



*Affiliated to the Federation Internationale de l'Art Photographique*

## **COPYRIGHT SPECIAL ISSUE**

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FEDERATION CRITERIA TO GET AN APPLICATION FORM FOR PAGB AWARDS FOR PHOTOGRAPHIC MERIT  
(missing from e-news Issue 24 attachment)

The criteria for the YPU is that entrants for the Award must have entered the Annual Exhibition,  
in the Print, Slide or PI sections for two years.

### **ADVERTISING**

The results of the questionnaire last year indicated that you would not be unhappy with a little photo related advertising in e-news – not more than 1 page. It all helps to defray PAGB costs and ultimately your Club Subscription. The cost will be modest so please pass the word to any individual or business who might be interested. Photo Events, Amateur Exhibitions, etc., are publicised free but need to be of interest beyond your own Federation.

### **DISCLAIMER**

No-one on the PAGB Executive has the expertise to make definitive statements about Copyright law but this article reflects our limited understanding and we hope it may be helpful. However, Copyright law is very complex and neither the PAGB nor the compilers accept responsibility for any inaccuracies or misunderstanding that may result from their use.

I have cribbed the content from the IAC website, from internet blogs and from an article by Peter Brown whose help I gratefully acknowledge. There is a statement from Peter at the end of this article, which we think encapsulates the way the AV Community understands these licences. Again, this is our limited understanding and not legal advice. If you fall foul of the law don't blame us!

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## **Audio Visuals and Soundtrack Copyright**

What you do at home is rarely a problem. If you copy music and movie clips to a film and show it to friends you **have** broken the law but no one is likely to find out - or to worry about it. However, to show it at a club or to another group or to use it in a competition you will need several permissions.

Copyright is recognised by Acts of Parliament – the main legislation being the Copyright, Designs and Patents Act of 1988 and subsequent amendments. The Law is designed to protect the ownership of the work of writers and composers and others to whom the creators of the work have assigned their Rights, as well as the manufacturers of sound recordings and broadcasting authorities. Note that even if a composer has been dead for 200 years and his copyright has expired the copyright to the recording is still owned by of the performers.

### **It is an offence**

- to make a recording of Copyright music, even if that recording is not played back
- to record, or copy, any recording without the consent of the maker and or performer(s)
- to play or reproduce Copyright music in public\* without the appropriate permissions

\* Any group of persons outside the family circle, including friends, can be held to be “Public”.

The **Institute of Amateur Cinematographers (IAC)** has negotiated special arrangements with the various licensing bodies to allow them to issue licenses from these organisations.

Mechanical Copyright Protection Society (MCPS)  
British Phonographic Industry (BPI)  
Phonographic Performance Limited (PPL)

**IAC LICENCES ARE AVAILABLE ONLY TO**  
IAC Members and IAC Affiliated Clubs.

*and by specially negotiated arrangements to*

**The Photographic Alliance of Great Britain (MCPS and BPI only)**  
Members of the Royal Photographic Society (MCPS and BPI only)

Any of these licences in a club's name applies only to productions made by the club nominated. They do not cover productions made by individual members on their own behalf. Similarly, licences in the name of an individual clear that person's work only.

If you are using recorded music and you are providing AV presentations to clubs, giving shows or entering Regional, National or International AV Competitions, the PAGB believe that the purchase of the three licences listed below is essential.

Opinions expressed are not necessarily the opinions of The Photographic Alliance of Great Britain and the PAGB accepts no liability for any content.

Please forward e-news to anyone who would be interested and we would be delighted if you print it for your club notice board, etc.

Anyone who would like to receive e-news may register by e-mail to [rod@creative-camera.co.uk](mailto:rod@creative-camera.co.uk)  
e-news editor - Rod Wheelans, 43 Lovers Walk, DUMFRIES, DG1 1LR tel :01387 257906

In addition if you are selling the resultant AV show, as opposed to charging legitimate expenses or receiving a donation towards costs, you may have to seek permission from the Musicians' Union. This will protect you and the organisers of the events. Many AV competitions request details of licences held by the entrant.

Licences can be obtained from The IAC at the Film & Video Institute at

[http://www.fvi.org.uk/central/forms/Copyright Licences](http://www.fvi.org.uk/central/forms/Copyright_Licences)

## **MECHANICAL COPYRIGHT PROTECTION SOCIETY (MCPS)**

Protects the Rights of the Composer and permits the licensee to record (dub) musical works owned by members of MCPS which have previously been released as a sound recording on condition that the recordings are privately used.

For exhibition to friends and relations in private

On amateur movie, photographic or video club premises where admission is free or where a charge is made for club funds.

For public exhibition when such is promoted for the raising of club funds or for bone fide charitable causes.

For not more than TWO public exhibitions held annually in addition to those in listed above.

For exhibition at annual amateur movie, photographic or video festivals attended by competitors and friends.

Exhibition to judges in amateur film, photographic or video competitions.

For inclusion, as clips and short videos, in YouTube - provided there is no financial gain and no commercial advertising is attached. Such clips may be "embedded" in IAC and club websites so long as they are hosted by YouTube.

## **BRITISH PHONOGRAPHIC INDUSTRY (BPI)**

In normal circumstances record companies do not permit their commercial products to be re-recorded or dubbed. The BPI licence issued by IAC on their behalf permits the copying of recordings made by leading manufacturers. The BPI licence permits an unlimited number of copies of recordings to be made within the conditions of the licence during one year from its date of issue.

It should be noted that Copyright in the recording is separate from any other Copyright attached to the material recorded. Even if the material is free from any other Copyright the RECORDING itself is Copyright to the performer or the record manufacturer.

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The BPI licence covers the RECORDING PROCESS of all recordings made by leading manufacturers and its conditions are as follows.

The original recording used by the licensee must be his/her personal property and purchased through regular retail channels.

The names of all instrumental groups, bands, orchestras, choruses, solo artists and/or performers shall NOT be identified in subtitles or credits etc.

All other Copyrights e.g. Composer, Performer, shall be cleared before the recordings are copied or dubbed.

That no copies of the sound tracks on which the recordings reside be used for any other purposes whatsoever.

### **PHONOGRAPHIC PERFORMANCE Ltd. (PPL)**

A PPL licence is necessary for the REPRODUCTION IN PUBLIC of sound tracks created from commercial recordings - this licence is only available to IAC Members

**IAC Individual Membership costs £37.50 per annum  
whilst Club membership costs £40.**

The PPL licence allows use as the soundtrack of an AV recording and also covers the live use of recordings played as background during the entrance and as an accompaniment to film, video and audio-visual presentations that may not have a pre-recorded soundtrack.

This licence does not cover requirements that may be imposed by local authorities. IAC Licences cover material registered in Britain and you should check that music recorded abroad has been UK registered

**Both the MCPS and BPI Licence** can be purchased by members and clubs affiliated through Federations to the PAGB for £8.54 including VAT and clear all dubbings and recordings made within the 12 months FOR ALL TIME.

**The PPL License** is only available to members of the IAC. All three licences, MCPS, BPI and PPL can be purchased by IAC members for just £7.17 per annum including VAT.

Finding the right music and/or effects for our audio-visual presentations is probably one of the most difficult aspects of our hobby. The IAC Music Advisory Service is available to members and many people find this service in itself to be worth the membership fee. IAC has special arrangements with four production music houses who supply radio, television and the film industry with music of all types and these are available from IAC at £20 per CD. <http://www.fvi.org.uk/central/moodmusic>

### **MUSICIANS' UNION (Performer's Rights)**

Performers Rights are administered by the Musicians' Union. Under the provisions of the Copyright, Designs & Patents Act 1988 the consent of the performers is necessary in relation to the exploitation of their performances including recorded performances.

This is in addition to all clearances and consents that have to be obtained with regard to Composer and Recording Rights.

As from August 2005 it is no longer necessary for IAC members to apply to the Musicians' Union for performers consent for each incorporation of a sound recording into a project, provided all that is intended with that project is private use and/or exhibition to a non-paying audience.

However, any commercial exploitation will still require the prior consent of the Union. In such cases, or if you have any queries, contact the Media Department of the Musicians' Union on 020 7840 5556

**The Performing Rights Society (PRS)** issues licences covering commercial premises in which Copyright music is played. These are quite separate from the Copyright clearance licences issued through the IAC and will not normally be of concern to club members compiling AV shows.

### **SUMMARY BY PETER BROWN**

For AV workers who do not give shows with music to the general public or paid lectures to photographic clubs, the two licences that can be bought under the PAGB/RPS agreement will cover them. The MCPS licence states what is covered under and also allows entry to a Federation or National competition. However membership of the IAC has other benefits that you should consider.

One item that still get abused is that some AV workers still insist on putting composers or bands, even CD titles, into the credits at the end of their sequences, this is strictly against the rules of the licences. This happens in entries in National competitions.

Once you have cleared all the problems with the soundtracks, AV producers who copy pictures out of books, off the internet, or some other means, are still breaking copyright laws. Nobody seems to bother although I have seen some sequences that do not have one original photograph in them. Still no clearance has been sought.

If you are infringing copyright and threatening the way that someone else makes a living you can expect an adverse reaction. However, with a little commonsense, there is no reason why you need be handicapped in your hobby for lack of suitable music. Be careful and ENJOY your AV!