

PRS for Music Independent Production Company (IPC) Blankets



Benefits to Writers & Publishers:

- **Avoidance of exemptions:**
 - The contractual terms prevent IPCs from invoking the 'fair dealing' or 'incidental inclusion' exemptions to avoid paying for music. A number of programmes have been broadcast on both Channel 4 & Five for which fair dealing was claimed, e.g. 'The Hundred Best/Worst...'. Writers and Publishers will get paid for every use.
- **Tighter controls on derogatory uses:**
 - The IPC blanket contains a clause which excludes the use of music in a derogatory context. The wording for this was developed through consultation with MCPS members and is more restrictive than the one contained in previous mini-blankets.
 - IPCs are required to report all programme commissions (working title and synopsis) to their MCPS account manager. This will enable MCPS and its members to identify and pre-empt potential issues.
 - Under the previous 'prior approval' terms, some production companies were found to have misrepresented the programmes they were making. This led to approvals and licences for a work being granted when otherwise they would have been refused.
 - The derogatory use clause within the IPC agreement provides a remedy. MCPS can take action in relation to any such unlicensed use, seeking damages and an injunction to prevent further use of the programme containing the unlicensed music. Ultimately, MCPS can terminate the licence in case of material breach.
 - This should provide a strong incentive to ensure that production companies take care not to breach the Derogatory Use clause.
- **Increased music use:**
 - Our research has shown that production companies with a blanket licence tend to use 8-10% more music. This means not only more MCPS revenue for members, but also increased PRS for Music and secondary exploitation royalties.
 - It will allow MCPS members' repertoire to compete more effectively with buy-out libraries, whose music is increasingly being used in place of commercial music. For example, 'Hollyoaks' currently uses more buy-out library music than commercial music.
- **Broader spread of commercial music used:** Our research has shown an increase of 8% in the number of different works used under a blanket.
- **Efficiency:** No more wasted time spent clearing works that aren't actually used. Again, our research has shown that, on average, 48 clearances are requested for each 30 minute programme; each clearance takes 2½ weeks to obtain, and over 56% of clearances are never used in the final programme.
- **More money & less cost:** Rates have been increased by 10% plus MCPS' commission. MCPS will handle the administration (raise invoices, chase debts etc.).
- **Marketing:** Copyright owners can focus on marketing and pitching their music to IPCs. Details of programmes in production will be circulated regularly to MCPS members via a monthly email bulletin.
- **Level Playing field:** Brings IPCs commissioned by C4, Five & S4C into line with IPCs working for BBC, ITV, BSkyB, and several hundred other channels, all of whom already have the benefit of MCPS blanket licences.