



MCPS Factsheet

Copyright is the right granted by law to the creators of original literary, dramatic, artistic and musical works to ensure that copyright owners are rewarded for the exploitation of their works.

Any person who, without the permission of the copyright owner, does or authorises someone else to do any of the restricted acts may be liable for what is known as primary infringement of copyright.

In addition, a person may be liable for secondary infringement if he assists in copyright infringement by such means as handling or selling infringing copies, or by providing apparatus or premises for an infringing performance.

Please note that the following information on copyright is intended as a guide only. The information is not a comprehensive statement of the law and is not intended to constitute legal advice.

Retail Audio Products for sale to the general public for private home use

If people are buying the copies, then you would need to licence this under one of MCPS retail schemes - AP1, AP2A and AP2. You can licence under AP2 without prior agreement with MCPS. This includes all types of retail including commercial high street chains but also sale direct to a member of the public by whatever means, e.g. at shows, gigs, or charity.

The formats licensed in this way are audio-only CDs, as playable in most music systems, together with the other audio-only products, such as 7" and 12" vinyl, cassettes and also Mini-Discs. For avoidance of doubt, we also include CD-Interactive or Interactive CD, SACD and some CD-ROMs in the Audio Products agreements.

Give-aways

Where people are receiving copies free of charge, then you should consider the difference between this being for trade purposes and a give-away to the general public. If you wish to give copies to professionals as part of marketing the audio-only retail product, please refer to the promotional allowance within the retail agreements as above.

Cover mounted products are those audio and audio-visual productions which are supplied attached to periodicals and newspapers. This is classed as a retail product even if the product is advertised as being free.

DVD Music Products

This licensing Agreement covers the issuing of DVD Music products for retail sale. The DVD1 Agreement (Version2) allows producers to pay a fee (a 'royalty') for the use of Musical Works quarterly in arrears of the issue of these Works on DVD Music products. A formal application to operate under this Agreement is required. There are certain guidelines to qualify as a DVD Music product.

Marketing Promotions/Premium Products

An example of a Premium product might be a CD supplied free of charge to members of the public upon the purchase of a particular product or after the redemption of collected tokens. Another might be a CD that is sent by a particular company to favoured or potential customers or by that company to its staff as a gift or incentive. Increasing sophistication in marketing has also given rise to the promotional use of music on other formats such as video, CD ROM, DVD etc.

The use of commercial music in a Premium product requires prior approval from all of the relevant copyright owners, and MCPS can assist you in obtaining this. It is important to remember however, that if you do not own the rights to the recordings you wish to use, separate arrangements must also be made with sound recording owners and other interested parties, although again, MCPS may be able to help you to identify these.

Educational Productions

Producers of material for use by schools, local councils, health authorities and other public services often use music to help get a more effective message across to their audience.

Educational production may commonly contain either, or both, commercial music and Production (Library) music, and these are licensed separately by MCPS.

Many copyright owners are sympathetic to public service initiatives, and this can be reflected in the fees for the use of music in this area.

The use of commercial music (non-Production (Library) Music in an Educational product requires prior approval from all of the relevant copyright owners, and MCPS can assist you in obtaining this. It is important to remember however, that if you do not own the rights to the recordings you wish to use, separate arrangements must also be made with sound recording owners and other interested parties, although again, MCPS may be able to help you to identify these.