

MUSIC LICENSING ON SOCIAL MEDIA

# WHEN "FREE" ISN'T FREE

Understanding why the music in Instagram's and TikTok's libraries is not licensed for brands, businesses, or influencer content to use — and what the correct path to compliance looks like.

---

Sync Valuations (a [Ringo](#) company) — [syncvaluations.com](https://syncvaluations.com)

Author: [Nicholas van den Doel](#)

Informational only. Does not constitute legal advice. Key factual claims are sourced. Internal estimates and practical interpretations are marked as such.

INSTAGRAM

TIKTOK

META

# THE SHORT VERSION

Music can appear to be freely available inside Instagram and TikTok. A user taps a track, adds it to a video, and posts it without friction. For personal, non-commercial content, that workflow often matches the platform's intended use case.<sup>[1][2]</sup>

The legal position changes when the content is commercial. Brands, businesses, and influencers creating content for commercial purposes should not assume that music available in a platform's general library is cleared for that use — regardless of whether the post is paid, promoted, or entirely organic. TikTok states that when content promotes a brand, product, or service, it recommends using music from the Commercial Music Library, and that music outside the CML does not cover commercial use.<sup>[2][3]</sup>

*This paper is addressed to two audiences. For brands, businesses, and creators, it explains where commercial music licensing begins and where platform permissions end — and what the consequences of getting it wrong look like. For artists, songwriters, publishers, and rights holders, it explains how the gap between platform availability and commercial clearance is routinely exploited, and what that means for the value of their rights.*

**The core issue in one sentence:** A platform making music available for personal use is not the same as that music being cleared for advertising, sponsored posts, or branded campaigns. Brand, business, or other commercial use — including unpaid organic posts — may require separate synchronisation and master-use clearance.

**Important:** “Commercial use” does not only mean a traditional advertisement or a paid media campaign. For brands, businesses, and influencers, even an organic post can have a promotional purpose.

A restaurant posting a behind-the-scenes kitchen video, a fashion brand posting a team dance, a hotel posting a mood reel, or a company posting employees celebrating a milestone may all be part of brand communication. If copyrighted music is added without the appropriate clearance, the fact that the post feels casual, funny, or informal does not automatically make it personal use.

The relevant question is not whether the content looks like a traditional commercial. The relevant question is whether the music is being used by, for, or in connection with a brand, business, product, service, institution, campaign, or commercial identity.

The safest approach is to use the platform's commercial-use library when available, or obtain the appropriate rights directly from the rights holders. For a specific song in a commercial video, that generally means clearing both the synchronisation right and the master recording right.<sup>[4][5][6]</sup>

## CONTENTS

- 01 Why Confusion Happens

---

- 02 How Music Gets Licensed

---

- 03 The Rights That Matter

---

- 04 Account Types: The Invisible Line

---

- 05 Instagram and Meta: Platform Details

---

- 06 TikTok: Platform Details

---

- 07 Influencer Campaigns

---

- 08 Cross-Platform Reuse

---

- 09 What Proper Clearance Looks Like

---

- 10 Consequences of Copyright Claims

---

- 11 Compliance Checklist

---

- 12 Sources

---

# WHY CONFUSION HAPPENS

The confusion is understandable because the user experience looks the same whether the poster is an individual or a brand. The music search interface may look identical in both cases, and the platform may not present a clear warning at the moment the track is added. That creates a natural but legally incorrect assumption: if the music is in the app, it must be safe to use for any purpose. The responsibility for ensuring music is properly cleared for commercial use rests with the brand or business using it, not the platform.<sup>[2][3]</sup>

That assumption is too broad. A platform can make music available under one set of terms for personal use and a different set of terms for commercial use. The existence of a track inside the app does not, by itself, determine what rights apply to a specific campaign or account type.<sup>[2][3]</sup>

## THE ASSUMPTION PROBLEM

For commercial entities — brands, businesses, agencies, and the professionals advising them — the standard of care is different from that of a personal user. Commercial use of copyrighted material carries a due diligence obligation. Understanding the scope of any license before relying on it is not optional. In copyright law, mistaken belief as to whether a use is licensed is not a recognised defence.

**Scale of the problem:** Based on Sync Valuations' internal modelling, we believe there is a substantial enforcement gap in commercial music use on social media. In simple terms: far more commercial music use appears to be happening than is being formally licensed, claimed, or enforced. Because only a small fraction of potentially unlicensed uses result in formal claims, many brands assume the practice is accepted or low-risk. That is a dangerous assumption. The absence of enforcement does not mean permission has been granted; it often only means the use has not yet been detected, prioritised, or pursued.

## WHEN PERSONAL BECOMES COMMERCIAL

The problem becomes most serious in paid media, sponsored posts, influencer partnerships, and boosted organic content. In those settings, the content is no longer personal expression — it is marketing. That change in purpose matters for licensing.<sup>[3][2]</sup>

## COMMERCIAL USE IS BROADER THAN PAID ADVERTISING

A common misunderstanding is that music clearance is only required when a brand produces a formal advertisement: a scripted commercial, a paid social campaign, or a polished brand film. That is too narrow.

On social media, brand communication often looks informal. A company may post a funny employee dance, a behind-the-scenes office video, a founder update, an event recap, a restaurant kitchen clip, or a retail-store mood reel. These posts may not look like traditional advertising, but they still serve a commercial or organisational purpose: they promote the brand, build goodwill, attract customers, increase visibility, or support the public identity of the business.

For that reason, the legal and licensing question is not simply whether there was paid media spend. Paid spend is a strong indicator of advertising use, but it is not the only one. Organic posts by brands and commercial entities may also require commercial clearance when copyrighted music is synchronised with video content, unless the use is covered by a platform commercial library or a separate licence.

In practical terms: if the post is made by or for a brand, business, institution, influencer partnership, or other commercial entity, it should not be treated as personal music use merely because it is casual, humorous, or unpaid.

**Plain language:** A brand does not need to be “running an ad” for music use to be commercial. If a business uses music in a social post to present, promote, humanise, or market itself, that use may require proper music clearance.

## EVERYONE ELSE IS DOING IT

When millions of brand accounts and sponsored posts use copyrighted music without visible immediate consequence, it can create the impression that the practice is acceptable. It is not. The absence of enforcement is not permission, and it does not retroactively license anything. Rights holders are aware of the scale of infringement. Rights holders are actively enforcing claims, and some recent disputes show that exposure can be significant.

# HOW MUSIC GETS LICENSED

Understanding why commercial use is not automatically covered requires understanding how music enters social platforms. There are three broad paths. The first creates the confusion. The second and third are where solutions lie.

## 01

### PLATFORM AGREEMENTS

Platforms license music from labels, distributors, publishers, and collecting societies so users can add tracks inside the product experience. These licenses can be real and valid while still being limited in scope. TikTok's guidance makes that limitation explicit by separating general music access from music cleared for commercial use.<sup>[2][3]</sup>

x DOES NOT COVER  
COMMERCIAL USE

## 02

### COMMERCIAL LIBRARIES

Some platforms provide a separate library for branded or commercial use. TikTok's Commercial Music Library and Meta's Sound Collection are designed specifically for business content. Using these is the safer default when a brand wants to stay within platform-native music options.<sup>[2][1]</sup>

✓ SAFE FOR COMMERCIAL  
USE ON THAT PLATFORM

## 03

### DIRECT CLEARANCE

When a brand wants to use a specific song outside a platform's cleared library, it needs direct permission from the relevant rights holders — the owner of the composition and the owner of the recording.<sup>[5][6][4]</sup>

✓ SAFE WHEN BOTH RIGHTS  
ARE OBTAINED

**The core dynamic:** General platform library music is licensed for personal, non-commercial use. When a brand uses that music commercially, it steps outside all licensing arrangements in place. Only the commercial libraries — or separately negotiated rights — provide the clearance a commercial campaign actually needs.

## HOW MUSIC GETS ONTO PLATFORMS LIKE INSTAGRAM AND TIKTOK

Music usually reaches social platforms through the same wider digital supply chain used for streaming services. Labels, distributors, and artist-facing DSP delivery services deliver recordings and metadata to platforms such as Spotify, Apple Music, YouTube, Instagram,

and TikTok. For independent artists, this often happens through distributors such as DistroKid, TuneCore, CD Baby, Believe, FUGA, The Orchard, or similar delivery partners.

When an artist or label distributes a track, they may opt in to social-platform delivery. This can make the track available inside Instagram's or TikTok's music environment, depending on the platform, account type, territory, and applicable rights arrangements. In other words, the song may appear in the platform's music library because it has been delivered and made available through a legitimate distribution and licensing route.

However, availability in the platform library does not mean the track is cleared for every possible use. The delivery of a track to Instagram or TikTok generally supports platform-level availability, user-generated content, and royalty reporting. It does not automatically grant brands, businesses, or influencers permission to use that track in advertising, paid partnerships, boosted posts, or other commercial audiovisual campaigns.

This is similar to Spotify in one important respect: a track being available on Spotify means users can stream it within Spotify's licensed environment. It does not mean a brand can take that same track and use it in an advertisement. The same logic applies to Instagram and TikTok. Platform availability is not the same as campaign clearance.

## SECTION 03

---

# THE RIGHTS THAT MATTER

Commercial music clearance is easiest to understand when broken into two separate rights. Both are required for most commercial video use cases, and clearing one does not automatically clear the other.

---

## THE TWO RIGHTS

**Publishing (composition):** Covers pairing music with visual content. The sync right is required whenever a song is used in a video, ad, reel, or branded campaign. Cleared with the music publisher.

**Master (recording):** Covers the specific recorded version of the song. If a brand wants to use the actual sound recording by a particular artist, permission is required from the owner of that recording — typically the record label.

Both need to be cleared independently. Unless a platform library or third-party licence expressly covers both, a commercial social video requires clearance for each separately.<sup>[5][6][4][7][8]</sup>

## THE ROLE OF PROS

Performing rights organisations, or PROs, collect royalties for the public performance or communication-to-the-public of musical compositions on behalf of songwriters and publishers. In the United States, organisations such as BMI, ASCAP, SESAC, and GMR perform that role; in the UK, PRS for Music; in Germany, GEMA; in the Netherlands, BUMA/STEMRA.<sup>[9][10]</sup>

In the social-media context, platforms may enter into broad licensing arrangements with PROs, CMOs, publishers, labels, and other rights holders. These arrangements can allow music to be played, streamed, or made available to users on the platform in certain contexts, and may generate small royalty payments when a track is used or viewed. In practical terms, this is somewhat similar to what happens when a user streams a song on Spotify: the use may generate a royalty payment through the relevant royalty chain. But that payment relates to the music being played or made available on the platform. It is not the same as permission for a brand to attach the track to a commercial video campaign.

That type of platform-level music licence is not the same as a synchronisation licence. Performance and communication rights generally relate to the music being played, streamed, or made available to an audience. Synchronisation licensing covers a different right: the right to combine music with visual content, such as ads, branded videos, reels, and other audiovisual productions. The two rights are legally separate.<sup>[7][8][11]</sup>

For brands, this distinction is critical. Even if Instagram, TikTok, or another platform pays royalties somewhere in the chain when a track is used or viewed, that payment does not mean the brand has obtained permission to use the music in a commercial video. A small platform royalty may compensate certain rights holders for the music being played or communicated, but it does not replace the separate synchronisation and master-use clearances required for advertising, branded content, paid partnerships, boosted posts, or other promotional uses.

This is one reason social media music confusion persists. A platform may have licensing arrangements that allow a song to be played, streamed, or used in certain user-generated contexts, but that does not mean the song is cleared for commercial audiovisual use. For brands, the key question is not whether the platform pays royalties somewhere in the chain, but whether the specific use is licensed for the specific campaign.

**Plain language:** A platform royalty is a payment for the music being played, streamed, or made available. A synchronisation licence is permission to attach that music to a video campaign. Having one does not grant the other. Platform-level royalty payments do not substitute for synchronisation clearance in a commercial campaign.<sup>[7][8][11]</sup>

SECTION 04

---

## ACCOUNT TYPES: THE INVISIBLE LINE

Both Instagram and TikTok structure music access around account types. Different account types have different music access, but access is not the same thing as clearance for every use. The key question is not just “Can I select this song?” but “Am I licensed to use it in this campaign?”<sup>[2][3][1]</sup>

### ON INSTAGRAM (META)

ACCOUNT TYPE	MUSIC LIBRARY ACCESS	COMMERCIAL USE COVERED?
<b>Personal</b>	Full licensed library	<b>No — personal non-commercial only. Sync license required for commercial posts.</b>
<b>Creator</b>	Broader than business, more restricted than personal	<b>No — sync license required for paid partnerships and promotional content.</b>
<b>Business</b>	Meta Sound Collection only (limited catalogue)	<b>Yes — if using Meta Sound Collection exclusively within the Meta ecosystem.</b>

*Note: Meta's implementation of these distinctions is not always consistent in practice. Music library access may vary by region, account history, and follower count, and account category changes do not always take effect immediately. The above reflects Meta's stated policy; actual platform behaviour may differ.*

# ON TIKTOK

ACCOUNT TYPE	MUSIC LIBRARY ACCESS	COMMERCIAL USE COVERED?
Personal / Creator	Full Sound Library — all licensed tracks including major label catalogue	No — not cleared for commercial content. CML or separate clearance required for commercial use.
Business	Commercial Music Library (CML) — 1M+ pre-cleared tracks	Yes — within TikTok's platform only, using CML tracks.

## THE ACCOUNT-SWITCHING PROBLEM

A common situation: a brand or influencer operates a personal or creator account to access the full music library, then uses that account to post commercial content — product promotions, brand partnerships, sponsored posts. The account type provides broader music access, but it is the nature of the *content* that determines whether commercial clearance is required. Posting a paid brand promotion from a personal account does not make that use personal.

## THE INSTAGRAM CATEGORY SWITCH

Instagram's account category system — which affects which music library is accessible — can be changed at any time by the account holder in profile settings. In practice, a brand or business can change its account category to one that grants broader music access, add music to content, and change back. The platform's account category setup does not itself determine whether a specific use is legally commercial.

The legal position is unchanged regardless of this technical manoeuvre. If content promotes a product or service, it is commercial use. The category label provides no legal protection.<sup>[12]</sup>

---

# INSTAGRAM AND META

## THE STANDARD MUSIC LIBRARY

Instagram's general music library is made available under Meta's platform licensing arrangements, but that availability should not be treated as blanket clearance for commercial advertising or branded content. The practical takeaway for brands is conservative: treat Meta's general music options and its business audio options as different scopes of use. If the track is not clearly covered for commercial use, do not assume it is safe.<sup>[1]</sup>

## META SOUND COLLECTION

Meta Sound Collection provides music and sounds intended for use in eligible business content and advertising within Meta's ecosystem. The available catalogue is more limited than Instagram's general music library and does not typically include current chart hits or major-label catalogue tracks.<sup>[1]</sup>

- Cleared for commercial advertising use within Meta's platforms
- No additional per-use license fees within the Meta ecosystem
- Globally cleared — no territorial restrictions within the platform
- Using eligible Sound Collection tracks within the permitted Meta use case is designed to reduce music-clearance risk within Meta's ecosystem

**What you will not find there:** Current chart music, trending tracks, or major-label catalogue hits. The Sound Collection is composed of production music, lo-fi instrumentals, and cinematic scores. If the brief calls for a specific recognisable track, the Sound Collection will not contain it — and separate sync clearance will be required.  
<sup>[11]</sup>

## BOOSTED POSTS

A common exposure point is an organic post that is later boosted with advertising spend. A post created using music from a general platform library may appear compliant when first published, particularly if it was posted as organic content. But once that post is

promoted through Meta Ads, the use becomes paid advertising and commercial promotion.

If the music was not cleared for commercial use — for example, through Meta Sound Collection or a separate sync and master-use licence — the boosted post may fall outside the scope of the original platform permission. In practice, the brand may then be using music in an advertisement without the required commercial clearance.

This is a frequently overlooked risk: the music decision is made at the organic-post stage, while the legal character of the use changes later when the post is boosted.

SECTION 06

---

# TIKTOK

## TWO LIBRARIES, TWO SCOPES

The **general Sound Library** is available to personal and creator accounts and is generally intended for personal, non-commercial use. For business or commercial content, TikTok directs users to the Commercial Music Library or to separately cleared music.<sup>[3][2]</sup>

The **Commercial Music Library (CML)** is available to business accounts and is presented as pre-cleared for commercial content within TikTok's platform. Following TikTok's July 2025 Music Terms of Service update, the CML expanded to over one million tracks, sourced primarily from emerging artists and production music houses.<sup>[2]</sup>

## TIKTOK'S RULE IN PRACTICE

TikTok's current guidance is relatively clear: if the content is commercial, use the CML unless separate rights have been obtained for another track. For original audio or outside-the-library music, TikTok requires the uploader to confirm that no copyright-protected music is included, or that the necessary licenses have been obtained.<sup>[3]</sup>

**TikTok's position (from platform guidance):** When content promotes a brand, product, or service, TikTok recommends using music from the CML. Music licensed outside the CML does not cover commercial use.<sup>[3][2]</sup>

## THE JULY 2025 UPDATE

On 25 July 2025, TikTok revised its Music Terms of Service to formalise three categories of permitted music use.<sup>[13]</sup>

- **Creator use:** Organic personal videos, covered by Sound Library access for personal accounts
- **Brand and commercial use:** Advertising and brand campaigns, restricted to the CML
- **Live streaming:** Real-time performance, governed by separate licensing terms

SECTION 07

---

## INFLUENCER CAMPAIGNS

Influencer content sits in a particularly complex position. The same creator may post both personal and sponsored videos from the same account. Account type alone does not determine the legal character of the content. A paid partnership, brand brief, affiliate promotion, or other commercial arrangement changes the licensing analysis even if the post looks similar to the creator's usual content.<sup>[2][3]</sup>

In many cases, influencers are themselves brands. An influencer account with a commercial following, monetised content, or brand partnership history is not the same as a personal account — even a post that promotes no specific product or service may still be promoting the influencer's own brand. That commercial character affects the licensing analysis regardless of whether a third party is involved.

**A practical rule:** If the creator is posting under a brand brief, affiliate arrangement, paid partnership, product placement, or other promotional relationship, treat the post as commercial. Where a creator account is itself operated as a business, additional care is needed, even if a specific post does not look like a traditional advertisement. Once the post is commercial, the music in it requires commercial-use clearance.<sup>[2][3]</sup>

### WHO IS LIABLE

Liability can attach to both the influencer and the brand. In practice, rights holders pursuing infringement claims frequently target the brand, which tends to have greater resources. Brands that do not specify music compliance requirements in their influencer

agreements are routinely exposed to claims arising from music their influencers used without authorisation.

## PRACTICAL IMPLICATIONS FOR INFLUENCER AGREEMENTS

Brands should not leave music compliance to the creator’s discretion. The safer practice is to require either platform-cleared commercial music, original music, or separately licensed music explicitly in the brief and the contract — not as an assumption.<sup>[4][2][3]</sup>

CASE REFERENCE — UNITED STATES

### SONY MUSIC V. MARRIOTT INTERNATIONAL (2024)

Sony Music Entertainment sued Marriott International in 2024, alleging that Marriott and its influencer partners had used at least 931 Sony Music songs without permission in social media advertisements and promotional content. Sony sought monetary damages and injunctive relief, and the potential statutory exposure was reported as exceeding \$139 million. The case was later dismissed with prejudice.<sup>[16]</sup>

The case illustrates the scale of exposure that can arise when a brand fails to ensure music compliance across its influencer marketing programme — even when the content was created by third-party influencers on personal accounts.

SECTION 08

---

## CROSS-PLATFORM REUSE

One of the most common mistakes is reposting the same video across multiple platforms without checking whether the music license travels with it. A track cleared for one platform does not automatically become cleared everywhere else. Platform-native commercial libraries are typically limited to that platform’s ecosystem.<sup>[2][1]</sup>

A TikTok ad using a Commercial Music Library track should not automatically be assumed safe on Instagram, YouTube Shorts, LinkedIn, or a brand’s own website. Each additional platform requires its own rights review.<sup>[4][2][1]</sup>

TikTok's Commercial Music Library User Terms specify that Commercial Sounds "may only be used on designated platforms." Cross-posting a CML track to other platforms exceeds the scope of the license, regardless of how simple the re-share feels technically.<sup>[14]</sup>

## BOOSTING ORGANIC POSTS

The same caution applies when an organic post is later boosted with paid media. Once content becomes an advertisement, the licensing question changes. A track that was acceptable for organic posting may not be cleared for paid promotion. This is one of the most frequently overlooked compliance gaps in digital marketing.<sup>[3][2]</sup>

## OTHER PLATFORMS

**YouTube** operates a Content ID system that identifies copyrighted music in uploaded videos. Content ID is an enforcement mechanism, not a license. A video can be identified, muted, claimed, or monetised in favour of the rights holder without the creator having any licensed right to use the music. For monetised content or advertising through Google Ads, music must be separately cleared.

**LinkedIn** provides no standardised commercial music library. Any music incorporated into LinkedIn video content must be independently licensed — a requirement particularly relevant for corporate communications and branded video content.

**X (formerly Twitter)** has no standardised commercial music library. Brands should treat music use on X as unlicensed unless specific clearance has been obtained.

SECTION 09

---

# WHAT PROPER CLEARANCE LOOKS LIKE

When a brand wants to use a specific piece of music in commercial social media content, the cleanest options are the following:

---

THREE CLEARANCE PATHS

**1. Use the platform’s commercial–use library.** TikTok’s CML or Meta’s Sound Collection are structured to permit commercial use within their respective platforms at no additional license cost. The limitation is catalogue: neither library contains current chart music or major–label hits.<sup>[2][1]</sup>

**2. Commission original music for the campaign.** Original music avoids the need to clear a third–party song, though contractual ownership of the commissioned work needs to be addressed clearly.<sup>[5][4]</sup>

**3. Obtain direct clearance from the rights holders.** For a specific track, the brand must approach the music publisher for the composition sync license and the record label for the master recording license. The agreement should specify exactly where the music can be used, for how long, in which territories, and in which formats.<sup>[6][5][4]</sup>  
<sup>[7][8]</sup>

## WHAT A CLEARANCE FILE SHOULD COVER

A good clearance agreement for commercial social media use should address which platforms and media types are permitted; the campaign territory or territories; the license term; whether paid promotion and boosting are included; whether cross–posting or whitelisting is permitted; influencer usage rights; and archival or evergreen use. If any of those are missing, the license may be narrower than the campaign requires.<sup>[4][5]</sup>

## A NOTE ON US RECORDINGS AND UNION PAYMENTS

For recordings made in the United States, the licence fee payable to the publisher and master owner may not be the only cost. Depending on how the recording was originally made, which union agreements apply, and how the music is being reused, additional payments may be triggered under collective bargaining agreements — for example, under SAG–AFTRA or AFM arrangements covering featured artists, session singers, or session musicians. These are commonly referred to as reuse, conversion, or new–use payments. In June 2026, the American Federation of Musicians filed a federal lawsuit against Universal Music Group and Warner Music Group alleging that member recordings had been licensed to artificial–intelligence companies without triggering the applicable new–use compensation mechanism — an illustration that these obligations are actively monitored and enforced.<sup>[17]</sup>

In practice, brands and agencies should ask the label, music supervisor, or clearance party whether any union obligations apply before treating the quoted master–use fee as the full cost of using a US recording in advertising or commercial social media content.

---

# CONSEQUENCES OF COPYRIGHT CLAIMS

The consequences of using music without proper clearance range from minor inconvenience to significant legal liability. On the platform side, content may be muted, blocked, removed, or restricted, and repeated issues can lead to account penalties. TikTok's commercial-use guidance makes clear that if a creator uses music outside the CML, they must confirm they have obtained and paid for all necessary licenses.<sup>[3][2]</sup>

## PLATFORM-LEVEL CONSEQUENCES

- **Content muting:** The audio track is automatically removed or silenced in some territories by rights holder instruction
- **Content removal:** The post is taken down entirely following a rights holder complaint
- **Account strikes:** Repeated violations result in restrictions or account suspension
- **Monetisation loss:** Content ID claims on YouTube direct advertising revenue to the rights holder rather than the creator

## LEGAL CONSEQUENCES

At the legal level, copyright claims can lead to civil infringement actions. In the United States, statutory damages are generally available at a range of \$750 to \$30,000 per infringed work, and may rise to as much as \$150,000 per work if infringement is found to be wilful. Those amounts are awarded per work, which means a campaign using multiple unlicensed tracks can create exposure that compounds quickly.<sup>[15]</sup>

In Germany and other civil law jurisdictions, the licence analogy approach entitles rights holders to claim the hypothetical fee that would have been payable had the use been licensed, often with a multiplier applied for the infringement. Moral rights (Urheberpersönlichkeitsrecht) in continental European legal systems may give rise to separate claims if the artist has not consented to commercial association with a brand.

In some jurisdictions, repeated or wilful infringement can also have criminal exposure, though this is less common in routine social-media disputes. Criminal prosecution in this context remains rare but is not excluded where infringement is systematic or large-scale.

**Settlements do not end the exposure.** A settlement resolves the specific claim or dispute it covers. It does not create a licence for future use unless the settlement agreement expressly says so. Brands that continue the same music-use practices after a settlement may face renewed exposure.

THE BUSINESS RISK BEYOND THE CLAIM

## WHY THE NUMBERS ADD UP QUICKLY

For brands, the real business risk is not only the final settlement amount. Claims can disrupt campaigns mid-flight, create indemnity disputes with agencies and influencers, force content re-edits or takedowns at short notice, and generate reputational damage. The safest practice is to treat music clearance as a required production step — not a post-publication fix.

A campaign using three unlicensed tracks can create statutory-damages exposure for each infringed work. In the United States, statutory damages generally range from \$750 to \$30,000 per work, and can rise to \$150,000 per work if infringement is found to be wilful. Multiple platforms, territories, posts, and campaign extensions may still increase practical and settlement risk, but the statutory-damages calculation is not simply multiplied by every platform or repost.

SECTION 11

---

# COMPLIANCE CHECKLIST

Before publishing any social media content that includes music, verify the following. If the answer to any question is unclear, the music should not be published until the rights position is confirmed.

**Is the content personal and non-commercial?**

If yes, standard platform music access applies. If no, continue below.

**If promotional: is the music from a commercial-use library?**

TikTok CML or Meta Sound Collection. If yes, you are compliant for use on that platform only.

**If using other music: have both rights been cleared?**

The composition (sync license from music publisher) and the master recording (from record label) must both be addressed.

**Does the license cover all intended territories?**

A license for one territory does not cover another. Paid social can serve globally. International campaigns require territorial clearance.

**Does the license cover the full campaign term?**

Sync licenses are time-limited. Confirm the term covers the full campaign duration, including any archival or evergreen use.

**Does the license allow paid promotion and boosting?**

A post cleared for organic use may not be cleared for paid social. Re-check before boosting.

**If influencer content: is music compliance specified in the brief and agreement?**

Do not leave music compliance to the creator's discretion. Require CML or Sound Collection use, or pre-approved licensed music explicitly.

**If reposting across platforms: is the music cleared for each platform?**

A TikTok CML track is cleared for TikTok only. Cross-platform reposts require independent clearance for each destination.

---

CLOSING NOTE

## THE SIMPLEST SUMMARY

Music that is easy to add inside a social app is not necessarily licensed for commercial use. TikTok and Meta both distinguish between general access and business-cleared use, and that distinction matters most when a post is promotional.<sup>[1][2][3]</sup>

Brands, businesses, and creators can avoid most problems by treating music licensing as a rights-clearance step rather than a creative afterthought. If the content is commercial, the music should be commercially cleared too.<sup>[4][2][3]</sup>

Where uncertainty exists, the safest step is to verify the rights position before publishing — not after a claim arrives.

---

FOR BRANDS, AGENCIES AND ORGANISATIONS

## IF YOU ARE NOT SURE WHETHER YOUR

# SOCIAL POSTS ARE MUSIC-COMPLIANT

Many music licensing issues on social media are unintentional. A track may have been selected from an in-app music library, added by an employee, used by an agency, or included in influencer content without anyone realising that the use may fall outside the platform's commercial music permissions.

If your organisation regularly posts video content on Instagram, TikTok, YouTube Shorts, LinkedIn, or other social platforms, a basic music compliance review can help identify potential licensing risks before they become claims.

Sync Valuations can review a selection of your social media content and help assess:

- whether copyrighted commercial music appears to have been used;
- whether the use appears organic, promotional, paid, boosted, or influencer-led;
- whether the music appears to come from a platform-cleared commercial library;
- where separate sync and master-use clearance may have been required;
- which posts should be removed, replaced, relicensed, or reviewed further.

The purpose is not to assign blame. It is to help brands and businesses understand their exposure, clean up historic usage where needed, and put safer music-use processes in place going forward.

## Request a social media music compliance scan

For a preliminary review, contact: [nicholas@syncvaluations.com](mailto:nicholas@syncvaluations.com) — [syncvaluations.com](https://syncvaluations.com)

[Book a free call →](#)

# IF YOU THINK YOUR MUSIC HAS BEEN USED WITHOUT CLEARANCE

This whitepaper is primarily addressed to brands, businesses, and creators. But the same landscape looks different from the other side. If you are an artist, songwriter, publisher, or label and you suspect your music has been used in commercial social media content without authorisation, there are practical steps you can take.

## HOW TO CHECK

Start with your PRO statements. If you receive royalty payments attributed to Meta, TikTok, or other social platforms, that is a strong indicator that your music is actively being used on those platforms. Those payments are generated when tracks are played, streamed, or made available in user content — though PRO statements may indicate platform-related royalty activity but do not by themselves identify whether a specific use was commercial or non-commercial. They are a useful starting point, not a definitive audit.

Once you have confirmed platform activity through your PRO statements, the next step is to find the specific posts. Both TikTok and Instagram have search and discovery functions that can surface content containing a specific track. Searching your artist name, song title, or a distinctive lyric or hook will typically return posts that feature your music.

From those results, the task is to identify which posts are commercial in nature. Look for posts made by brand accounts, business pages, or verified commercial entities; posts with visible branded content labels or paid partnership tags; posts promoting a product, service, venue, event, or organisation; and posts that appear to be part of a campaign rather than personal expression. Those are the uses that may require clearance beyond what the platform's general music licence covers.

## WHAT TO DO IF YOU FIND SOMETHING

Documenting the use is the critical first step. Preserve the evidence where legally permissible: save the URL, capture screenshots, record the date, account name, view count, caption, and visible brand indicators, and ask legal counsel about the appropriate way to preserve a copy of the video. The more detail you can capture before the post is edited or removed, the stronger your position.

From there, the practical question becomes: what was the use worth? In any licensing discussion, settlement negotiation, or legal claim, that question needs a defensible answer. A sync valuation — an independent assessment of what the license fee should have been, based on the territory, media type, term, and nature of the commercial use — provides the quantified basis for that conversation. Without it, it is difficult to know what you are owed, or to negotiate from an informed position.

**The valuation question matters early.** Whether a matter is resolved by direct negotiation, a platform takedown, or formal legal proceedings, the value of the unlicensed use is central to the outcome. Establishing that value independently, before entering any discussion, puts rights holders in a materially stronger position.

Sync Valuations prepares independent sync valuation reports for artists, songwriters, publishers, labels, and the legal professionals representing them. Beyond valuation, we can assist with identifying additional instances of infringement using audio recognition software — helping rights holders understand the full scope of unauthorised use rather than acting on a single post in isolation. We also work with legal professionals across multiple jurisdictions and can connect rights holders with a specialist who operates in the relevant territory.

If you have identified a potential infringement and want to understand what the licensed use should have been worth, or if you want help scanning for further uses or finding the right legal contact for your situation, we are available to assist.

**Contact:** [nicholas@syncvaluations.com](mailto:nicholas@syncvaluations.com) — [syncvaluations.com](https://syncvaluations.com)

[Book a free call →](#)

---

ABOUT THE AUTHOR



## NICHOLAS VAN DEN DOEL

Nicholas van den Doel is the co-founder of Sync Valuations, an independent consultancy specialising in the valuation of synchronisation licences for use in legal proceedings, licensing negotiations, and rights enforcement.

Sync Valuations prepares independent sync valuation reports for artists, songwriters, publishers, record labels, brands, and the legal professionals representing them. Reports are used in civil copyright claims, out-of-court settlements, and licensing disputes across multiple jurisdictions, including the United States, Germany, and the Netherlands.

Alongside Sync Valuations, Nicholas runs Ringo, a sync licensing platform connecting music rights holders and brands across advertising, film, and television. That background in active sync market pricing — rather than theoretical valuation — informs the methodology behind every report Sync Valuations produces.

Nicholas also advises brands, agencies, and rights holders on music licensing compliance, helping them understand their exposure and put the right clearance processes in place.

Sync Valuations is based in the Netherlands and works with clients internationally.

[LinkedIn →](#) — [nicholas@syncvaluations.com](mailto:nicholas@syncvaluations.com)

## NOT SURE WHERE YOU STAND?

Whether you're a brand checking your compliance exposure or a rights holder who suspects your music has been used without clearance — book a free 30-minute call with Sync Valuations.

[Book a free call →](#)

## SOURCES

1. Meta / Instagram: Music for Business Accounts. [help.instagram.com](https://help.instagram.com)
2. TikTok Ads Help: Commercial Music Library. [ads.tiktok.com](https://ads.tiktok.com)
3. TikTok Support: Commercial Use of Music on TikTok. [support.tiktok.com](https://support.tiktok.com)
4. PRS for Music: Commercial Music Sync Licensing. [prsformusic.com](https://prsformusic.com)
5. Horus Music: How Sync Licensing Works. [horusmusic.global](https://horusmusic.global)
6. BMI: Difference between performing right royalties and other royalties. [bmi.com](https://bmi.com)
7. ASCAP: Synchronization Licensing. [ascap.com](https://ascap.com)
8. BMI: Synchronization License. [bmi.com](https://bmi.com)
9. PRS for Music: Do I need a licence? [prsformusic.com](https://prsformusic.com)
10. PRS for Music (general). [prsformusic.com](https://prsformusic.com)
11. PRS for Music: Using production music. [prsformusic.com](https://prsformusic.com)
12. Instagram Business Account and Copyright: The Licensing Gap. SRIPLAW Blog, 2025. [sriplaw.com](https://sriplaw.com)
13. TikTok's New Music Licensing Rules for Commercial Content (July 2025). KMR Brands, 2025. [thekmrbrands.com](https://thekmrbrands.com)
14. TikTok Commercial Music Library — User Terms. TikTok, 2025. [tiktok.com](https://tiktok.com)
15. 17 U.S.C. § 504 — Remedies for infringement: Damages and profits. [law.cornell.edu](https://law.cornell.edu)
16. Sony Music Entertainment v. Marriott International, Inc., Case No. 1:24-cv-03669 (S.D.N.Y. 2024). Reported: Music Business Worldwide, May 2024. [musicbusinessworldwide.com](https://musicbusinessworldwide.com)
17. American Federation of Musicians v. Universal Music Group & Warner Music Group (S.D.N.Y., filed June 2026). Reported: Music Business Worldwide, June 2026. [musicbusinessworldwide.com](https://musicbusinessworldwide.com)