

TheMusicLicence

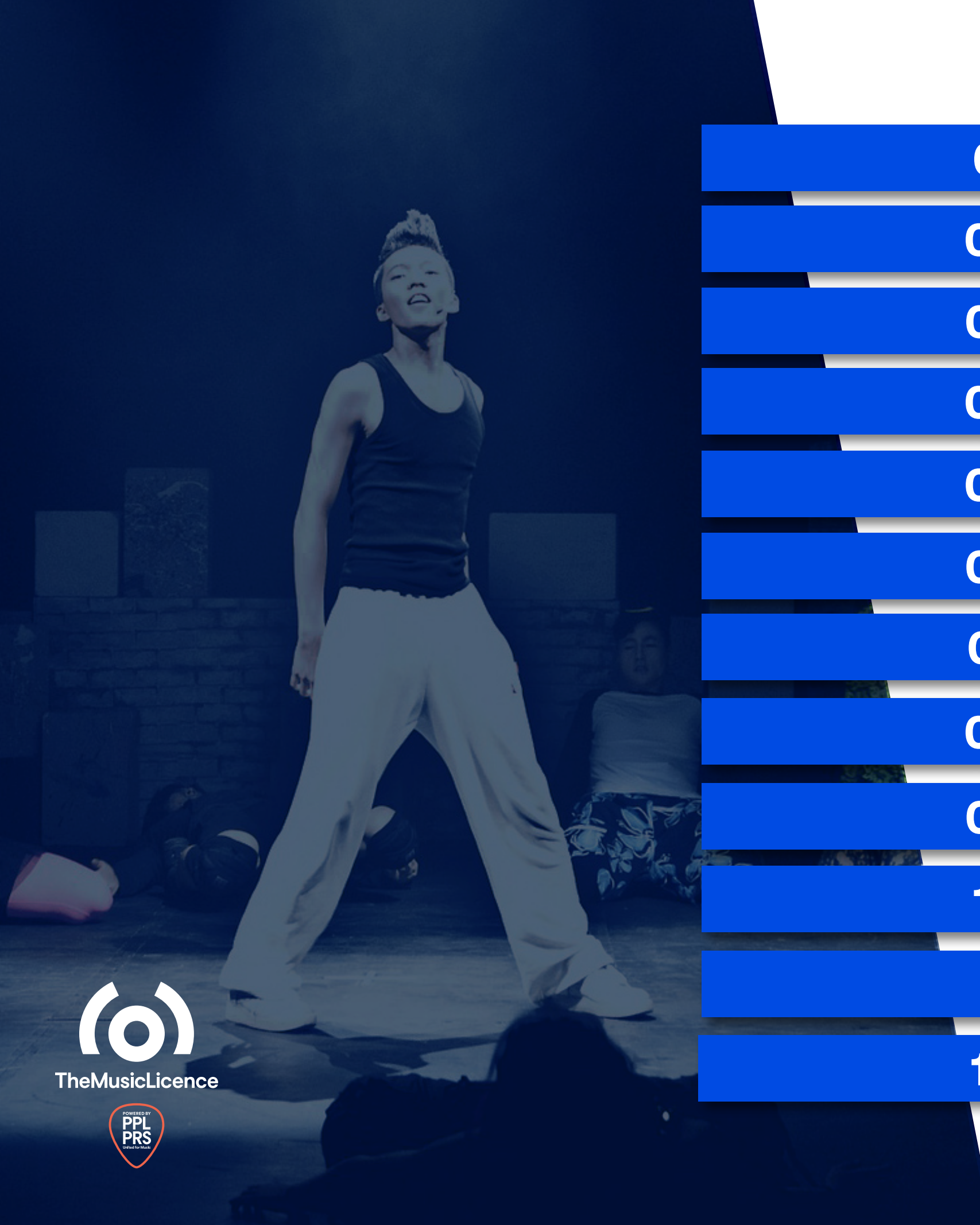
Licensing Guide

Theatre, Variety and Performance



TheMusicLicence





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TheMusicLicence



How TheMusicLicence works



We collect music licence fees from UK businesses & organisations on behalf of our parent companies, PPL and *PRS for Music*.



PPL distributes music licence fees for the use of recorded music on behalf of record companies & performers. *PRS for Music* distributes music licence fees for the use of musical compositions & lyrics on behalf of songwriters, composers & publishers.



This ensures that the people who create music are fairly rewarded for their talent and work.

What is TheMusicLicence?

If you use, play or perform music in your business or organisation, the chances are you need a music licence.

Under The Copyright, Designs & Patents Act 1988, permission is needed from the relevant copyright holders – those people who create music – in order to play or perform music in public.

TheMusicLicence gives you this permission, in relation to the vast majority of commercially available music. This ranges from grassroots and independent artists and composers through to the biggest names in the business.



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Theatre

Dramatic Presentation

A dramatic presentation is a production on the live stage which has a story or plot and the performers of which appear in character. There are two forms of uses associated with dramatic presentations: “grand rights” and “small rights”.

Grand rights are generally directly licensed by the individual copyright holder under the terms they choose.

Small rights are generally licensed collectively by PPL PRS in accordance with published tariffs. However, in certain circumstances, PPL PRS may have to “decline” to license one or more performances or a production run in favour of the copyright holder (usually the publisher of the work(s) concerned, see p. 12-13).



Grand Rights

“Grand rights” is the term widely used in theatre music licensing to refer to the performance of a musical work in the context of “dramatico-musical works” and “ballets”.



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Grand Rights - Dramatico-Musical Works



What are dramatico-musical works?

A “dramatico-musical work” refers to an opera, operetta, musical play, revue or pantomime for which the music has been specially written. The term includes musicals specially written for the stage (such as Phantom of the Opera, Wicked or West Side Story) as well as musicals first conceived for film (such as Disney’s The Lion King or Mary Poppins) and broadcast or sound recording (such as The Who’s Tommy or Pink Floyd’s The Wall).

Tariffs and Charges

PPL PRS do not license the performance of PRS controlled musical works in dramatico-musical works, when those works are performed on the live stage in the context of a dramatic presentation.



If you are intending to stage the whole, or part of a dramatico-musical work, you will need to contact the copyright owner concerned.

By extension, individual works specially written for plays and other dramatic presentations that are not themselves dramatico-musical works are not licensable by PPL PRS, when performed in or in conjunction with the dramatic presentation for which they were written.

However, PPL PRS do license the use of PPL controlled recorded music in dramatic presentations. This type of music usage is charged based on the number of minutes and is calculated under the PPLPP030 tariff for amateur theatrical productions or the PPLPP032 tariff for professional theatrical productions.

Grand Rights - Ballet



What is ballet?

“Ballet” is defined as a choreographic work having a story, plot or abstract idea devised or used for the purpose of interpretation by dancing and/or miming.

Unlike dramatico-musical works, the music does not need to be specially written for the ballet for its performance in conjunction with that ballet to be classified as a grand right.



Tariffs and Charges

When PRS controlled music is used, PPL PRS do not license the whole or any part of musical work composed or used if the performance is accompanied by a visual representation of the whole or part of such ballet. Producers will require a licence from the copyright holder in order to obtain the relevant permissions.

However, PPL PRS do license the use of PPL recorded music in ballets. This type of music usage is licensed under the PPLPP032 tariff for professional theatre productions and is charged based on the number of minutes of recorded music that is used.

Songs from Shows



Although PPL PRS do not license grand rights (p 7), they do license the live performance of individual songs from dramatico-musical works, provided that:

- The performance of the work(s) is non-dramatic i.e. it is not visually suggestive of the parent show through costume, characterisation, choreography, prop, scenic effect etc singularly or in combination. e.g. a performer wearing a mask and performing a song from Phantom of the Opera.
- The use does not constitute a condensed or “potted” version, or cover an entire act, of the parent show.
- The total duration of the excerpt from the parent show in the course of the same programme does not exceed 25 minutes.

If you are intending to adapt or record one or more musical works for the purpose of non-dramatic



performance (in the form of a medley for example), permission must be obtained from the copyright owner. TheMusicLicence does not cover performance of works by means of a recording without the consent of the copyright holder concerned.

Tariffs and Charges

Where PRS controlled works are used in this type of performance, the royalty rate is calculated as a percentage of the revenue in accordance with tariff LP, the PRS tariff applicable to musical entertainments and concerts consisting wholly or mainly of copyright popular or light music. Where PPL controlled recordings are used, a PPL royalty will also be payable and is calculated based on the number of minutes of recorded music that is used under the PPLPP030 tariff for amateur theatrical productions or the PPLPP032 tariff for professional theatrical productions.



Small Rights

(Music not specially written for dramatic presentation)

Music not specially written for a dramatic presentation is licensable by PPL PRS.

For the purpose of its licensing activities, PPL PRS recognises two forms of music use in dramatic presentations; **incidental music** and **interpolated music**.



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Incidental Music



What is incidental music?

Incidental music refers to music that is not performed by, or audible to a character within the dramatic performance.

It is music that may transition a scene change, refer to an underscore or music played at curtain raising or closure.



Tariffs and Charges

The PRS royalty for the performance of incidental music is a capacity based charge per week, calculated in accordance with section 3.2 of PRS tariff T.

Where PPL controlled recordings are played as incidental music, the PPL royalty is based on the number of minutes of recorded music that is used and is calculated under the PPLPP030 tariff for amateur theatrical productions or the PPLPP032 tariff for professional theatrical productions.

Interpolated Music



What is interpolated music?

Interpolated music refers to the use of both recorded and live music, which exists within the dramatic world of the presentation. This means that the music is part of the drama and it is audible to characters, even if they don't directly react to it.

To correctly identify interpolated music, imagine the presentation as a film. As a viewer, we instinctively understand when a character in a film can hear the music and when it's just soundtrack that they can't hear. Such as when there's a car chase; the driver can't hear the dramatic chase music that accompanies it, but if there is music playing on the car radio, they can hear that. As the viewer, we understand this distinction immediately – if this were on stage, any in car music would be “interpolated”.



Although interpolated music is controlled by PRS and PPL, venue licence does not authorise the performance of interpolated musical works in theatrical presentations.

This is unless the licensee or applicant has first applied in advance for such licence and PPL PRS has, after confirming the same with the publisher or copyright holder, specifically advised the customer or applicant that it is authorised to grant the licence.

If the copyright holder has not granted authority to issue the licence, PPL PRS will direct the applicant to the copyright owner concerned.



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Authorisation must be sought in advance of performances via our application form which is available on request directly from PRS, at **dramaticapplications@prsformusic.com**.

All applications should be submitted at least 30 days in advance of the first performance to allow the appropriate clearance process to be considered.

With regard to dramatic presentations featuring the works of a particular writer, artist/group or genre, we recommend that applications for authorisation are made as far in advance as possible. Please contact **dramaticapplications@prsformusic.com** for guidance.

Tariffs and Charges

Where PPL PRS confirms that it has been authorised to license the performance of interpolated music from the PRS and PPL repertoires the following royalties will be payable.

For PRS controlled music, the performance of interpolated music is calculated as a percentage of the revenue charge.

This varies depending on the amount of PRS controlled music used and is calculated in accordance with section 3.3 of PRS tariff T.

When PPL controlled recorded music is used, the royalty rate is based on the number of minutes and is calculated under the PPLPP030 tariff for amateur theatrical productions or the PPLPP032 tariff for professional theatrical productions.

PRS controlled music that has not been specially written for a pantomime does not require interpolated music clearance when it is performed in the course of the production. Such pantomimes are licensed by PRS as a variety show (see p 14-15). However, pantomimes for which the words and music have been specially written are classed as dramatico-musical works and are not controlled by PRS (see p 7). Where interpolated music controlled by PPL is used in pantomimes, it is licensed under the PPLPP032 tariff for professional theatre productions and is based on the number of minutes of recorded music used.

*Please note that copyright owners may deny as well as grant approval for the use of their work(s) in a dramatic production.

Variety Shows



What are Variety Shows?

A variety show is staged entertainment made up of a variety of acts including music, dance and comedy. The term includes anything in the nature of variety, including revues and pantomimes for which the words and music have not been specially written, but does not include concerts.



Tariffs and Charges

PPL PRS license the public performance of musical works and sound recordings in the context of variety shows.

Where PPL controlled recordings are played in the course of a variety show, the royalty will be payable by the production company. It is calculated under the PPLPP030 tariff for amateur theatrical performances or the PPLPP032 tariff for professional productions, based on the on the number of minutes of recorded music that is used.

Where PRS controlled repertoire is used, a royalty is payable by the venue operator and is calculated in accordance with the PRS tariff V. This is unless the performance takes place at premises for which no or only a nominal charge for admissions is made. The royalty rate for this type of performance is typically charged at a percentage of the revenue charge expressed as 2% of gross receipts net of VAT.

However, discounts are available depending on the proportion of PRS controlled music in the show, expressed as a percentage of the overall running time of the production. In order to qualify for a discount, the applicant must submit the necessary information about the production no later than five days after the first performance or ten days before the last performance, whichever date is earlier.

Amount of PRS controlled music	Discount	Effective rate
25% or less	75%	0.5%
Over 25% but under 50%	50%	1%
Over 50% but under 75%	25%	1.5%
Over 75%	N/A	2%

The above table is a summary of the rates for information purposes only. For full details of how throyalty is calculated please refer to tariff V at www.pplprs.co.uk/business/theatres.

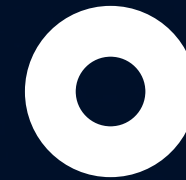
Please visit www.pplprs.co.uk/business/theatre or contact varietyapplications@pplprs.co.uk for an application form.

Walk on / walk off music



What is walk on / walk off music?

A walk on / walk off rate applies for talks and stand up comedy shows at theatres, arenas and similar venues, where the only act uses a small amount of music when entering and exiting the stage. For music to be classed as walk on / walk off the usage must not exceed five minutes in duration and must not be used anywhere in the rest of the performer's act.



Tariffs and Charges

PPL PRS license walk on / walk off music. When music from the PRS repertoire is used, the PRS royalty rate applied is 0.2% of the actual gross receipts from the show, net of VAT.

When music from the PPL repertoire is used, the PPL royalty rate is based on the number of minutes of recorded music used during the walk on / walk off sections of the production, under the PPLPP032 tariff for professional theatrical productions.

Overture, entr'acte and exit music



What is Overture / entr'acte / exit music?

Overture / entr'acte / exit music refers to music that is played in the auditorium before a theatrical performance starts, during an interval and when the audience exits after the performance has finished.



Tariffs and Charges

This form of music use is controlled by both PRS and PPL and is licensable by PPL PRS. It is covered by a venue licence and charged at an annual rate under section 3.1 of PRS tariff T and under the PPLPP031 tariff for background music in theatres. Other areas of the venue, e.g. a café or bar, would be charged separately under the appropriate PPL and PRS tariffs.

Simulcast and encores



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What are Simulcast and encores?

For PPL PRS public performance licensing purposes, a 'simulcast' is the term used to describe a live event that is broadcast in real time to other venues. An 'encore' is a broadcast of a recording of a previously staged live event to other venues. PPL PRS license venues or promoters screening simulcast or encore performances that contain PPL or PRS controlled repertoire.



Tariffs and Charges

Simulcast and encore performances of live music events in cinemas are licensed under the PRS tariff C and are charged at 3% of actual receipts. Live music events include operas, musicals, ballets and live concerts. However, if the screening is of a theatrical performance where the main feature isn't music, such as a play, the royalty rate is 1% of box office.*

*Public screenings of encore or simulcast performances of dramatico-musical works and ballet do not fall within the definition of grand rights and are licensable by PPL PRS.

Exclusions

In certain circumstances, musical works and catalogues are not controlled by PPL or PRS and are therefore not licensable by PPL PRS. These include:

- The use of works from the musical, ‘Grease’, written by Jacobs and Casey, when used on a live stage. This includes but is not limited to the use in theatrical presentations, concerts and in pantomime.
- The use of works from the Disney catalogue, in theatrical presentations or pantomime.
- “Grand Rights” (see page 6 for more details).

Please note, exclusions may be subject to additions and / or change. PPL PRS cannot guarantee that permission to use musical works and catalogues that are not controlled by PPL or PRS will be granted.

Visit www.pplprs.co.uk/business/theatres for more information, contact details and for the latest position of excluded works. More information on music licensing for theatres and full tariff details can be found at www.pplprs.co.uk/business/theatres.



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Contact us

If you want to get in touch to arrange licensing for your venue or event

Call us on **0208 338 1407**, Monday to Friday, 8am to 6pm.

Write to us at **livemusic@pplprs.co.uk**.

Find out more **www.pplprs.co.uk**, any day, anytime.

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