

Copyright FAQs – An Advisory Document

This document offers the best advice in how to **respect fellow NVN members and the world community of song writers.**

What is copyright?

Copyright is a valuable intellectual property right which seeks to reward songwriters, lyricists, musicians and producers (etc.) for the creation of their original works which we, the audience, viewer, listener or performer, enjoy.

Copyright is a powerful commercial tool for the music industry, and is incredibly important to ensure revenues are enjoyed by those who created the work.

In just one song, there can be several different forms of copyright. These different copyrights can be owned by one person, but more often by several different people:

- The songwriter in the musical composition
- The lyricist in the lyrics
- The producer in the sound recording
- (if relevant) The publisher of a printed edition of the typographical arrangement of the music.

Copyright is intended to prevent:

- Copies being made of the work
- Distribution of copies of the work
- Performing, showing or playing the work in public
- Communication of the work in public (by broadcast, etc.)
- Adapting the work

In the UK, copyright lasts for 70 years from the end of the year of the author's death, and so, particularly relevant to modern pop music, it is more than likely that copyright will exist in some form in the song.

The general rule is that you must get the appropriate permissions (typically in exchange for a payment, see below) from **all** of the relevant copyright owners to copy, distribute, perform, communicate or adapt the work. Anything short of this could potentially be a copyright infringement.

Is the work out of copyright?

Copyright lasts for 70 years from the end of the year of death of all the authors/writers, but this doesn't always mean you can immediately start performing

all aspects of a song as the rules can be quite complex. For example, has all the various forms of copyright (musical composition, lyrics etc.) expired? Are you copying a published written version of the work in which the editor or publisher may own copyright in the written or typographical work? Where uncertain, it is always better to seek advice.

But I'm just an amateur and not making any money from this. Why does this apply to me?

Copyright exists to allow music composers to earn income, and publishers/record labels to recoup their investment. Copying of music and music arrangements is widespread and discourages the creativity and investment required for a prosperous music community.

What if I'm simply rehearsing a song at home, is that ok?

Singing in your kitchen is not a performance in public, and so isn't a problem with regard to performance rights (see below). However, printing an unauthorised copy of an arrangement you found online for free or that was passed to you by another person, even if only to rehearse in your kitchen, could potentially be depriving a composer of income. The lines can sometimes get blurry, but as a general rule it might be useful to think **"is the artist/publisher getting any money from me making a copy of this work?"** In the same way that downloading an illegal movie or book is an infringement of copyright, downloading an arrangement could be as well.

Can I make my own arrangement of a song?

Again, likely not without permission. Arranging or re-configuring a song is potentially considered an adaptation or a copy of a work and permission from the copyright owner(s) should be sought, in particular if the intention is to perform it in public, record it or teach it to a student or to your choral group.

Can I use someone's arrangement of a traditional song?

This can depend on the circumstances. The original song may be long out of copyright, but if an arranger "puts their own spin on it", the changes themselves could have copyright in it. Further, if that 'version' of the traditional song has been recorded, the sound recording may have copyright in it. An example of this is "The Highwayman and the Captain", a traditional song with multiple versions, which was re-written for the modern age as "Whiskey in the Jar" by the Beasley Brothers in 1967. Rock band Thin Lizzy put their own "spin" on it in 1973 and it has since been recorded by bands and artists as diverse as The Pogues and Metallica. The later versions often give writing credits to the Thin Lizzy 1973 arrangement.

Even if it doesn't have its own 'spin', the typographical arrangement of a traditional song may have its own copyright as a written work, meaning a publisher may be able to prevent you from making a copy. **Typically, the safest practice is to seek permission if you are using something written by someone else.**

Can I make copies of lyrics of a song?

As above, by making copies of lyrics for your singing group, even if it is your own hand-written sheet on the wall, you are likely making a copy of a written work. Even if it isn't 'your' copy (e.g. if you project lyrics from the internet during your singing session), it is still a copy and requires permission from the owners.

Can I teach a song by ear?

This may depend on the circumstances, such as how you teach it, whether you write it down or simply teach by ear. For example, if you write (by ear) an arrangement of the song, even if not a perfect copy, it is still possible that you have copied the musical arrangement. If you teach it by ear, it could be considered a public performance, but this very much depends on the nature of the people in the room. A volunteer singing group is likely not a 'public performance', but teaching for payment might be. This unfortunately is another of those areas where the lines get blurry, and so it is best not to assume that you can automatically use a song even when you do not have the sheet music. Of course, if you intend to perform the song in public, even when taught by ear, you may need to ensure a licence fee has been paid (see "permissions", below).

Can I assume that an authorised arrangement of a song in a book that I have purchased can be used and performed by me and my choir - especially if the words "This page may be photocopied" are written on the page and the original authors are credited (because copyright payments have been made)?

Generally speaking, ownership of a copy of an authorised published arrangement is intended for your own personal use. You are entitled to use it and even sell the book/publication onwards, but making copies of it for your choral group or performing the work in public will likely be caught under copyright unless there are specific instructions within the publication regarding a licence to copy and/or a licence to perform. If it isn't clear on the pages whether there is a licence to perform, you may need to seek permission or pay a royalty to perform it (see "permissions", below).

I'm writing a song and I'd like to use a short saying / quote I found on the internet – Can I do this?

Unfortunately, with copyright there is rarely ever a black-and-white / yes-or-no answer. Inevitably, it always depends on the circumstances. A quote you find on the internet may be itself a copy of a bigger work. A short saying or a meme may or may not be a direct quote, but may itself not have sufficient "originality" for copyright to attach to it. A "spoken" quote may have copyright in any form it was recorded (e.g. if the speaker wrote it down, or it was recorded on television). The ownership of the copyright in the quote may itself not be clear.

The most risk-free position for any songwriter, when using something that you did not write yourself, is to thoroughly research the provenance of that quote and, if you can find the author, to ask for permission. If you can't find the author, the work may be an "orphan". There are means of using orphan works (which goes beyond the scope of this document) so seeking legal advice may be advisable.

So how do I get permission?

It depends on what you are intending to do:

If you are intending to make photocopies of printed music:

You should contact the writer of the song or the MPA (Music Publishers Association) <http://www.mpaonline.org.uk/home>

If you are arranging a song written by someone else:

If you using published musical works as the basis of your arrangement, consider whether you need to contact the song writer or the MPA (above) to use the published work. If your arrangement is to be performed in public you may need to contact PRS for Music (below).

If you are intending to perform a copyright work in public:

You should either:

- 1) Pay the songwriter directly if they offer a performance licence or
- 2) contact PRS for Music (www.prsformusic.com) who are a royalties collection agency who work on behalf of copyright owners to ensure they are fairly compensated when a composition is performed in public.

It is a good idea to check first with the venue to see if they have a licence with PRS for live music. If they do, they may want you to provide a set list to them and it is most likely they will administer this for you.

Some venues have a blanket licence for live music and no further fees are due. Other venues have more limited licences and may have to hand over a percentage of the door takings to PRS as a fee. This cost may be passed on to you though it is usually very small. Many venues fail in their duty to do this and so songwriters miss out on royalties – some of them may be your NVN colleagues! Churches usually have their own licencing arrangements so if you are performing in a church you may want to check if the church is registered with CCLI (Christian Copyright Licensing International): <https://uk.ccli.com/copyright-licences/>

If a venue does not ask you for your set list, then you can go directly to PRS and give them the name of the venue and the date of the performance, plus your set list, and they will collect any money due from the venue and pass it on to the songwriter.

This applies even in the case of choir festivals where the singers pay a fee to attend and there is a concert or sharing at the end. It is then the responsibility of the venue to tell PRS.

If you are intending to play a recording of music (such as recorded background music) in public:

You should contact PRS for Music (as above) and also PPL (<http://www.ppluk.com/>), who administer the licences for playing of sound recordings in public.

Other uses?

This can depend on the circumstances, but when in doubt, consider whether you need to ask permission of the copyright owner personally, in particular where the copyright owner is not a member of any of the above collection agencies. Unfortunately, there is no simple means of finding the copyright owner where it isn't obvious and it may come down to your research. There are third-party copyright clearance agencies you can pay a fee for, but ultimately, it may just come down to your own research.

Can I use/copy/perform the work of other NVN Members?

NVN members themselves may have published songs in a book and/or are registered with one of the collection agencies listed above as it is a means to earn income from their work. NVN membership does not grant a royalty-free licence over any other members' works, which is why it is important to respect your fellow members by seeking the appropriate permission to make changes, add verses etc. (or informing the appropriate agency above, in particular if you are performing in public). See also "Can I teach a song by ear".