

PRS for Music
Education consultation:
Digital Music Licence
for Further and Higher Education

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Contents

- 1. Introduction.....2
- 2. Rationale for the Proposal of the New 'Digital Music Licence for Further and Higher Education'3
- 3. The Proposed Digital Music Licence for Further and Higher Education4
- 4. How to Respond to the Consultation.....6
- 5. PRS and MCPS.....7

1. Introduction

PRS for Music are holding a public consultation on a new licensing scheme designed specifically for further and higher education establishments wanting to use music online. The proposed new scheme will replace the existing Limited Online Music Licence (LOML), which is being decommissioned at the end of 2023.

The new 'Digital Music Licence for Further & Higher Education,' has been designed specifically to meet the needs of further and higher education institutions in the UK and better reflect how music is used online today. This public consultation provides an opportunity for customers, members, and other stakeholders to give their views on the proposed licence following which we will analyse and take all views into consideration before proceeding with the new licence.

This new licence is:

- A comprehensive licensing option, covering all types of general online music usage in one licence.
- A simplified way to calculate rates, which will therefore reduce administrative burdens.
- Inclusive of the new additional right of synchronisation, which has been added to allow educational institutions to incorporate music within videos much more easily. This is currently only available to online licences in the education sector.

The new licence is available to institutions of further and higher education, for example, sixth form colleges, general education colleges, music and performing arts colleges, traditional and metropolitan universities, and conservatoires. However, it is not available to schools, including sixth forms attached to a school, which are covered under a new Digital Music Licence for Schools. The consultation for the new licence for schools can be found [here](#).

The consultation is being run in accordance with our [Code of Conduct](#). This outlines our commitment to issue fair, reasonable and proportionate consultations when proposing to introduce a new tariff or to make significant changes to an existing tariff. Our aim is to set reasonable terms and to apply and administer all licensing tariffs fairly and consistently. The Copyright Tribunal has jurisdiction over all existing and proposed licensing schemes and tariffs operated by us.

The consultation will run for 4 weeks from Wednesday 4th October 2023. We will review all responses received on or before the closing date. Details on how to respond to the consultation can be found on [Page 6](#), at the bottom of this document.

Your feedback and opinions are important to us.

Educational Exceptions

We license different types of music rights; including the 'public performance' and 'communication' of music, which includes when music is used and shared online. In some cases, there are legal 'educational exemptions' where some music usage does not need to be covered by a licence. The Digital Music Licence for Further and Higher Education has been designed to cover activities above and beyond copyright exceptions.

2. Rationale for the Proposed New 'Digital Music Licence for Further and Higher Education'

Currently, educational establishments can purchase the Limited Online Music Licence (LOML) to use music online. LOML is available to a wide range of customers and is charged depending on how music is used online, for example whether it is streamed, downloaded or used in a podcast. More information on the current charges and licence requirement for LOML are available on our [website](#).

LOML has been in place for over 15 years, during which time there have been many changes in how further and higher education institutions interact with students online and how music is used, stored, and shared digitally.

Earlier this year, we surveyed our online customers to better understand how their needs have changed and what more we can do to improve the purchasing experience. Feedback showed a strong demand for a more targeted licensing scheme, one that better reflected how they want to use music, both now and in the future.

As a result of this feedback, we took the decision to decommission the current LOML at the end of 2023 and replace it with licences which are tailored to specific groups of users, the proposed Digital Music Licence for Further and Higher Education being one of them.

By creating a dedicated scheme for the use of music online for the education sector, we can make the purchasing process for customers easier to understand whilst allowing us to allocate royalties much more efficiently for PRS members.

3. The Proposed Digital Music Licence for Further and Higher Education

Our new Digital Music Licence for Further and Higher Education is a comprehensive annual licence covering all general online music use under one licence. Unlike LOML, which was charged cumulatively according to each usage type. Additionally, the new licence includes all the rights granted under LOML as well as the new additional right of synchronisation, so that music can be used in video content.

The proposed changes will streamline the licence purchasing experience by offering a simple bespoke option, tailored to the specific needs of further and higher education, aiming to reduce administrative burden by making it easier to calculate rates.

This new licence will give further and higher educational institutions the rights for more than 38 million works PRS for Music represents, for the purposes of music on demand, webcasting, interactive webcasting, podcasting, previewing on demand clips, providing audio-visual content.

Some examples of streaming activity could include playing music to accompany student showcases or performances, sharing music in video and audio files through learning portals like Zoom or MS Teams and storing music on closed databases. The licence also covers online activities associated with social and extra-curricular student clubs.

The rights granted under the new licence include:

- The communication to the public of PRS repertoire.
- The communication to the public of Production Music Sound Recordings.
- Mechanical and synchronisation rights for MCPS affiliated repertoire.

Metrics and Rates

The cost of the proposed licence will be based on a per-student fee, available at both a standard and enhanced rate. This will be more straightforward for further and higher education providers to calculate, compared to the current LOML metrics which, for example, are based on the number of streams or downloads.

The per student fee will also ensure fairness and proportionality according to the size of the institution and can be calculated according to the number of students enrolled in the academic year. We propose that the licence can be taken out for the entire educational establishment or on a per department or course basis.

The licence can be taken out for students who study on-campus and remotely (online) via distance-learning at these institutions.

The enhanced rate should be applied to students on specialist courses with high music consumption, whilst the standard rate should be applied to those on courses with lower music consumption. For example, if a college of 300 students has 200 enrolled courses with lower consumption, and 100 on courses with high music consumption, they would use the standard rate for 200 and enhanced for 100.

	Per student (FT equivalent)	
	Standard	Enhanced
Further Education	£ 0.83	£ 1.24
Higher Education	£ 1.66	£ 2.89

Minimum fee	Minimum fee £129+VAT per annum
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Rates will increase annually by CPI.

The higher rate is designed to reflect further and higher education providers offering specialist subjects, overall, invest more heavily in music resources and digital technologies and are run with a higher consumption of music. Students on specialist courses (like a media, music production or performing arts courses) therefore are more likely to participate in activities that contain more music. The standard rate ensures the licence is still fair and reasonable for educational institutions whose students participate in licensable activities, but where music is not their primary focus and usage levels are likely to be lower.

The charges under the new proposed Digital Music Licence for Further and Higher Education includes all usage types, along with the additional synchronisation right. This addition will ultimately help the purchasing experience.

The fees are designed to encourage music use in educational settings, whilst also ensuring that PRS members receive compensation for the use of their work.

Restrictions and Exclusions

- This licence does not cover B2B, for example, a business supplying music to an education provider.
- Podcasts and radio stations are not covered by the proposed Digital Music Licence for Further and Higher Education and require the new [Podcast Licence](#) or an applicable radio licence.
- Sharing music outside of the UK is not covered by this licence.
- Using music in activities for commercial gain or in promotional materials is not permitted under this licence.
- Sharing student films outside of the institutions, for example, at a film festival.
- Third parties are not covered under this licence.

Licences not impacted by this consultation

Public performance licences: our public performance licences do not include online rights. If an institution wishes to play or perform music live, they can purchase [Tariff FE: Further Education Colleges](#) and [Tariff UCH: Universities, Colleges & Other Higher Education Institutions](#).

Rights not controlled by us there are rights that are not controlled by us, which are covered under other licences available from other collection organisations. For example, grand rights to cover dramatic works (plays) and recorded works covered by the Educational Recording Agency (ERA). The music collection organisation, PPL also has separate licences covering recording rights. Physical audio and audio-visual manufacture are covered under separate MCPS agreements.

4. How to Respond to the Consultation

All the details of this review, and any updates, are available on our [website](#).

Online responses are preferred, and respondents should complete the response form on the website above.

Written responses can be posted to:

Digital Music Licence Further and Higher Education Consultation Responses

PRS for Music

1st Floor

Goldings House

2 Hays Lane

London

SE1 2HB

Or by email to: education.consultation@prsformusic.com

Please title your response 'Education Consultation'

Or visit: www.prsformusic.com/education

All responses should be received by 1 November 2023.

We will consider all comments received and we have also supplied some questions for you to consider when formulating your response which can be found on our website. We may publish comments in our formal response. If you wish for your response to not be published, please say so on the form.

This consultation does not compel us to implement any of the changes proposed. We may propose an alternative scheme in the light of responses to this consultation.

Next Steps

Following the deadline for submission, we will carry out a review of all the responses received and publish a summary of these on our website. We will look to hold discussions with customers and representative bodies, as needed, and will announce the new licensing schemes based on this.

5. PRS and MCPS

PRS for Music is a world leading music collective management organisation representing the rights of more than 165,000 talented songwriters, composers, and music publishers around the globe. Headquartered in the UK, we work diligently on behalf of members to grow and protect the value of their rights. With a focus on innovation and integrity, we are redefining the global standard for music royalties to ensure creators are paid whenever their musical compositions and songs are streamed, downloaded, broadcast, performed and played in public.

The Mechanical Copyright Protection Society (MCPS) collects and distributes mechanical royalties to songwriters, composers, and music publishers when their works have been copied or reproduced. We operate as an agent for MCPS under a service agreement to provide licence and tariff development alongside licensing and distribution services.

For businesses and organisations, we play a valuable role. Songwriters, composers and music publishers have entrusted us to make their music and songs available for use in exchange for fair remuneration. We provide the required licences for this in a simple and cost-effective way. This gives businesses and individuals the right to use millions of copyright songs from around the world, without the need to negotiate individual licensing terms for these works with the songwriters or music publishers. We survey thousands of businesses to find out what music they are playing. Similar music use information is also supplied by TV and Radio broadcasters, as well as concert venues. Based on this information, we distribute royalties to the songwriters, composers and publishers of the music that has been played.



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