

Statement of rights administered by Performing Right Society Limited¹



(2002.07)

The right of public performance

The Society owns or otherwise controls the public performance right in every musical work of which its member is the writer, publisher or proprietor, except: -

1. a dramatico-musical work whether staged or otherwise; provided that the rights administered by the Society do nevertheless include the right to perform in public: -

(a) a dramatico-musical work or an excerpt or excerpts from a dramatico-musical work performed by means of a film or by means of a radio or television set used for the purpose of giving a public performance of broadcast programmes;

(b) a non-dramatic excerpt or excerpts from a dramatico-musical work (however performed) the total duration of which in the course of the same programme is 25 minutes or less and which excerpt or excerpts: -

(i) are not a "potted" version of the work; or

(ii) are not or do not cover a complete act of the work;

2. the whole or any part of any music and of any words associated therewith composed or used for a ballet if accompanied by a visual representation of such ballet or part thereof; provided that the rights administered by the Society do nevertheless include the right to perform in public any such music and words so composed or used and accompanied by such visual representation when performed by means of: -

(a) a film and/or

(b) a television set used for the purpose of giving a public performance of broadcast programmes;

3. any musical work specially written for a son-et-lumière production when performed in or in conjunction with that production;

¹ by special direction of the Society's Board of Directors pursuant to the Society's Articles of Association.

continued...

4. any musical work (being a musical work which is not a dramatico-musical work or part of a dramatico-musical work) specially written for a production of a dramatic work in a theatre when performed in or in conjunction with that dramatic work.

Guidelines: explanatory note

The following is the text of the Guidelines adopted by the Society's Board of Directors to help determine whether a performance of an excerpt from a dramatico-musical work is to be regarded as 'dramatic' – in which case it will usually be licensed by the individual copyright owner – or 'non-dramatic' in which case it will be licensed by the Society provided its duration does not exceed the limits set out in paragraph 1(b) above.

The Guidelines

If an excerpt from a dramatico-musical work is performed on television or on stage it will be deemed to be dramatic if it is accompanied by any dramatic action, whether acted, danced or mimed, and thereby (and/or through the use of costume, scenery or other visual effects) gives a visual impression of or otherwise portrays the writers' original conception of the work from which the excerpt is taken.

It follows (by way of example) that a performance will not normally be deemed to be a dramatic performance if in the case of an excerpt not clearly to be regarded as 'dramatic' under 1 –

the excerpt is presented on a fixed set which is not based on the set of the original dramatico-musical work. (A 'fixed set' would be one which is used for the whole or a substantial part of the television or stage show); or

the performer(s) is/are wearing a costume which is not a costume from or based on the original dramatico-musical work; or

scenic effects are limited to the use of either a single prop, and/or a backcloth or a piece of scenery (whether physically present or created by technical means e.g. lighting effects) provided that the use thereof is not combined with costume from or based on the dramatico-musical work from which the excerpt is taken.