

This report will cover how copyright arises and what it is, moral rights, infringement, protected acts, collection agencies and contracts.

How copyright arises:

Copyright is automatically applied when a new creative work is created. This could be a composition, a story, a drawing, or any other original work. Copyright does not need to be applied for. Copyright in the UK is defined by the Copyright, Designs and Patents Act of 1988. Although copyright is automatically applied automatically, for it to be valid, a provable date of creation must exist. In the digital age this is easy with metadata, however, with physical works this was much more difficult to prove and one method was mailing a cassette to yourself and leaving it sealed as this would have a postage date on it.

Moral rights, copyright infringement, life of copyright and authors and owners:

Moral rights are 4 rights associated with copyright. They are as follows:

The right to be identified as the author or performer – this means that the correct person must be acknowledged for the work.

The right not to have the work subject to derogatory treatment – the work must be respected and not changed against the wishes of the author.

The right not to the work falsely attributed – again, making sure the correct person is attributed for the work.

The right to privacy of photographs – provides protection against films and photos being shared.

There are 2 types of copyright infringement: direct/primary and indirect/secondary. Primary copyright infringement occurs if someone were to directly reproduce, publicly, a copyrighted work without permission. This could be something such as burning music on to CDs and selling them or performing copyrighted works publicly. Secondary copyright infringement would be providing the equipment or facilities for someone to commit primary infringement. In other words, it is aiding primary infringement in some way.

Copyright has a few different lengths for different works, but in music, copyright lasts 70 years from the end of the calendar year that the last remaining author dies. If the author or authors are not known, the copyright lasts 70 years from the end of the calendar year that the work was created. The copyright of a sound recording lasts 50 years from the creation of the recording.

The author of the work is not always the owner of the work. Works and associated rights can be transferred to others. If the work is created under employment the copyright and ownership may be transferred to the employer.

Copyrights, Designs and Patents act (1988):

The CDPA was created in 1988 to provide protection to creative works. It covers almost anything that is created including but not limited to – music, video games, paintings, software, documents, fashion, websites, fiction and non-fiction literary works, films, drawings.

Collection agencies:

In the UK there are three main collection agencies; PRS, MCPS and PPL. Their role is to collect royalties on behalf of music copyright holders for the usage of their works and distribute them fairly. The three agencies have the same function but collect from various places.

PRS – Stands for Performing Rights Society and collects from licensed businesses when music is performed or broadcast. The size of the royalty payments is decided by the frequency of usage and audience sizes. PRS mainly pays out four times a year in April, July, October and December. These can increase or decrease depending on if you are a high or low earner. PRS has a one-off fee of £100 to join or £30 if you are under 25.

MCPS – Stands for Mechanical-Copyright Protection Society and collects for music being reproduced and distributed, this could be from streaming platforms or physical sales like CDs and vinyl. The royalties are distributed based on usage data shared to MCPS by licensees. MCPS pays monthly and has a one off £400 fee to join.

PPL – Stands for Phonographic Performance Limited. PPL upholds the rights of record companies and performers via licensing performances and broadcasts of recorded music. They provide licenses for radio, pubs, TV and they even cover in-flight entertainment and jukeboxes. The revenue generated is then shared fairly between members. The PPL payment dates vary, however this year they are September and December. PPL does not have a fee to join and is free. PPL also provides International Standard Recording Codes (ISRC), an internationally agreed way of registering music for tracking usage for fees.

Collection agencies and work with other agencies internationally to collect fees on your behalf.

PPL and PRS work together to distribute fees from public usage of music. This is why all businesses need a music license which is now a joint licensee from PPL and PRS.

Common sound production agreements:

Producer Contract – Producers are contracted by record labels or artists and are tasked with ensuring the record is created to a commercial standard and the completing admin work associated with a record. A producer contract will typically include the following clauses:

- A fee or advance at a realistic value.
- Royalties at a realistic rate that considers the fee/advance (typically 2%-3%).
- Credits detailing their placement.
- Duties associated for example admin and timescales.

Record Contract – Record contracts are given to artists by label and some typical clauses are:

- Exclusive services meaning they can only produce music for that label unless given permission for collaboration.
- Term of the contract (generally a number of records).
- Budget provided to create the record.
- Royalties which are usually 10%-16% of wholesale price with big labels or 50/50 with independent labels. Both are after production costs are recuperated.

Mix Contracts – Similar to a producer contract in that mix engineers are hired by a record label or artist and are responsible for the album reaching a commercial standard, but without the admin duties. A few typical clauses are:

- A fee or advance, again, at a realistic value.
- Royalties typically at 1%-2%
- Whether or not the mix engineer will receive a credit on the album.

In summary copyright is there to protect artists and their works and does so somewhat successfully, collection agencies make sure that artists are fairly compensated for the usage of their works and contracts ensure records are created to a commercial standard, although must be looked at carefully to ensure they are fair.

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