

Music Factsheet 12

Music Licensing FAQs

Introduction

This Factsheet addresses some of the common practical questions asked by teachers about music licensing. It is not intended as a guide to all the complexities of copyright and international licensing issues. If you need to find out more about music licensing, read **Factsheet No. 11: Music, Copyright and the Dance Teacher**, in particular the links and contacts given on the last page. Do not be afraid to contact licensing bodies directly – they are usually very willing to help, and will be able to offer advice on your specific situation.

1. What's a PRS Licence? Do I need one?

PRS stands for 'Performing Right Society', an organization known as a 'collecting society' which collects money on behalf of composers and publishers. To play music in public, you need a PRS licence, unless all the music that you play is out of copyright, or not licensed by the PRS. This is such an unlikely situation as to be almost impossible: even 'Happy Birthday' is in copyright, and requires a PRS licence when sung in public.

2. Do I need a PRS licence for my RAD classes?

We now recommend that teachers obtain a 'blanket' licence from PRS to cover their music use for all classes, including RAD syllabus. Although some RAD syllabus music is out of copyright, or is corporately owned by RAD, there are increasingly parts of the syllabus or related resources which are the copyright of third parties, and thus require a licence. The RAD itself has a PRS licence for the same reason.

3. I only use a small proportion of non-RAD music in my syllabus classes. Can I apply to PRS for a pro-rata discount?

No. The only circumstances under which PRS (and PPL) will agree to a waiver of charges is for those classes where all the music used is out of copyright or the property of an Association who are not PRS publisher members. It is in the nature of a blanket licence to cover you for the use of one piece, or a hundred. There is no such thing as a 'pro-rata' licence where you only pay a proportion of the fee.

4. I always used to get a waiver for my RAD classes from PRS – why can't I now?

Although there might be some cases where some teachers, in some countries, some of the time, might be eligible for a waiver on some classes, we now consider it in the best interests of our members – and in the interest of the teaching of dance generally - to advise them to get a blanket music licence which will cover them for all potential music use. The musical content of the RAD syllabus and teachers' use of music are constantly changing, and the best way to ensure both compliance and freedom of choice is to obtain a blanket licence.

5. What's a PPL licence? Do I need one?

- If you never use recorded music, you won't need a PPL licence.
- If in some of your classes you use RAD recordings exclusively (an RAD recording will have (P) RAD Enterprises Ltd" on it on the disc label) then you may discount those classes on your PPL form, because the RAD is not a member of PPL, and PPL do not collect on our behalf.
- Note: PPL do not collect money on behalf of composers, only performers and record labels. You will still need a PRS licence to cover the rights of composers of underlying works.

6. What is a ProDub Licence? Do I need one?

A ProDub Licence is a joint licence issued by PPL and PRS for Music, which for an annual fee gives you the right to make copies of music on to an iPod, blank CDs, a laptop, MP3 player and so on for use in your classes. Although you can transfer your CDs to an iPod or similar device for your personal domestic use, and the terms of some online music services such as iTunes permit you to keep copies of the music on a number of machines at once, as soon as the use of the music becomes commercial, you must pay a licence fee to do this. If you use an iPod or similar digital music storage device in your class, you will need a ProDub licence.

7. What about 'educational use' or 'fair use'? I'm a teacher, why do I have to buy a licence?

The notion of 'educational' or 'fair' use of music only applies in non-commercial educational contexts, and only when the music is being used in order to teach about music. Dance teaching in the private sector is viewed as a commercial activity, for which music licences are required.

8. I've already bought the CD. Why should I have to pay again?

Buying a CD only entitles you to use it for your own private or domestic purposes. Playing it in public in a dance class is a public commercial use of the music and hence incurs a licence fee. This is the meaning of the copyright statements on the CDs that you buy, which state that 'unauthorized public performance' is prohibited.

9. If I have to buy a PRS licence, aren't RAD 'double-dipping'? Collecting once on the sale of CDs, and then on income from PRS?

No. RAD Enterprises Ltd are not publisher members of PRS, and therefore do not collect any income via PRS. Even if we were publisher members, the amount collected would be negligible. The PRS licences that you buy are to cover you for music that you use which is not our copyright.

10. Why do I have to have a licence now? I've never had one before?

Music licences have been in force for many decades, they are nothing new.

11. Why doesn't the RAD ensure that all syllabus music is RAD-owned, so that teachers can waive their PRS and PPL fees?

Although we try to keep the number of copyrighted compositions in the examination syllabus music to a minimum (because of the complexities of licensing music) it is in fact almost impossible, both practically and legally, to insulate a body of work the size of the RAD syllabus securely from any third-party copyrights or interested parties in perpetuity. As a practice, it restricts the potential for growth and change both for the organization and for its members.

However, even if the entire body of music for the RAD examination syllabus were to be either public domain or corporately owned by the RAD, 'syllabus music' would form only a part of the total musical experience afforded to pupils throughout their dance education and training, regardless of what takes place in an examination.

12. Can I use RAD music for my school show?

People use the term 'RAD music' either to describe music that they have bought from the RAD, or to denote music that is used to accompany the examination syllabus. While 'RAD music' might be a handy term for both cases, and it might be correct that some of the music or recordings in either case belongs to the RAD, the term should not be understood to imply that products purchased from RAD are free of any obligation to obtain appropriate licenses for the public and/or commercial use of the music. Running a dance school, organizing classes and shows, all of these are public uses of music.

Please note that the fact that you do not charge for an event, or do not make a profit from it, does not imply that no license or permission is needed.

13. Is there anything else I should know? Where can I go for help?

For further information, see Music Factsheet No. 11 Music, Copyright and The Dance Teacher. At the end of this page there a number of useful links to information about copyright.