

for all music,
everywhere

PRS FOR MUSIC
LICENSING IN BERMUDA

PRS
for MUSIC

Who needs a licence?

To know if a business needs a *PRS for Music* licence, the best way is to ask if it plays music for customers, staff or both through radio, TV, digital devices, computer speakers or live events.

If the answer is yes, then a licence is required in line with the Bermuda Copyright and Design Act 2004 (as amended from time to time) (the "Copyright Act").

Playing music in commercial premises such as a restaurant or a nightclub is an obvious example where a licence is required but it can also include having a music on hold functionality or having a TV play in the background. In both cases, a *PRS for Music* licence is required as music is being performed.

PRS for Music's licensing is flexible and covers not only music from Bermuda and the UK but from countries all over the world.

Who is PRS for Music?

PRS for Music is a UK collection society that operates in Bermuda. We are a society of around 135,000 songwriters, composers and music publishers – our members. We represent the rights of these members (and the members of our affiliated societies around the world) by licensing organisations to use music. We distribute royalties to those members and societies fairly and efficiently.

We have been providing music licences to businesses that play music for customers, employees or both for more than 100 years. The exciting bit is that not only does music benefit your business, but it also plays a vital role in the creation of new music because nearly 90 percent of all the money collected goes straight back to our members (the rest on our running costs).

How tariffs are set

PRS for Music tariffs are structured to ensure they can cater for all types of businesses and performances. These tariffs cover anything from licensing a large club to a small hairdresser. Each one is tailored to cater for the needs of a particular business sector.

The main aim when setting a tariff is to ensure that our charges for music played or performed in public are fair to both the music creators and our customers. For example, we don't charge the same fee for music used in a small venue compared with a football stadium or arena.



From repertoire to royalties

At *PRS for Music* our main role is to collect royalties on behalf of our 135,000 worldwide members behind the 25 million works in our repertoire. As you can imagine with so many numbers, the operation is a big one.

How do we distribute the money when it's been collected? There are a number of methods to track the music being played in different environments such as tracking radio play, downloads and streams as well as collecting set lists from live concerts. This allows us to distribute as accurately and efficiently as possible and in 2016, *PRS for Music* used trillions of data lines to distribute its royalties.

International Societies

We administer the rights of music creators from all around the world. We have representation agreements with affiliated collecting societies in 100 countries that collect and distribute royalties for performances in their country, and like us, distribute to their own members as well as members of other societies.

Under these agreements, we represent the rights of the members of our sister societies for the public performance of their works in Bermuda, the UK and a number of other territories including Malta and Cyprus. This means that a licence from *PRS for Music* covers you even if you're playing music written or composed by non-Bermudians or non-UK composers and songwriters.

For more information on our global network, please visit the International page of our website:

www.prsformusic.com/international



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FAQs

1. What is copyright?

Copyright law protects literary, musical, audio-visual and artistic works (and other intellectual property). The Copyright Act states that if you use copyright music in public, you must first obtain the permission of every writer or composer or copyright owner of the music you intend to play.

PRS for Music represents these copyright owners and so a music licence gives you the legal permission to play millions of songs controlled by us, saving you the time and money needed to gain permission from the music creators directly. A music licence from us is required regardless of whether you have paid for any other type of licence.

2. What music does a *PRS for Music* licence cover?

PRS for Music licences cover the vast majority of music from around the world including Bermuda. *PRS for Music* has a repertoire of over 25 million songs from every genre so if you're using music it's highly likely to be music within our repertoire.

However, if you play music that is outside of *PRS for Music's* control, you may need an additional licence from the copyright owner(s). You do not need a licence from *PRS for Music* in the unlikely event that all the music you play is out of copyright or not controlled by *PRS for Music*.

3. I wasn't aware of the requirement for a licence.

As with any licensing requirement, it is the responsibility of the music user to understand and meet their legal obligations.

Within Bermuda, everyone is required to comply with copyright law, as set out in the Copyright Act. If music is used in your premises, it is your responsibility to ensure that the correct licences are in place so that you and/or any person working on your

premises can perform copyright music in public lawfully.

4. What happens if I refuse to obtain a *PRS for Music* licence?

If a *PRS for Music* licence is required (including for any past use) and you refuse to purchase one, *PRS for Music* may take things further by initiating and pursuing court proceedings against you for infringement of our copyright for the unlicensed public performance of our repertoire in your premises.

5. Is *PRS for Music* working on behalf of the Government?

No. *PRS for Music* is a membership organisation representing the rights of 135,000 songwriter, composer and music publisher members. We ensure creators are paid whenever their music is played, performed or reproduced. We are not affiliated with any government department.

6. A *PRS for Music* licence wasn't listed as a requirement on the Government website so why does my business need a licence?

A *PRS for Music* licence is not part of the licences required from the Government when setting up a business.

We strive to ensure that businesses are aware of the need for our licence. We try to work with many trade associations and government departments in Bermuda and are always looking to build on this to help ensure businesses understand their requirements.

7. Why are *PRS for Music* licensing businesses in Bermuda?

As well as its UK operations, *PRS for Music* works in a number of countries outside of the UK including Bermuda where we operate as a licensing body under the Copyright Act.

8. Why am I charged higher royalties for the first year?

It is the music user's responsibility to ensure they have the correct licences in place before using any copyright material. Some of our tariffs apply a higher royalty rate for the first year to customers who have been using music without a licence. This higher rate helps to cover our costs of identifying and contacting businesses and organisations using music without a licence.

9. But I only have a TV?

A *PRS for Music* licence is required to play a TV in public for items such as theme tunes, adverts and music played within films and TV programmes. If you have a TV in your business you are likely to need a *PRS for Music* licence.

10. Why do I need a licence if the radio station or TV channel has already got one?

The radio stations and TV channels are licensed to broadcast our music, however, this does not cover the playing of this music in businesses such as shops, cafés, bars, offices and workplaces. It is the responsibility of the business to obtain a separate licence.

11. What ways are there to pay for a licence?

Customers can pay their invoices by direct bank transfer or by cheque to our local bank account. Payment details are provided on our all our invoices.

12. What happens if I remove music from now on?

A music user, such as the proprietor of a business, requires a copyright licence covering the duration of copyright music use in their premises. Music users can choose to stop using copyright music on their premises and will not require a copyright licence once performances have ceased. However, they may be required to pay a licence fee to cover any copyright music use to that date.

13. I've paid to hire a band/singer. Why do I have to pay *PRS for Music* too?

You have paid the band/singer to perform in your business, not for the royalties associated with the performance. The band/singer may be a member of ours or is very likely performing music belonging to one or more of our members.

If you are unsure of the copyright status of the repertoire being performed at an event you are holding, it is possible to complete a set list form and return it for us to determine the chargeable status of the event and if there is any amendment to the licence charges.

14. I only play music from my phone/ laptop so why do I need a *PRS for Music* licence? / I am already paying for a subscription with a digital music provider.

PRS for Music licenses the public performance of music which is not covered through any subscriptions to music providers via mobile or electronic devices. If music is used within your business a licence is required regardless of the device or means by which the music is played. It is your responsibility to ensure that the terms of use of your digital music provider allow you to use their service for playing music in public.

15. Which government department can I go to for more information about copyright?

The Registry General provides information on copyright and other forms of intellectual property in Bermuda.

16. Can I request to meet someone from *PRS for Music* face to face, rather than just contact you by phone or email?

We have a local representative who works on behalf of *PRS for Music* based in Bermuda. If you would like a personal visit please email bermuda@prsformusic.com and we'll make the arrangements for you.

There are further FAQs on our website:
www.prsformusic.com/bermuda

Contact details

PRS for Music in Bermuda

bermuda@prsformusic.com
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