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Technological Advancements Could Automate Advertisers' Requests to Use Licensed Music

By Anne Felicitas

Video is an attention magnet, holding gazes five times longer than images on Facebook and Instagram. It's no wonder Facebook aggressively pushes for more video on its platform, launching Facebook Stories and Watch, a tab dedicated to episodic videos.



Recently, Facebook again moved to increase video content by signing licensing deals with two major music publishers, Universal Music Group (UMG) and Sony/ATV. The deals, according to numerous news reports, allow users to upload videos to Facebook, Instagram, and Oculus with music from UMG and Sony/ATV, the latter providing more than three million licensed songs.



Joe Bogdan
Culhane Meadows

Although the deals apply to Facebook users, they don't apply to advertisers that run video ads on Facebook's platform. According to [Joe Bogdan](#), a partner at [Culhane Meadows](#) with more than 20 years of experience in music copyright law, working with clients as big as Live Nation and Capitol Records, because an approval process must occur between the owners of the music and the advertisers, the deal only covers videos for non-commercial purposes.

"It may be the case that the Universal Music license will only be for non-commercial purposes. If advertisers want to use music, they still have to gather those rights as they do now, as they had historically. If Universal granted the global license to Facebook for advertising purposes, I could see a situation where the owners ultimately wind up unhappy with the product they see attached to their music because the approval process could be gone."

However, Bogdan sees a future when advertisers could use music licensed by Facebook’s music publishing partners—but only with the right technological advancements. Bogdan envisions a feature in Facebook’s Ads Manager that allows advertisers, during the ad creation process, to request the use of a song. That request will then be automatically sent to the music owners who can approve or disapprove the request.

“I could see a point where the technology gets to the right place where, at least, the process could be automated through Facebook. It can all be automated to happen quickly.”

The future Bogdan envisions is not so improbable. Last year, Facebook launched category blocking and block lists, allowing advertisers to control which content their ads can appear alongside of. Facebook could replicate the same blocking controls for music, allowing music owners to choose which content or brands to associate their work with. Of course, that would only be one among many developments required to create an automated process between advertisers and music owners. Facebook would also need to resolve the issue of royalties, for example.

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Advertisers can block certain content by using Facebook’s category blocking list

Although this automated process is probable, it’s a probability that is still years down the road.

“I doubt that Facebook is currently even contemplating setting up a system like that,” said Bogden. “In the short term, I think it’s not gonna happen, but in the long term, it probably will.”

Still, advertisers’ ability to easily use licensed songs through Facebook will change the advertising game. It will allow advertisers to have more creative freedom with their ads,

no longer limited to the lesser-known, generic music available to them, and allow smaller brands to use a resource they otherwise could not afford.

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