

Use of Copyright Music in Audio Visual

The move into mainstream of digital photography and the availability of good projectors and slideshow software has seen a recent surge in audio-visual presentations. This short article is to advise that the making of AVs with commercial recordings is illegal without appropriate licenses, and has been so since the Copyright, Designs & Patents Act 1988.

Most AVers I talk to are unaware of this. If you show your AV to a club then you should make sure you protect yourself. Several licences are needed to produce and show ANY AV, film or video using commercial music, and all AV competitions insist on correct licensing as a condition of entry:

1. **Mechanical Copyright Protection Society (MCPS)**

MCPS protects the rights of the composer and a license allows you to copy the recording to a computer, tape or CD for showing in private or at amateur clubs and events.

2. **British Phonographic Industry (BPI)**

The BPI licence permits the copying of the physical CD or record, copyright for which is owned by the record company. You must own and have purchased the recording through regular retail channels and you must not identify the artists and performers in credits.

3. **Phonographic Performance Ltd. (PPL)**

Perhaps the most important is the PPL license, which permits the performance in public of sound tracks created from commercial recordings.

4. **Musicians' Union**

Performers Rights are administered by the Musicians' Union. Prior to August 2005 you also needed the performers' consent to use their work in a production, but this has now been waived, provided all the other license conditions are observed.

5. **Performing Rights Society (PRS)**

The venue at which your show is performed must be covered by a PRS licence. This is the responsibility of the venue, but you should check. The PRS has been active recently in pursuing amateur clubs.

This applies to CDs, records and tapes. For LEGALLY DOWNLOADED music, the position is not so clear. For example, Emusic - www.emusic.com – does not use DRM (Digital Rights Management) and allows unlimited copies to be made from downloaded tracks, so my understanding would be that only the PPL license would be needed. iTunes, however, does use DRM. Check your Ts and Cs carefully.

The Federation Against Copyright Theft - www.fact-uk.org.uk has recently conceded that its primary concern is the large-scale piracy of DVDs, and not recordings made for home use. However, the law still stands.

Members of PAGB affiliated clubs or the RPS may purchase the MCPS and BPI licenses for £8.54 pa from the Institute of Amateur Cinematographers (IAC). However, the PPL, the most important, is available **only to IAC members**, so my advice is to join the IAC at £37.50 (individual) or £40.50 (club) pa; all three licenses then cost £7.17 pa.

Note that a Club licence cannot be used by individual members of the club for personal productions, and an individual licence cannot be used for club productions.

More information is available from IAC at <http://www.theiac.org.uk/central/copyright.htm> . Details of the Copyright Clearance Scheme and FAQ, of which this document is a summary, can be found in links at the foot of the page.

You might also be interest to know that the IAC offers a Music Advisory Service, through which royalty-free music can be purchased at considerably reduced cost.

... Ken Scott
Nov 2009