

Music

Music is available from a variety of sources and in various formats, therefore copyright protection varies, as do the exceptions and licensing, depending on the uses we wish to make of the music.

Sheet Music / Musical Scores / Compositions Copyright protection is similar to a literary work, but there are no licences available for the use of sheet music.

Lyrics are protected as [Literary Works](#).

Sound Recordings, Film Soundtracks, Broadcasts and Performances of Music are treated quite differently in legislation and licensing.

Sound Recordings, Film Soundtracks, Broadcasts and Performances

Legal Exceptions for Copying or Lending Music / Sound Recordings / Broadcasts

Current copyright legislation is contained in the [Copyright Designs and Patents Act 1988](#) (CDPA 1988) and the exceptions that are particularly relevant in the use of music in libraries and for education are explained below. These exceptions are more commonly referred to as '**Fair dealing**' which are defences in law, not absolute rights.

What is 'Fair Dealing'?

Fair Dealing is not defined in law but left open to the discretion of the courts in a possible copyright infringement claim. The courts will decide on a matter of fact, degree and impression in each case i.e. what you are doing, how much are you copying and what impact your copying has on the work and its market value.

The key question asked is: how would a fair-minded and honest person have dealt with the work?

Before copying under the 'fair dealing' exceptions, you should always consider:

- a) Would your use substitute for possible sales and cause the rights owner loss of revenue?
- b) Is the amount you are using reasonable, appropriate and absolutely necessary for your purpose?
- c) Does the copying meet the provisos of the exception/s you are relying on?

Although limits are not specified, copying a whole work or a large proportion as opposed to buying a copy would be difficult to defend as fair i.e. would be considered damaging to the rights owner's legitimate economic interests and unfair.

Therefore unless the amount copied can be justified as fair, it would be advisable to remain within the confines of an 'insubstantial' amount.

Always cite your sources unless you have a genuinely valid reason not to, i.e. impractical or impossible

The Legal Exceptions

[General exceptions which apply to anyone](#)

[Education](#)

[Disabled Persons](#)

[Libraries](#)

Overseas Campuses and Distance Learners

No recordings may be supplied or made available to anyone outside the UK.

The statutory 'Fair dealing' provisions (above), and all licences relating to broadcasts are restricted for use within the UK due to complex rights issues.

Digitisation/ Format shifting is not permitted under current UK law.

Off-air recordings made under the [ERA Licence](#) or the [s.35 Exception for Education](#), may be digitised /reformatted or additional copies made.

Commercially Purchased Recordings

Commercial recordings normally have a licence agreement or Terms and Conditions attached, prohibiting the copying, lending, selling or showing/playing to the public.

No further copying is permitted without permission from the rights owners.

No format shifting/digitisation is permitted without permission from the rights owners.

However, recordings purchased for the University Library and sold to the Library by the usual supplier, knowing the normal business of the University Library, may be shown for instruction under s.34(2) and lent under an 'implied licence' and under s.36A or s.40A(2) CDPA 1988.

If the recording has been purchased via any other means e.g. by an individual from a store or online, the attached restrictions would apply.

Free/Promotional CDs given away with newspapers, magazines etc., can be treated the same as commercially purchased material, i.e. restrictions on lending by libraries do not apply.

University Licences

Music for University non-teaching purposes e.g. social, entertainment, marketing, fundraising events

The following licences are administered jointly by EFMS and Chartwells for venues where music is played regularly for non-teaching or entertainment events, e.g. all Student Union bars, Hendon Fitness Pod, Forum and Quad. Film clubs and other public screenings of film or broadcasts containing music, also require music licensing.

N.B lecture theatres and teaching rooms are not covered by any licences or legal exceptions for playing music unless for teaching/instruction purposes.

For further information on licensed locations, please contact EFMS Events at: events@mdx.ac.uk

PRS for Music ([Performers Rights Society](#)) protects the rights and collects royalties for song writers, composers and music publishers.

PPL ([Phonographic Performance Ltd](#)) licenses the public performance, broadcasting and cable programme rights in sound recordings (i.e. CDs, records, tapes etc.) on behalf of their record company members and performers.

The PRS and PPL licences are not University wide but site specific, and are also required for when showing films or broadcasts containing music.

In addition to the site licences, PRS offer individual annual licences for various uses such as for businesses, live events, broadcasts, online and mobile services to the public and for use in products. (see: <http://www.prsformusic.com/users/Pages/default.aspx>).

VPL (Video Performance Ltd) is the sister company of PPL and licenses the public showing of music videos controlled by their record company members.

Licensed Resources:

Naxos – Music Library for (chiefly) jazz; login via the Library E-Resources – Databases.

Moby has made a collection of tracks available at mobygratis.com which can be licensed without a fee for use by independent and non-profit filmmakers, film students, anyone who needs free music for their independent, non-profit film, video, or short film. The site allows you to listen to the tracks and if you choose to use a track, there's an easy licensing process; see http://www.youtube.com/watch?v=QGI_WPq2FcQ

Jamendo claims to be the “Number 1 platform for free music providing free music downloads for private use and royalty free music licenses for commercial purposes” under Creative Commons Licensing: <http://www.jamendo.com/en/creativecommons>

Spotify is a legitimate hosting site (free registration and software download required).

YouTube hosts a wealth of music and video uploads, but not all are legitimately provided by the copyright owner, therefore should be used with caution.

PRS Licenses some music that has been included in YouTube clips and ensures the appropriate royalties are paid to rights owners.

A search for creative commons music will show music clips which can be re used under the terms of a [Creative Commons Licence](http://creativecommons.org/licenses/by/4.0/), provided the copyright owner genuinely uploaded the material and attached the CC licence, e.g. <http://www.youtube.com/watch?v=96-9NWtUBqs>

Internet/Google sources should also be used with caution. Unless the copyright owner genuinely uploaded the material and attached permissions or a [Creative Commons licence](http://creativecommons.org/licenses/by/4.0/), you should avoid using the material. As with YouTube or any other public sharing sites, if in doubt as to the provenance or source, you should never download the file, but provide a hyperlink to the URL instead.

Stonewashed.net provides links to sites offering copyright free, public domain or Creative Commons Licensed music for all purposes, including commercial <http://www.stonewashed.net/free-music.html>

Sheet Music/Scores/Compositions

Copyright protection for sheet music or compositions is similar to a literary work.

Current copyright legislation is contained in the [Copyright Designs and Patents Act 1988](http://www.copyright.gov/) (CDPA 1988) which provides exceptions (below) more commonly referred to as ‘**Fair dealing**’ exceptions, which are ‘defences’ in law, not absolute rights.

Copyright Ownership: Copyright is owned by the original creator/composer unless

- a) the work was created as part of the normal contractual duties of an employee, or
- b) the work was commissioned and the copyright assigned by contract to the commissioner.
- c) If published, the publisher will also own typographical copyright in the published version.
- d) a new arrangement is made of a work which is out-of-copyright/copyright expired. The composer of the new arrangement will own the copyright in this arrangement only.

Copyright Duration: Copyright in the actual score /composition will last for 70 years from the end of the year of death of the creator/composer, regardless of ownership.

If published, the publisher will own copyright in the typographical arrangement or published version, for 25 years from the end of year of publication, regardless of whether the actual composition is still in copyright or copyright has expired.

Public Domain: Where copyright has expired i.e. over 70 years from the end of year of death of the creator and over 25 years from end of year of publication if published.

Legal Exceptions for Copying or Lending Music

['Fair dealing' exceptions](#) as above:

Licensing

There is currently no licence available to facilitate the copying of sheet music, as the MCPS copying licence has been discontinued.

The MCPS licence previously permitted copying of sheet music to facilitate an awkward page turn during a performance. Therefore copying for this purpose is no longer permitted unless it falls within the 'fair dealing' criteria.

Sources

Library Collections:

You may copy an insubstantial amount of a publication i.e. a collection of musical scores under the s.29 'Fair dealing' exception

You may freely copy musical scores from any publication over 25 years old if the creator has been deceased for more than 70 years.

Free Downloads:

IMSLP - International Music Score Library Project <http://imslp.org/>
a searchable database of out-of-copyright /public domain music scores

Music-Scores www.music-scores.com

To Purchase:

Sheet Music Plus	http://www.sheetmusicplus.com/
Musicroom.com	www.musicroom.com/Scores
MusicNotes	www.musicnotes.com
Music-Scores	www.music-scores.com

More information is available via the Intellectual Property Office (IPO) web pages at:
<https://www.gov.uk/government/publications/copyright-notice-printed-music>

For general copyright advice, please email Copyright@mdx.ac.uk

[Back to top](#)