



*for all music,*  
**everywhere**

**MUSIC LICENSING IN MALTA**

**PRS**  
for **MUSIC**

# Music Works

Picture yourself on a Saturday afternoon browsing in your local shop. An absolute killer track comes on, then what do you do? You stay, pretending to look at items longer just to hear it all. You might even see something you like and buy it.

Well, you're not the only one this happens to. While customers would prefer to stay shopping in a business where music is played, it can also do wonders for staff morale. Any task can be enhanced by a great soundtrack.

At *PRS for Music*, we know the value of music in your business and what benefits it can bring aside from getting those cash tills ringing.

But don't just take our word for it, check out some findings from our MusicWorks research.

Visit [www.musicworksforyou.com](http://www.musicworksforyou.com) for the full information on how music benefits businesses.

**80%** of bars believe both customers and staff would complain if the music was turned off.

**93%** of clubs and bars agree that having music on makes a better atmosphere for customers.

**88%** of retail staff would prefer to listen to music by recognisable performers than sounds-a-likes.

**80%** of hair and beauty salon customers would prefer music on during their visit.

**90%** of hair and beauty salon owners agree that playing the right music is beneficial to their business.



**88%** of people work more accurately in the workplace when listening to music.

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**87%** of people in the workplace agree that music increases morale.

**84%** of restaurants and cafés say music helps create a better atmosphere for customers.

**80%** of current and previous gym users say music helps them enjoy their workout more.

**77%** of current and previous gym users say they would find a gym playing music more appealing than one that didn't.

**71%** of people prefer to listen to music when on hold on the telephone.

## 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, MP3, computer speakers or live events.

If the answer is yes, then this is classed as a public performance and will need a licence in line with The Malta Copyright Act [chapter 415]. This states that permission is needed from the copyright holder to 'perform' music in public.

Music in a restaurant or a nightclub is an obvious example of a performance but it can also include music on hold or when a TV is playing in the background. In both cases, a *PRS for Music* licence is required as music is being 'performed'. Even if it is the 'Strada Stretta' theme tune - whoever wrote the song is entitled to their royalties.

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



**86%** of people waiting in doctors or dentist waiting rooms agree music makes them feel more relaxed.

**74%** of people waiting in doctors or dentist waiting rooms say hearing music makes them feel less nervous.

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## Who Is PRS for Music?

*PRS for Music* is a collection society authorised to operate in Malta. We are a society of around 118,000 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 play, perform or make available 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.

In Malta, *PRS for Music* are also required to submit our tariffs every two years to the Copyright Board. Once approved these tariffs are then published in the Government Gazette and can be accessed online.

## From repertoire to royalties

At *PRS for Music* our main role is to collect royalties on behalf of our 118,000 worldwide members behind the 14.7m 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 2014, *PRS for Music* used 250 billion items of music usage to distribute its royalties.

**98%** of staff who work in stores without music agree that playing music would make them feel more motivated while working.

The same number agree that playing music in store would improve staff mood.



## International Societies

*PRS for Music* looks after more than just Malta and the UK, we administer the rights of music creators all around the world. We have over 120 agreements with affiliated collecting societies in 150 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 Malta, the UK and a number of other smaller territories including Cyprus and Gibraltar. This means that a licence from *PRS for Music* covers you even if you're playing music written or composed by non-Maltese or non-UK composers and songwriters.

For more information on our global network, please visit the Affiliated Societies page of our website: [www.prsformusic.com](http://www.prsformusic.com)

## Copyright and Licensing

We wanted to ensure the messaging about copyrighting and licensing is clear for you, our customers, so we asked the *PRS for Music* legal team to clarify:

If you perform or authorise the performance of copyright music by and/or to your customers and/or staff, copyright law treats such users of the music as a "performance in public, for which you require a licence from the copyright owner. Where the copyright music user fails to take out a licence before such use, the law treats the subsequent public performance of the music as an infringement of copyright. Of course, it is not a legal requirement to use *PRS for Music's* repertoire in your business in which case you do not need our licence if you discontinue using our repertoire.

However, if you unreasonably refuse to take out a licence, but continue to use our music, *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.



## 1. What is copyright?

Copyright protects literary, musical, audio-visual and artistic works (and other intellectual property). The Malta Copyright Act [Chapter 415] 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 Malta. *PRS for Music* has a repertoire of over 14.7 million songs from every genre so if you're using music it's highly likely to be music within our repertoire.

When a music creator becomes a member of *PRS for Music* they give us the exclusive right to license the public performance of their works. A music licence grants you legal permission to use our music.

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 and 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 Malta, everyone is required to comply with copyright law, as defined in the Malta Copyright Act (chapter 415).

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

No. *PRS for Music* is a membership organisation representing the rights of 118,000 songwriter, composer and music publisher members. We ensure creators are paid whenever their music is played, performed or reproduced.

## 5. A *PRS for Music* licence wasn't listed as a requirement by the Malta Tourism Authority or 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 Malta and are always looking to build on this to help ensure businesses understand their requirements.

## 6. Why are *PRS for Music* licensing businesses in Malta?

As well as its UK operations, *PRS for Music* works in selected countries around the world. *PRS for Music* is authorised by the Malta Copyright Board to operate as a collection society within Malta.

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## **7. Why am I charged at 1st year royalties and not standard?**

It is the music user's responsibility to ensure they have the correct licences in place before using any copyright material. The higher royalty rate helps to cover our costs of identifying and contacting businesses and organisations using music without a licence.

## **8. But I only have a TV?**

*PRS for Music* licenses the public performance of music that is included on TV such as theme tunes, adverts and music played within films and TV programmes. If you have a TV you are likely to need a *PRS for Music* licence.

## **9. Why do I need a licence if the radio station has already got one?**

The radio stations are licensed to broadcast our music, however, this does not cover the 'public performance' 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.

## **10. What ways are there to pay for a licence?**

Customers can pay their invoices by direct bank transfer or sending a cheque to our office address.

## **11. 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.

## **12. 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 licensing, 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.

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

We have *PRS for Music* representatives based in Malta. If you would like a personal visit please give us a call and we'll make the arrangements for you.

## **14. Is there anywhere else I can get more advice about *PRS for Music*?**

Please contact the Commerce Department of the Maltese Government **[www.commerce.gov.mt](http://www.commerce.gov.mt)** for more information. You can also speak to a lawyer.

There are further FAQs on our website: **[www.prsformusic.com/malta](http://www.prsformusic.com/malta)**

## Contact details

PRS for Music  
Suite 3, Level 2,  
Parklane Business Centre  
Mountbatten Street  
Hamrun  
HMR 1556  
Malta

Head Office:  
[+356] 2123 2010

Local Licensing Representative:  
Steve Vassallo  
[+356] 7979 4300

**[malta@prsformusic.com](mailto:malta@prsformusic.com)**  
**[prsformusic.com/malta](https://prsformusic.com/malta)**

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