



Music Licence Guidance Note



What is Copyright?

Copyright exists in original artistic, dramatic, literary or musical works. It also covers films, sound recordings, and broadcasts, as well as the typographical arrangements of published editions, for example the layout of a book.

Whenever a piece of music is created and performed, potentially several rights will arise:

- rights in the musical piece itself, be it lyrical or musical (or both),
- rights in the performance of that music by a singer or musician, and
- rights in the recording and/or broadcasting of that performance.

Therefore when any piece of music is played in public these rights need to be considered. Much has been made of what is meant by 'public performance' and the courts have given this a wide interpretation in the past. Contrary to what many people believe, music played to employees can constitute a public performance, as can music in a members-only club.

As the duration of these rights is not indefinite, music or performances by individuals who have long since passed away may not be subject to all, or any, of these rights. As a general rule, rights in the performance and recording will last for 50 years from the date of release of the recording (or simply 50 years from date of performance if never released). Rights in the musical work will last for 70 years from the end of the year of death of the composer. A fairly recent performance of a classical work by Beethoven or Mozart, for example, may therefore still retain certain rights as a result.

The Performing Right Society and Phonographic Performance Ltd – what are they?

Because of the vast number of performers and composers in the music industry, organisations known as collecting societies have been set up, representing the vast majority of the industry. Two such organisations are the Performing Right Society (PRS) and Phonographic Performance Limited (PPL). They operate licensing schemes whereby you pay an amount to them for use of the copyrighted materials they are responsible for, thereby avoiding the need to contact each and every copyright owner individually. The money collected is then forwarded to the record companies and performers for using the recorded performance (PPL), and the composers and publishers for use and performance of the music itself (PRS) as a payment of royalties.

Does My Club Need a Licence?

Yes, in fact you might need two licences, one from the PRS and one from PPL.

It is worth noting that the rights discussed extend to music being played through television and radio, not just a CD-player or jukebox. Background music in lifts and even music played on a telephone on hold system are other examples that can require licences. If you play music in any way, outside of a family or other domestic setting (e.g. between friends), you are likely to need licences.

Here are some of the above-mentioned examples:

- Music on television can require a PRS licence because there is music being played, and a PPL licence because it is a recording of a performance of that music.
- Background music in a clubhouse will be a recording of a performance (PPL) and will be of a specific piece of music (PRS).

- Telephone on hold systems would require both PRS and PPL licences for the same reason as music on television.

Live Music

If you only have live performances of music you may not require a PPL licence, as you are not playing a sound recording, but you will still require a PRS licence, as a public performance of a copyrighted work. If the owner of the copyright personally performs his work, there may be no need for a licence at all, but his permission will likely still be needed if you wish to record it and subsequently replay it at a later date.

How Do I Apply?

Both organisations have numerous pricing tariffs in place, so it is worth checking with them as to which tariff applies to you, and whether there are any specific concessions available, for example, if the music is played for charitable purposes.

You can contact the Performing Right Society either via their website at www.prs.co.uk or by phone on 08000 68 48 28.

Phonographic Performance Limited have a website at www.ppluk.com or can be contacted by telephone on 0207 534 1000.

What if I Don't Get a Licence?

If you fail to get a licence where one is needed, you could be faced with a claim for breach of copyright. This could result in you paying extra fees on top of the licence itself, usually calculated as a percentage of the regular fee.

This datasheet is an outline of the position at the time of writing. No part of this datasheet should be copied or transmitted to any third party or non-association member. Advice on any specific problem is always available from the BASeLINE advisors on 0844 5618133.