

Product Licensing FAQs



Who needs to apply for an MCPS licence?

The applicant needs to be whoever is going to be liable for payment of royalties. This would initially be the person or company who commissions the manufacture of the copies of the product. It is the responsibility of everybody who handles the products to ensure that the copies are licensed. It's also possible for a person/artist to licence the product themselves if they are self-releasing.

How long does it take to obtain a Licence?

In general we will endeavour to reply within seven working days following the receipt of your application. However, missing or unclear information can cause delays.

Do you have to be a writer or publisher member of MCPS to apply for a licence?

No, you do not. The licensing schemes can be used by members and non-members alike. Prior approval (obtaining permission from the owner of the music first) to licence isn't required for AP2, but please note that other schemes may need this. It is also possible for a person/artist to licence the product themselves if they are self-releasing.

What is the difference between a Musical Work and a Sound Recording?

A Musical Work: The copyright in a piece of music, including any lyrics, belongs to the songwriter(s) or composer(s) who wrote the music. It is often assigned to, or exclusively licensed or administered by a music publisher. The copyright period expires seventy years after the year of the death of the last surviving composer, co-writer or arranger.

A Sound Recording: The copyright in a sound recording belongs to the person who made the recording. This is usually deemed to be the record company, which holds a contract with the artist performing on the recording, or the artist itself. This copyright expires fifty years after the year in which the recording was first exploited.

MCPS represents the owners of the music NOT the sound recordings (except for Library music members). In order to licence commercial sound recordings please contact the owner direct.

Are you restricted to which retail Audio Product Licensing Agreement you can licence under?

No, there is no restriction on the size of a company, its incorporation status, or the length of its trading and whether it can apply for AP1 or AP2A, However, we do need a formal application to be made in order to licence under the AP1 and AP2A Agreements. The AP2 Agreement does not need prior agreement.

Do you need to obtain an MCPS licence before you record the music?

No. However you need to obtain a Licence before you wish to manufacture copies for distribution to the public.

Do you need a Licence in order to give music away for free?

Yes. Whenever music is distributed on an audio product, whether for free or not, a licence from the copyright holders (or MCPS on their behalf) is required. There are various licences granted by MCPS, dependent on the use and purpose of the particular product. Find out more about 'Give-aways' and which licence is relevant to you at MCPS Product Licences

Do you need a licence if you're using existing sound recordings?

Yes, as MCPS is licensing you to manufacture further copies of the music on these recordings and distribute these to the general public. If you do not own the master recording from which you will manufacture, you should ensure that you have the written consent or a valid sound recording licence from the owner in addition to a MCPS Licence. The MCPS Licence is conditional on these consents being in place.

Do you need a MCPS Licence if none of the copyright holders of the music used are MCPS Members, or the music is in the Public Domain?

Yes. We need an Application For Licence form to be completed in all cases in order to assess the repertoire used and, if applicable, issue a Notification Of No Claim. This will be required by your manufacturer to show that MCPS does not currently have any members' interest in your product. It will also eliminate your product from our monitoring activities and help us to keep a comprehensive database.

MCPS can only licence on behalf of it's member repertoire. If you wish to use pieces of music which are not controlled by us, you must make direct contact with the copyright owner concerned and get their permission. If we do not control 100% of the piece of music involved your licence from MCPS will not by itself be sufficient for you to proceed. You must also have the permission of the non-MCPS copyright owner You are using all original music and are not a member of MCPS. Why do you have to apply for a licence to use your own work?

If you are using copyright music in any form then you are required to submit an Application For Licence (AFL) for each product. The licence ensures that the use of music is authorised and that the relevant copyright owners (songwriter, publisher, record company or artist) received royalties for the use of their copyrights. We need an Application for Licence form to be completed in all cases in order to assess the repertoire used and, if applicable, issue a Notification of No Claim. This will be required by your manufacturer to show that MCPS does not currently have any members' interests in your product. It will also eliminate your product from our monitoring activities and help us keep a comprehensive database.

One of your songs contains a sample from another song belonging to someone else. Will the AP2 licence be sufficient to cover the use of this sample?

No it will not. Each record contains 2 separate rights -the mechanical/publishing rights and the rights contained in the sound recording. MCPS acts on behalf of its members to issue licences - upon payment of a royalty fee -for the use of their mechanical rights, including the rights to copy the musical work and distribute these copies to the public.

However, MCPS does not represent its members in terms of sound recording rights. These are generally held by the record label which financed the original recording, or sometimes by the artist themselves.

For example, if you wished to record a cover version of a Beatles song which did not differ significantly from the original work, then the licence issued by MCPS would be sufficient. However, if you wished to use the entire track performed by the Beatles, or a sample of it, then you would be required to obtain permission from whoever owns the sound recording rights for the track before applying to MCPS for the licence to cover the mechanical rights of the song.

MCPS have produced a leaflet containing guidelines for the use of samples. Please contact the Sample Clearance team at samples@mcps-prs-alliance.co.uk to request a copy or for further information.

One of your tracks is a cover version but you have changed some of the lyrics. Will the AP2 licence be sufficient in this case?

In this case permission should again be sought from the copyright owner. MCPS represents the mechanical rights of its members but is unable to grant a licence for any adaptations made to any members' music without prior permission. If your version is an adaptation, is in a different musical style or is in any other way significantly different to the original track then you must first of all seek permission from the copyright owner.

Is an Invoice for the Licence fees ('royalties') the same as a Licence?

In the majority of cases a Licence will only be issued once an invoice has been paid. Invoices do not constitute an express or implied licence to manufacture or distribute the product, and to do so in advance of obtaining a Licence is a violation of that Licence. In addition, in those circumstances where producers are permitted to account in arrears of their products being manufactured and distributed, as is the case under certain Licensing Agreements, the MCPS Licence is conditional upon, amongst other things, this accounting being within the time period defined by the particular Agreement.