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**Dementia Inclusive
Singing Network**

Performing in Public and Recording

This guide explains what you should do if the songs you are performing in public are in copyright or you want to record your group singing songs that are in copyright. Read the guide called 'Copyright and Licensing for Choirs and Singing Groups' first so you know whether the songs you are singing are in copyright.

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**SUPPORTING AND
CHAMPIONING
LEISURE-TIME MUSIC**

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Performing music in copyright

Is the song you are performing in copyright?

If the song you are performing is in copyright you are allowed to perform it, but you will be due to pay royalty fees, also known as PRS fees. This applies to any public performance.

Is your performance a 'public performance'?

Music is performed 'in public' when it is performed outside of the home; this is described as the domestic circle or home life.

Public performances include:

- Performances without tickets and that are free of charge.
- Performances in your usual rehearsal place, for invited guests.
- Performances outside or in public places, where the audience is the general public.
- A Come and Sing event is counted as a performance.

If the performance is taking place outside the domestic circle or home life, it is a public performance.

E.g. a group have an end of term get together for members and invited guests. It is in a village hall, free, invite only and not open to the public. The get together involves a sing-song around the piano: this would still be classed as a public performance.

Care Homes: A care home is classed as a home. A performance by or for residents and staff is classed as in the domestic circle and not a public performance. BUT if anyone else is there, for example any family or friends of the residents, then it is classed as a public performance.

Family functions: If the performance is at a family or domestic event like a wedding reception, or birthday parties, then it is not classed as a public performance. But if the room is open to the general public so people other than invited guests can listen, then it is a public performance.



Who is responsible for paying the fees?

The collection of royalty or PRS fees is handled by PRS for Music and their partner company PPL PRS. They collect fees from licence holders and distribute them to the people who wrote the songs you perform, or whoever owns the copyright.

Venue responsibility: The PRS licence is held by the venue where the performance takes place and not by the group who is performing. Most venues hosting live music performances have a licence. The newest version of this is called TheMusicLicence. Ask the venue you are performing in if they have a licence. If they do, you should pay any fees due through the venue and they will tell you how to do this.

The fee is usually a percentage of box office takings for your event – around 4%. There can be a minimum charge still to pay if tickets to your event are free.

Other people's events: It is the organiser of the performance who is responsible for paying the fees. If you are invited to sing at someone else's event, it is their responsibility to make sure the fees are paid.

Busking: If you are performing in an outdoor public space, the local authority should have a licence so you can contact them to ask. Some local authorities pay a fee so all performances by buskers at designated pitches are covered. Others pay to have all performances anywhere on public land covered.

Unlicensed venues: If the venue you are performing in doesn't have a licence, you can contact PRS for Music. For members of Making Music, MM has a licence which covers all our member groups when they are performing in venues which don't have licences, so you can pay through us.

Recording songs in copyright

If you are going to make a recording of your group singing songs that are in copyright there are few different permissions and licences you need to consider.

Permission from the copyright holder

You **do not** need permission from the copyright holder to actually make a recording.

You **do** need permission to distribute the recording and you will need to be covered by a licence.



Distributing your recordings

If any of the songs you record are in copyright then you will need a licence to distribute the recording or be covered by an existing one.

Distribution includes:

- Making a CD of the recording, to give away or to sell.
- Posting recordings (video or audio) online.
- Streaming or selling recordings online.

Whether you need to buy a licence or whether you are covered by an existing one will depend on how you are distributing your recording.

Posting content on YouTube, SoundCloud or Facebook

YouTube, SoundCloud and Facebook have blanket licensing agreements with all major international record labels and music publishing companies. This means that if you are using one of these websites, you can safely assume that recordings you upload to one of these sites are covered.

For groups there are many benefits:

- It is the easiest and cheapest way to distribute music online – the platform (e.g. Facebook) takes care of the licencing and you don't have to buy your own.
- You can embed videos and recordings from these sites on your own website and are still covered by the blanket licences.
- Your recordings are easily and publically accessible and can be easily shared on social media or by email.
- If you want a recording to be private there are options for limiting access.

Distributing your recordings (outside of YouTube, SoundCloud or Facebook)

If you want to distribute recordings outside of these licenced platforms, you will need to buy a licence from the Mechanical-Copyright Protection Society (MCPS), part of PRS for Music. This can be done quickly and easily online. They are blanket licences in that they cover any music in copyright, and you don't need to tell them what music.

There are two types of licences you are likely to need:

- **Limited Manufacture Licence** - for CDs, DVDs and other physically distributed recordings.
- **The Limited Online Music Licence** - for streaming, downloads, webcasting etc.

Licensing for CDs and other physically distributed recordings – Limited Manufacture (LM) Licence

If you make a CD or DVD you will need a Limited Manufacture (LM) Licence from MCPS. The cost of a LM licence depends on how many copies of your CD you will make and how many minutes of music are included.

If your CD includes any other sound recordings which you didn't record yourself, for example backing tracks, you can purchase a LM licence which includes this.

Details of LM licence rates can be found on the [PRS for Music website](#).

Licensing for streaming, downloads, webcasting etc. – The Limited Online Music Licence (LOML)

If you plan to make music available from your website (e.g. streaming or downloads) you will need a LOML. This is a blanket licence to use copyrighted music for small UK services which earn less than £12,500 a year from this.

The licence is valid for a year. Its cost is based on how many times you estimate your tracks will be streamed or downloaded.

You can learn all about the LOML on [PRS for Music's website](#).

Do we need a LOML if we make recordings for rehearsal purposes and post to a member only area of our website?

The technical answer here is yes, but if it isn't for public distribution the risk is small.

Links

PRS for Music: <https://www.prsformusic.com/licences>

To find out how to pay a fee for the live performance of songs in copyright and to buy licences for the distribution of recorded performances.

We hope you find this Making Music resource useful. If you have any comments or suggestions about the guidance please contact us. Whilst every effort is made to ensure that the content of this guidance is accurate and up to date, Making Music do not warrant, nor accept any liability or responsibility for the completeness or accuracy of the content, or for any loss which may arise from reliance on the information contained in it.