

## Using Music in an AV Sequence

As AV creators, most of us use music in our various productions. All music is subject to copyright, designed to protect the rights of the writers, composers and publishers. This copyright lasts for seventy years after the death of the composer/writer, and if you infringe the copyright you are technically breaking the law. So how can we use music in our sequences without falling foul of the legislation?

Basically, there are four ways:

### 1. Write the music/song yourself

Ok – this is a very niche method for the exceptionally talented, but several AV creators over the years have done exactly this. Most notable in recent years is Judith Kimber, a music teacher from Northern Ireland, who composes and plays the musical scores that accompany her sequences.

### 2. Use commercially available music under licence

In the UK, there is a long-established method for obtaining permission to use copyrighted music in amateur productions, covering both AV and video. Two music industry bodies, the Mechanical Copyright Performance Society (the MCPS), and the British Phonographic Industry (the BPI), issue licences allowing the use of music from legitimately purchased sources to be used in amateur (ie specifically not professional) productions. The MCPS licence protects the rights of the composer, and the BPI licence protects the rights of the publisher.

Both licences are inexpensive (about £9 per annum for the two), and can be obtained from the Institute of Amateur Cinematographer (the IAC) under their Copyright Clearance Scheme. Although the licences can be renewed annually, recordings made during the twelve months of their duration are cleared for use in perpetuity. The licences are available to any RPS member or PAGB camera club member as well as the IAC's own members, and can be obtained from the IAC [website](#).

The **MCPS** licence grants you permission to use the music, or extracts from it, at:

- a) private showings (eg at your home)
- b) club premises where admission is free or a nominal charge is made for club funds
- c) public shows to raise money for bone fide charity or club funds
- d) no more than two public exhibitions in addition to the above
- e) amateur festivals and competitions
- f) separate shows to judges for the above events
- g) on-line channels. The wording on the IAC website specifically mentions YouTube, though in practice the arrangement that the IAC had negotiated is no longer in place.

If you do upload a sequence to YouTube, their algorithms will quickly identify copyrighted music, and flag it as a 'copyright claim'. Usually, nothing else will happen and you will be granted automatic permission to continue to use the music so long as it is not 'monetised'. Very occasionally the music will be muted or your video blocked in certain countries. In this case you can appeal quoting your licence numbers, and the restrictions can be lifted. Sometimes though, the copyright owners are very strict and the restrictions will remain in place.

There is a third licence, the **PPL** (Public Performance Licence), which is available to IAC members only, that covers the playback of licenced music in a non-licenced public hall. This one is the cheapest of the three (just 63p), but has caused much confusion over many years.

The key consideration is that it's only required if the venue doesn't have its own music licence. Up until a few years ago, there were two competing schemes for licencing music playback – the PPL licence needed by the 'performers' and the PRS licence needed by the venues. Some time ago though, the companies merged into "PPL/PRS", and now issue a joint licence called "**TheMusicLicence**". It's fair to say that pretty much every public hall that you will encounter will already have its own licence, making the need for your own PPL licence redundant. As a check, Robert Albright HonFRPS asked the PPL/PRS for clarification, and the response was:

*Thank you for getting in touch with us!*

*As discussed, if a venue you are showcasing your work in already has a PPL PRS licence which covers them for copyright music, you would **not** need an individual licence for yourself as royalties are already being accounted for by that premises.*

*Any questions please let me know.*

**Shannelle O'Hagan**

*SME Music Licensing Adviser*

Occasionally you might find yourself doing a talk in an unusual venue (I once did one in a gym...) and its possible that no licence is in place, so for a 'belt-and-braces' approach the PPL licence is still worth getting. A year's membership of the IAC is only about £30 more than the cost of the licences anyway, and includes a bi-monthly glossy magazine "**Film & Video Maker**", which includes an AV section.

### **3. Use Royalty-Free Music**

Note this is 'royalty-free' rather than 'copyright-free', and means that the copyright owner has waived their rights to royalties by licencing the use of the music with its purchase price. Usually, these tracks are sold on websites specialising in royalty-free music, and a quick Google search will reveal that there are numerous to choose from. This category has grown rapidly, and the quality of the music has greatly improved from what was available even a few years ago.

A key difference is that royalty-free music can be used in commercial as well as amateur productions.

Users of **PTE AV Studio 11** may have noticed that on the Audio tab in the Project Options section there is a new link <https://www.wnsoft.com/en/pte-av-studio/royalty-free-music/> to a page on the WnSoft website that has brought together a small collection of royalty-free and Creative Commons providers.

#### 4. Use Creative Commons Music

This is a rapidly expanding area of music licensing, where an artist freely publishes music for public use in the hope that their work will eventually become better known. There are several types of Creative Commons licence, but most have the following conditions:

##### **You are free to:**

- **Share** — copy and redistribute the material in any medium or format
- **Adapt** — remix, transform, and build upon the material
- for any purpose, even commercially.

##### **Under the following terms:**

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

This concept has been adopted by YouTube, and there is a whole section on YouTube's website now dedicated to Creative Commons music, so this is becoming a useful resource when searching for music.

#### ***To Credit or not to Credit?***

I'm sure that you will have noticed the variation or absence of music credits at the end of AV sequences – it all depends on the source of the music used.

A peculiarity of the IAC licences (specifically the **BPI licence**) is that the name of the performing artist must **not** be credited in the AV sequence, though the name of the piece of music **can** be (though this is not mandatory).

If you choose to use '**Royalty-Free**' or **Creative Commons** music however, details of the source of the music **are** usually a requirement of the licence. Whatever you use, it's essential to read the licence agreement to ensure that you are complying with its requirements.

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