



Intellectual Property for Musicians

Copyright is automatically created when a new work is created which is:

- created by a person in the UK
- has been expressed in some form
- is original or significantly different from anything else

There can be copyright on the work itself and on a particular recording of a work. Copyright on your music lasts for the life of the creator plus 70 years for the work itself and for the life of the creator plus 50 years of particular sound recordings of a work.

Commissioned works – the owner of the copyright on the work is still the composer/musician unless otherwise agreed. Get this agreed in any agreement/contract.

Licensing your work – you can grant a licence for a fixed term for someone to use your work. This can include a royalty fee or percentage of income awarded to you as the author. A licence can be non-exclusive allowing others to use the work at the same time.

Royalties - The MCPS/PRS collect royalty fees when a work is recorded, performed or broadcast. 8.5% of royalties go to the MCPS for each copy of a CD or recording produced (not necessarily sold). See <http://www.prsformusic.com/Pages/default.aspx>. They issue licences for live performance, film, broadcasting, online, mobile phones etc. They also issue licences to sell music. The PPL also collects and distributes royalties on behalf of record companies and performers. www.ppluk.com. With CDs around 16-18% of the PPD sales (published price to dealer or wholesale price) usually go to the artist or 50% of net receipts.

Remixes – still belong to the original composer/musician. Big names may ask for a royalty on use of their work

Sampling – if you are sampling a substantial part of a work you need to seek permission to use it. There are sample CDs available of work with no copyright on them.

Passing Off – this is referring to pretending to be another act (rather than a tribute)

Playing as a session musician – make sure you have a contract for a fixed fee or agreed split of royalties. If you make significant contributions to the work

(eg improvising) you could be a joint author - get that agreed and recognised.

Joint authorship – a band could jointly create work; someone could do lyrics and one music; one person could be the sole creator: make sure you agree who owns the copyright within your band/group and how you will split royalties. The author of a work could also be a company if an employee of that company was commissioned to write the work.

See <http://www.bpi.co.uk/category/protecting-uk-music.aspx> and www.soundrights.org.uk for further information on copyright

Creative Leicestershire, February 08
Following seminar led by John Buckby and Scott Farnsworth of Berryman Solicitors