Video
License Type: CC, BY, BY-ND, BY-SA, BY-NC

Google
www.google.com/
Content: General
Media: Image, Video
License Type: CC, BY, BY-NC, BY-ND

Europeana
http://www.europeana.eu/portal/
Content: General
Media: Image, Text, Video, Music
License Type: CC

DreamsTimes
http://www.dreamstime.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

Internet Archives
https://archive.org/
Content: General
Media: Video, Audio, Image
License Type: CC, BY-SA, BY-NC, BY-NC-SA,

FreeBase
http://www.freebase.com//
Content: General
Media: Image, Video, Music
License Type: BY

500PX
https://500px.com/
Content: General
Media: Image
License Type: BY, BY-SA, BY-ND, BY-NC, BY-SA-NC, BY-NC-ND

Pexels
https://www.pexels.com/
Content: General
Media: Image
License Type: CC
License Type: BY

YAY Images
https://www.yayimages.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

iStockPhoto
http://www.istockphoto.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

Open ClipArt
https://openclipart.org/
Content: General
Media: Image
License Type: CC

Photos8
http://photos8.com/
Content: General
Media: Image
License Type: BY

Wylio
https://www.wylio.com/
Content: General
Media: Image License Type: CC, BY

PliXS
https://plixs.com/
Content: General
Media: Image, Video
License Type: CC

123RF
http://www.123rf.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

Pond5
http://www.pond5.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

WorldClips
http://worldclips.tv
Content: General
Media: Video, Image
License Type: Paid Subscription

NASA
https://www.nasa.gov/
Content: Space/Public
Media: Image, Video, Music
License Type: CC

ShutterStock
http://www.shutterstock.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

MorgueFile
http://www.morguefile.com/archive/
Content: General
Media: Image
License Type: CC

Unsplash
https://unsplash.com/
Content: General
Media: Image
License Type: CC

Audio and Music

You can license audio and music for your app several ways. Your options can range anywhere between hiring a composer or licensing a specific song. The more flexible you can be about your content requirements, the less expensive the cost of licensing may be. Here are a few of the most popular options:

Similar to Google or Flikr, *music search sites* will allow you to search for music and filter by license type. While some sites may include free sound clips and songs, music search sites typically charge a small fee.

If you are interested in publicly recorded music, speeches, or audio, *public audio* recordings may be the ticket. Sample content can include government-produced audio recordings like famous speeches or presidential addresses. A majority of the content can be used for free, though some recordings have specific parameters around how, and in what context, the audio can be used.

If you are interested in more personalized content, you may wish to hire or license directly from a composer, request a license to cover a song, or license a specific song. You can go about this music content in a few ways:

If you want a specific sound or song, you can *license directly from an artist.* Crunch Digital is a great resource to help you navigate the complex waters of digital content licensing. The service connects app developers with record labels and music publishers to facilitate licensing relationships and royalty reporting. Of the music licensing options, this is the most expensive and time consuming, but it can be worthwhile if you need a specific piece.

If you have your heart set on a particular song, but the cost of licensing exceeds your budget, and you can't find a suitable alternative, a *cover license* may be your best bet. Obtaining a cover license is less expensive than licensing an original song, but there are additional costs associated with coordinating with the original songwriter and hiring musicians to perform the cover. A cover license provides a less complex, more cost-effective solution to obtain a specific song.

Hiring a composer is easier than you might think. Begin the process by searching composer reels on YouTube, Vimeo, Fiverr, or other music databases. These sites host content from hundreds of talented composers, who may be willing to negotiate a fair price to partner and create audio and music for your app.

There are a few websites that allow you to *license directly from a composer* for free or inexpensively. This content is usually pre-composed and does not offer the flexibility to alter or change the music. These websites are particularly helpful if you are interested in more classical-style pieces.

Here are a few of the top resources to find and license audio and music:

Europeana
http://www.europeana.eu/portal/
Content: General
Media: Audio, Image, Video, Text, License Type: CC

Jamendo
https://www.jamendo.com/en
Content: General
Media: Audio/Music
License Type: Paid Subscription

Easy Song Licensing
www.easysonglicensing.com/
Content: General
Media: Music
License Type: Cover License

Internet Archives
https://archive.org/
Content: General
Media: Audio, Image, Video
License Type: CC, BY-SA, BY-NC, BY-NC-SA

Free Music Archive
http://www.freemusicarchive.org
Content: General
Media: Audio/Music
License Type: CC

MusOpen
https://musopen.org
Content: General
Media: Audio/Music
License Types: CC

NASA
https://www.nasa.gov/
Content: Space/Public
Media: Audio, Image, Video
License Types: CC

FreeBase
http://www.freebase.com//
Content: General
Media: Audio, Image, Video
License Type: BY

Google
www.google.com/
Content: General
Media: Audio, Image, Video
License Type: CC, BY, BY-NC, BY-ND

OP Sound
http://opsound.org
Content: General
Media: Audio/Music
License Type: CC, BY-SA

Fiverr
https://www.fiverr.com
Content: General
Media: Music
License Type: Paid Subscription

YouTube
https://www.youtube.com
Content: General
Media: Audio/Music, Video
License Type: CC, BY, BY-NC, BY-ND

IncompeTech
www.incompetech.com/
Content: General
Media: Music
License Type: CC, Paid Subscription

CrunchDigital
https://www.crunchdigital.com
Content: General
Media: Audio/Music
License Types: License

CC Mixter
http://ccmixter.org/view/media/home
Content: General
Media: Audio/Music
License Types: All

SoundCloud
https://soundcloud.com/
Content: General
Media: Audio/Music
License Type: BY, BY-ND

Vimeo
https://vimeo.com
Content: General
Media: Audio/Music, Video
License Type: CC, BY, BY-NC, BY-ND

FreeLoops
http://free-loops.com/
Content: Sounds
Media: Audio
License Type: CC

Video

Licensing video content for free or a low price may sometimes be challenging because the market and databases are less established than those for images and audio. Still, there are a few key ways to find and/or create the right video content for your app:

As with images and music, video content can often be found on *search engines* Vimeo and Google. Remember to use the appropriate filter to search for videos with the appropriate licenses.

Several websites offer *free videos for public use*, and the content can include historical footage, news clips, or other general content. This content has specific usage guidelines and typically must be attributed to the source, cannot be modified, or implemented for non-commercial use.

Stock Video: Similar to their image counterparts, *stock videos* can easily be found on websites like iStockphoto and Pond5 for a small fee or subscription.

It is not uncommon, and is often cost effective, to hire a videographer to *develop original content*. Over the years, filmmaking has become more accessible, and it's easier to generate the footage you need. Vimeo is a good place to search cinematography reels to identify a filmmaker with whom you can partner to create content for your app.

You can always go straight to the source if you wish to *license a particular video*. It is typically easier to license news content than commercial film or television content, but the avenues do exist. The best way to gather this content is to connect with the studio or network directly.

Here are some resources to find and license video:

Creative Commons
http://creativecommons.org/
Content: General
Media: Image, Music, Video, Text
License Type: All

Wikipedia
https://commons.wikimedia.org/wiki/Category:Videos
Content: General
Media: Video
License Type: All

Europeana
http://www.europeana.eu/portal/
Content: General
Media: Video, Image, Audio, Text
License Type: CC

NASA
https://www.nasa.gov/
Content: Space/Public
Media: Video, Image, Audio
License Types: CC

PliXS
https://plixs.com/
Content: General
Media: Images, Video
License Type: CC

PixaBay
https://pixabay.com/en/
Content: General
Media: Video
License Type: CC

Bing
https://bing.com/
Content: General
Media: Video, Image
License Types: CC, BY, BY-ND, BY-SA, BY-NC

Pond5
http://www.pond5.com
Content: General
Media: Video, Image
License Types: CC, BY, Paid Subscription

YouTube
https://www.youtube.com
Content: General
Media: Audio/Music, Video
License Type: CC, BY, BY-NC, BY-ND

Vimeo
https://vimeo.com
Content: General
Media: Audio/Music, Video
License Type: CC, BY, BY-NC, BY-ND

Google
www.google.com/
Content: General
Media: Audio, Image, Video
License Type: CC, BY, BY-NC, BY-ND

Internet Archives
https://archive.org/
Content: General
Media: Audio, Image, Video
License Type: CC, BY-SA, BY-NC, BY-NC-SA

FreeBase
http://www.freebase.com//
Content: General
Media: Audio, Image, Video
License Type: BY

XStock Video
www.xstockvideo.com/
Content: General
Media: Video
License Types: BY-NC, Paid Subscription

WorldClips
http://worldclips.tv
Content: General
Media: Video, Image
License Type: Paid Subscription

iStockPhoto
http://www.istockphoto.com
Content: General
Media: Image
License Type: Paid Subscription, CC, BY

Text and Publications

If you are interested in licensing copyrighted text and publications, citations are key. If you are unable to license an entire publication, you may cite a portion of the work. Websites like BibMe, Citation Machine, and Cornell University provide an overview of different citation styles and can help create proper citations for your work. Here are few of the most popular avenues to license copyrighted text and publications.

The ***Copyright Clearance Center (CCC)*** offers a variety of copyright licenses to access published materials. Their pay-per-use permission model enables app developers to connect with publishers to negotiate a license. The CCC can be accessed here: https://www.copyright.com.

A plethora of novels, stories, characters, and text exist in the ***public domain***. Search engines and the Creative Commons can help you narrow your search and find content to license.

If you are unable to find a specific publication at the CCC, the rights to your desired content may have already been purchased by a ***popular publication*** for use in a film, novel, television show, play, or the like. You can research to identify who holds the license and contact them directly to negotiate access. Similarly, you can also conduct a trademark search on the USPTO's database to see if the content you wish to use is trademarked.

Resources

Whether you're looking for content, deciding to license someone's content, or working to license your own content, consider these important agencies.

World Intellectual Property Organization (WIPO)

WIPO is a special agency of the United Nations, established to encourage creative activity and promote intellectual property protections around the world. WIPO offers a variety of educational resources on all types of intellectual property, available here.

U.S. Patent and Trademark Office (USPTO)

The USPTO is an agency within the U.S. Department of Commerce that reviews and issues patents to inventors and businesses. USPTO also provides trademark registrations and intellectual property identification for products. The website is available here.

U.S. Copyright Office

The U.S. Copyright Office is a federal department within the Library of Congress. The Office is responsible for administering a complex and dynamic set of laws related to copyrights, including registration, maintaining records for titles and licenses, implementing statutory licensing provisions, and upholding other aspects of the 1976 Copyright Act and the 1998 Digital Millennium Copyright Act. The website is available here.

Copyright Clearance Center (CCC)

The CCC is a Massachusetts-based company dedicated to enabling people to access, utilize, and share content worldwide while protecting the interests of creators, publishers, and other copyright holders. Their website is available here.

Glossary

BY (Attribution): In order to use this content, the license must be attributed to the source. To use this content, licensees may copy, distribute, display, and perform the work— and even derive other works from it— only if they give the licensor the appropriate credit or attribution as specified by the context of use.

Copyright: Copyrights protect original literary works, musical works, pictorial and graphic works, motion pictures, and sound recordings. Copyrights do not, however, protect ideas, procedures, or concepts. In the context of app development, code, characters, graphics, photos, videos, and embedded sound files are all considered copyrighted works.

Copyright Clearance Center (CCC): The CCC is a Massachusetts-based company dedicated to helping people access and utilize content worldwide, while protecting the rights of creators, publishers, and other copyright holders. Learn more here.

Counterfeit: The act of making an exact replica of something, including a software application, with the intention to deceive or defraud.

Creative Commons (CC): The CC enables the free distribution of a copyrighted work. The CC license gives the author flexibility and protects people who use or distribute an authors work from copyright infringement concerns if they abide by the conditions specified in the license.

Creative Commons Zero (CC0): The CC0 provides free content for the public domain without restrictions. Before content is offered to via the CC0, the content owner must waive all of his or her copyright and related rights, to the fullest extent permitted by law, and provide the content to the public domain.

Digital Rights Management (DRM): DRM refers to various access control technologies that are used to restrict what you can and can't do with the media and hardware you've purchased.

Express Authorization: Express authorization signifies distinctly-stated permission granted by the license holder to the licensee, via oral or written word.

Fair Use: Fair use is a legal doctrine that permits limited use of copyrighted material, without requiring express permission from the license holder. The fair use doctrine can be seen in the United States in commentary, search engine results, criticism, parody, news reports, research, and teaching.

Infringement: The act of breaking the terms of a law, agreement, or license.

Glossary

Intellectual Property (IP): According to the World Intellectual Property Office (WIPO), intellectual property refers to creations of the mind, such as inventions, literary and artistic works, designs, and symbols, names, and images used in commerce. Intellectual property also pertains to the content created for apps, like characters, names, designs, text, and music.

NC (Non-Commercial): Under this license agreement, licensees may copy, distribute, display, and perform the content—and even derive other works from it—for non-commercial purposes only. Non-commercial works refer to those not intended for or directed towards commercial use or monetary compensation.

ND (No Derivative): Under this license agreement, licensees may copy, distribute, display, and perform verbatim copies of the work, not derivative works based on it.

Patents: Patents are exclusive property rights granted by a government to an inventor to manufacture, use, or sell an invention for a certain period of time in exchange for public disclosure of the invention when the rights are granted. Patents are granted to inventions, including software, as long as it is a novel, nonobvious, and useful process. Patents can be awarded for machines, articles of manufacture—including ornamental designs of articles of manufacture like graphical user interfaces (GUIs)—or improvements made to any of them. By and large, patents will not be granted for physical phenomena, abstract ideas, non-useful inventions, or artistic works (which are protected by copyrights). For more information about patents and how to apply for them, visit http://www.uspto.gov.

Piracy: Piracy refers to the unauthorized duplication of copyrighted content that is re-packaged and re-sold at substantially lower prices.

Public Domain: The public domain refers to work available to the public, and include content for which intellectual property rights have expired, been forfeited, or are inapplicable. Examples include the works of Shakespeare, the music of Beethoven, and the formulae of Newtonian physics. In general, works published after 1977 will not enter the public domain until 70 years after the death of the author. For corporate works, anonymous works, or works for hire, works will not enter the public domain until 95 years from the date of publication, or 120 years from the date of creation, whichever expires first.

SA (Share-Alike): Under this licensing agreement, licensees may distribute work derived from licensed content under a license identical to that posed on the original work.

Scope: When referencing a license, the scope provides a definitive outline of how, and for what purpose, the licensee may use protected content.

Glossary

Trademark: A trademark is a recognizable sign, design, or expression which can be used to dentify or differentiate products from a particular source from others. A trademark may be located on a package, label, voucher, or the product itself and is typically notated by the registered trademark logo "®." Trademark law also protects a product's trade dress.

Trade Dress: A trade dress refers to the overall visual appearance and characteristics of a product or its packaging that signify the source of the product to consumers.

Trademark Electronic Search System (TESS): TESS is a search engine run by the USPTO that enables users to search their database of registered trademarks. Learn more here.

U.S. Patent and Trademark Office (USPTO): The USPTO is an agency within the U.S. Department of Commerce that reviews and issues patents to inventors and businesses. The Office also provides trademark registrations and intellectual property identification for products. Learn more here.