

## Fact Sheet – An Introductory Guide to Copyright

### What is copyright?

Copyright is an automatic right that occurs whenever an individual creates a work of one of the following types: Literary, dramatic, musical, artistic, sound recording, broadcast, film or the typographical arrangement of published editions. To qualify for copyright, the work should be original, and exhibit a degree of labour, skill or judgement.

### Music copyright

In a musical context, copyright will apply to:

1. The musical composition itself, legally defined as a 'musical work'.
2. The lyrics, which are protected as literary work.
3. Recordings of the musical work, which are subject to copyright in their own right as sound recordings.
4. Any original artwork, illustrations, etc. for an accompanying cover, sleeve, booklet, etc. will be subject to copyright as artistic work.

### Duration of copyright

Under UK law, copyright in a musical, artistic or literary work, will exist from the point that the work is first fixed in a 'tangible' form and last until 70 years from the end of the calendar year in which the last remaining author dies.

For sound recordings only, copyright will run for 50 years from the year of recording, or 50 years from date of release if released in that time.

Outside the UK, actual duration may vary slightly from one country to another depending on national laws, but the above is fairly typical.

### Copyright symbols used

The traditional ©, ('C' in a circle) symbol should be used to refer to copyright in the composition, musical score, lyrics, as well as any artwork or cover designs.

The copyright to the sound recording itself, is signified by a 'P' in a circle and typically referred to as phonographic copyright.

### Copyright notices

A copyright notice is simply a piece of text that states that the work is subject to copyright and the authors name, it is often followed by the phrase 'all rights reserved' which simply means that you withhold all rights to that work as is your right under copyright law.

You should place copyright notices on your work, and the notice should be obvious and legible to anyone with access to your music. Typically the copyright notice would appear on the accompanying sleeve or booklet, as well as on the CD, cassette or LP itself.

For more information, a handy fact sheet explaining copyright notices can be found at [http://www.copyrightservice.co.uk/copyright/p03\\_copyright\\_notices](http://www.copyrightservice.co.uk/copyright/p03_copyright_notices)

### Using the music of others

If you use samples of music by other authors in your work, ensure that you get permission to use the work before you attempt to publish or sell your work. Similarly, if you use loops or samples available via sample collections etc. ensure that these are licensed as free to use, or obtain permission first.

If you need to get permission to use a piece of music, normally the best place to start is with the last known publisher for the work. As they must have permission themselves they will certainly know who you would need to contact.

The **Mechanical Copyright Protection Society**, <http://www.mcps.co.uk/> (or, if the work is by an U.S. artist, **ASCAP** <http://www.ascap.com/> or **SESAC** <http://www.sesac.com/>) may also be able to help, as all these organisations collect royalties on behalf of copyright owners

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### Band names

Copyright does not apply to names, neither will it apply to single phrases or slogans. Names may however be regionally protected as a trademark which may be carried out via national patent and trademark offices, though this is really aimed at corporate branding and is generally considered 'overkill' for band names.

### Public performance licences

Clubs and venues will generally be licensed for public performance, the administration of this is carried out by various organisations throughout the world:

In the UK this is dealt with by the **Performing Rights Society**. <http://www.prs.co.uk/>

ASCAP also provide a **list of affiliated organisations** dealing with performance rights in other countries. Please visit <http://www.ascap.com/about/affiliated.html/>

### Registering copyright

Copyright registration can prove invaluable if your work is disputed in the future, and a registration with the **UK Copyright Service (UKCS)** <http://www.copyrightservice.co.uk/> will ensure that you have proper evidence in case you ever need to prove your claim in a court or tribunal. As copyright is an international right, the UKCS registration will also protect your work overseas.

When registering musical works, the cheapest and most convenient method is to send a whole album as a single 'work' to be registered (i.e. a CD containing all your songs). Registering on-line can also be a little cheaper, but be sure to convert your songs to mp3s, to reduce your upload time.

Copyright registration forms or the on-line registration service can both be reached via: <http://www.copyrightservice.co.uk/register>