



# Limited Manufacture Licence: FAQ and glossary of terms

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## FAQs

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### 1. About Us

PRS for Music is home to the world's best music writers, composers and publishers. Formed in 1997 between two royalty collection societies (MCPS and PRS for Music), it exists to collect and pay royalties to its members when their music is recorded and made available to the public (MCPS); and when their music is performed, broadcast or otherwise made publicly available (PRS for Music).

#### Where does MCPS collect its money from?

Money is generated (through licence fees) from the recording of our members' music on many different formats, including CDs, DVDs, television, broadcast and online.

#### Where does PRS for Music collect its money from?

Money is due for any public performance of music, whether live or recorded, that takes place outside the home and from radio and television broadcasts and online.

#### What do MCPS and PRS for Music do with the money collected?

MCPS and PRS for Music pay money collected to their writer, composer and music publisher members. Both organisations are 'not for profit' and only deduct a small admin/commission fee to cover operating costs.

### 2. What does the licence allow you to do?

To manufacture and distribute retail and non-retail, audio, and audio-visual product within the manufacturing limits of the licence, providing it is not made commercially available through a third party distributor or retailer.

### 3. What are the rights and formats covered under the licence?

#### **Rights:**

The inclusion of MCPS members' musical works into products manufactured in the UK or produced in the UK and custom pressed in the EU. Copies provided for free or for sale by the licensee only. Copies cannot be sold through any third party retail distribution channels.

#### **Formats:**

CD, cassette, minidisk, vinyl, DAT, DVD, Blu-ray disk, HD-DVD, VHS, CD-Rom or any other physical format notified by us.

### 4. Who are MCPS members?

MCPS is a music industry collecting society acting on behalf of the vast majority of those who own, control or administer the copyright subsisting in musical works. MCPS represents composers and music publishers in the UK and also sister collecting societies

overseas by virtue of reciprocal agreements. The members of MCPS do not assign their rights to the Society. MCPS acts as an exclusive agent for its members.

The basis of MCPS' authority derives from the Membership Agreement - the agreement between the member and MCPS. In the Membership Agreement a mandate is conferred upon MCPS to administer the following rights:

- To copy the work
- To issue copies of the work to the public
- To rent or lend the work to the public

These rights are known as 'mechanical rights' although this is not a term used in the Copyright, Designs and Patents Act (CDPA) 1988 or the Membership Agreement. MCPS acts in a number of different ways according to the authority given to it by its members. In several areas, such as licensing record companies for the reproduction of musical works into sound recordings, MCPS acts exclusively for all members. In some specific areas MCPS can only grant a licence where the member has given MCPS a specific mandate to do so, for example music used in television advertisements. MCPS licenses music users and collects royalties, which after deducting a commission it allocates and distributes to its members.

## **5. What musical works do MCPS represent and can be licensed under LM?**

MCPS members' musical works fall into two categories. These are what we refer to as commercial music and production music. Commercial music is any music produced that is being marketed directly to the general public by any medium, so for example a song on a retail CD.

Production music (also sometimes called library music) is music specifically written for inclusion in audio and audio-visual productions (especially television programmes) and is marketed on a business to business basis. Where a musical is production music, MCPS also controls the rights in the sound recording of that production music (this is referred to as a "PMSR" in the licence itself). In that case, your licence will cover the copying of the sound recording as well as the copying of the musical work. However, your licence does not cover sound recordings of commercial music.

In practice, it is far more likely that the music you will be choosing to use for your product will be commercial music rather than production music. There may be instances when you come across this; for example, some very well known TV themes are actually production music, but we think this will be rare. We recommend then that, unless you are fairly sure you are using only production music, you should assume that the sound recordings used in your Product are not covered by this licence and so you should seek the appropriate licences for them from those who control such rights.

If you are unsure whether or not the music you are using is production or commercial music please check your source or contact [limitedmanufacture@mcps.co.uk](mailto:limitedmanufacture@mcps.co.uk)

## **6. How do I know if the music I am using is in copyright?**

The Copyright, Designs and Patents Act (CDPA) 1988 gives authors certain economic and moral rights in their works. In music, copyright begins automatically once a piece of music is created, and documented or recorded (eg. on video, tape or CD or simply writing down the notation of a score).

In the UK, copyright generally lasts for a period of 70 years from the end of the calendar year in which the composer dies. If the music originates from outside the European Economic Area (EEA), the copyright lasts for as long as the music is protected by copyright in its country of origin, provided that the length of time does not exceed 70 years.

Music which is no longer in copyright is sometimes referred to as being in the “public domain”. If all the musical works you are using in your product are in the public domain, then you do not need this licence. However, if one or more musical works that you are including in your product are still in copyright, then you will need this licence.

For further information regarding copyright please refer to:

[http://www.prsformusic.com/SiteCollectionDocuments/Copyright/Copyright\\_Law\\_Introduction.pdf](http://www.prsformusic.com/SiteCollectionDocuments/Copyright/Copyright_Law_Introduction.pdf)

## **7. How do you apply for a Limited Manufacture Licence?**

First you will need to register as a user of our fully functional ecommerce facility.

## **8. Once registered, do you have to apply for individual product clearances?**

Yes, but it couldn't be easier! Once registered as a customer, you can log on select a licence, pay, obtain a copy of your licence, and leave; all within a matter of minutes. LM requires no telephonic or paper based communication saving you time and money.

## **9. How does the payment process work?**

You will be able to pay by credit and debit card whilst you are applying for your licence. A cheque payment facility is also available at an additional administration cost.

## **10. Can you give copies away for promotional purposes?**

Yes, but you must still remain within the manufacturing limitations of your licence.

## **11. What does the licence exclude?**

In summary, the use of unauthorised arrangements, adaptations, parodies, burlesques and Dramatico-musical works; derogatory uses; on screen lyrics and games. Refer to the terms and conditions for full details.

## **12. Are there additional rights and fees to clear/pay if we are using hire music?**

If you are recording a performance during which you will be using orchestral/vocal materials hired from a music publisher, you must contact that publisher to confirm that a recording is being made and you may be required to pay an additional hire fee.

## **13. What are the main restrictions of the licence?**

Products with containing over 120 minutes of music cannot be licensed under the Limited Manufacture Licence. If you require a licence for product containing more than 120 minutes of music please contact MCPS directly via [~applications@mcps.co.uk](mailto:~applications@mcps.co.uk).

The unit restrictions under the Limited Manufacture Licence are as follows:

- 1,000 units per product application
- 2,500 units per annum per licensee

## **14. What will happen to the data I submit online?**

When you register online as a licensee, you will be asked to read and agree to the *Website Terms and Conditions* and the *Privacy Policy*. Both of these documents can be found on the website.

PRS for Music takes your privacy very seriously. This Privacy Policy sets out our data processing practices through the use of the Internet and any other electronic communications networks. It also sets out your options regarding the way your personal information is used. If you have any requests concerning your personal information or

any queries with regard to these practices please contact us at [[privacy@prsformusic.com](mailto:privacy@prsformusic.com)].

On registering with the site you will also be asked how you wish us to contact you in future.

## **15. What are grand rights?**

The copyright in the performance of a dramatic production is called the grand right. A grand rights licence is required for the performance or the recording of any copyright dramatico-musical works. A dramatic production includes such things as ballets, opera, musicals, and musical plays)

## **16. Why should I be concerned about grand rights?**

A grand rights licence is always required when performing or recording dramatico-musical works (for example, a ballet, opera, musical, musical play or work of a similar nature). MCPS has not been granted the grand rights by its members and so we cannot license these to you. If you are, for example, a school planning the performance of a play, or an amateur society performing a ballet or an opera of an existing production then you will need to clear the grand rights directly with the rights owner.

## **17. Where do I obtain a grand rights licence?**

A grand rights licence can be obtained directly from the publisher of the work.

## **18. Further Information**

The copyright in a musical work, including any lyrics, belongs to the songwriter or composer who wrote the work. This right is often assigned to a music publisher, and MCPS administer it on behalf of its publisher and writer members.

The copyright in a sound recording belongs to the person who made the recording – commonly a record company. This is a separate right and is not administered by the MCPS. If you are recording copyright material from commercial sound recordings (i.e. from CDs, tapes, records), then an additional licence for this purpose should be obtained from the relevant record company. Try contacting the PPL (Phonographic Performance Ltd) for further information on licensing the Sound Recording right (telephone number 020 7534 1000).

## **Glossary of terms**

During your application and when viewing the terms and conditions of the licence you may come across terminology you are not familiar with, the following list offers simplified definitions of common MCPS and PRS for Music terminology:

### **Audio and audio-visual material**

Audio material is content that has no visual element, such as the playing of a song on the radio or the recording of a song on a CD. Audio-visual material is content with a visual element, such as a music DVD or a television programme.

### **Broadcast**

Broadcast means the transmission of content to the public through a communications network in such a way that the delivery of that content is completely under the control of the person making the broadcast. So this would include traditional TV and radio stations, but it can also include certain transmissions on the internet.

### **Communication to the public**

Communication to the public means any form of transmission of content through a communications network to the public, irrespective of whether the person making the transmission is in complete control of when the content is delivered. It therefore includes broadcasts but also includes other transmissions that are not broadcasts, such as "on-demand" transmissions.

## **Internet Use**

Internet use means the communication or transmission of your recording or product in any way via the internet or, for these purposes, through any mobile or other wireless network; this includes transmitting your recording on Youtube, mySpace, or any social networking website. It is prohibited to file share your recording via any p2p network or other means of file transfer.

## **Members**

See FAQ, question 3.

## **Musical works and sound recordings – there are two rights that may need to be licensed**

### **Musical work:**

A musical work is a musical and lyrical composition (administered by MCPS for physical products, broadcasting and online and PRS for Music for public performance, broadcasting and online). In general terms this copyright is owned by the person who wrote the piece of music, although they will often transfer their ownership to a publisher and/or PRS for Music.

### **Sound recording:**

A sound recording is, in the context of this licence, a recording of a musical work. It attracts a separate copyright and this would normally belong to the person who made the recording. This might in some cases be the same person that wrote the musical work being recorded, but of course it need not necessarily be so. In practice, record companies often own the copyright in commercial sound recordings because they make the arrangements for the recording to take place.

For example "Help!" co written by John Lennon and Paul McCartney (the musical work and its owners) has been recorded by many artists over the years (including Bananarama, Deep Purple, Tina Turner). Where as John Lennon's successor and Paul McCartney control the copyright in the song "Help!", each of the recordings of the song will be owned and controlled by the various record companies that produced those additional recordings.

## **Production Music**

See FAQ question 5.

## **Public performance**

Public performance is the performance of music in a public place. For example playing a copy of a sound recording in a shopping centre is a public performance, singing a cover of a song at a talent contest in the park is a public performance. A licence from PRS for Music is needed for public performances of musical works.