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Masterclass Certificate in Music Rights Clearance (United Kingdom)

## Fair Use and Public Domain (United Kingdom)

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Acquisition – the process of obtaining the rights to use a piece of music.

Related terms: licensing, transfer, assignment.

Explanation: In music rights clearance, acquisition involves negotiating with rights holders to secure permission for reproduction, performance, or distribution.

Example: A film producer acquires the synchronization rights to a pop song for a movie scene.

Practical application: Drafting acquisition agreements that clearly define scope, duration, and territory.

Challenges: Identifying all relevant owners, especially when rights are fragmented across multiple parties.

Adjacent Rights – rights related to, but distinct from, copyright, such as performers' and producers' rights.

Related terms: neighboring rights, performer's rights, phonogram rights.

Explanation: In the UK, adjacent rights protect the interests of performers and record producers, granting them control over the use of recordings.

Example: A streaming service pays royalties to both songwriters (copyright) and performers (adjacent rights) for a track.

Practical application: Clearing both copyright and adjacent rights when licensing a song for commercial use.

Challenges: Separate royalty collection societies and differing international treatment.

Agreement – a legally binding contract that outlines the terms of music usage.

Related terms: contract, terms sheet, memorandum of understanding.

Explanation: Agreements specify the rights granted, fees, duration, territory, and any restrictions.

Example: A sync license agreement detailing the use of a song in an advertisement for six months in the EU.

Practical application: Ensuring clear language to avoid disputes over scope of use.

Challenges: Ambiguities in language can lead to infringement claims.

Artist's Moral Rights – rights of creators to be attributed and to object to derogatory treatment of their work.

Related terms: attribution right, integrity right, paternity right.

Explanation: In the UK, moral rights are separate from economic rights and cannot be transferred, only waived.

Example: A songwriter insists on being credited on a soundtrack album.

Practical application: Including moral rights waivers in clearance agreements when required.

Challenges: Balancing moral rights with commercial modifications.

Audio-Visual Works – works that combine sound and moving images, such as films, TV programmes, and video games.

Related terms: sync, audiovisual, multimedia.

Explanation: Music used in audio-visual works typically requires synchronization (sync) licences.

Example: A composer's score used in a documentary.

Practical application: Securing sync licences for each piece of music in a film's soundtrack.  
Challenges: Multiple rights (composition, sound recording, performance) may need clearance.

Berne Convention – an international treaty governing copyright protection.

Related terms: international copyright, treaty, Paris Convention.

Explanation: The UK is a signatory, providing automatic protection for works from other member states.

Example: A German song automatically protected in the UK under the Berne Convention.

Practical application: Assessing foreign works' protection status when clearing music for UK use.

Challenges: Varying national implementations can affect the scope of rights.

Broadcast Licence – permission to transmit music over radio or television.

Related terms: radio licence, TV licence, retransmission.

Explanation: In the UK, broadcasters obtain licences from collective societies such as PRS for Music.

Example: A UK radio station pays a blanket licence fee to broadcast a catalogue of songs.

Practical application: Verifying that a broadcaster's licence covers the intended use of music.

Challenges: Differentiating between live performances and recorded broadcasts.

Copyright – the exclusive legal right to reproduce, distribute, perform, and adapt a creative work.

Related terms: exclusive rights, intellectual property, protection.

Explanation: In the UK, copyright subsists automatically upon creation of a musical work and lasts 70 years after the creator's death.

Example: A songwriter's melody is protected from unauthorised use.

Practical application: Determining the copyright status of a piece before clearance.

Challenges: Identifying all co-authors and managing joint ownership.

Copyright Duration – the period during which copyright protection remains in force.

Related terms: term of protection, expiry, public domain.

Explanation: For musical works in the UK, protection lasts 70 years after the last surviving author's death.

Example: A composition by a composer who died in 1950 entered the public domain in 2021.

Practical application: Calculating expiry dates to assess if a work is free to use.

Challenges: Complexities with post-humous publications and works with multiple authors.

Copyright Infringement – unauthorised use of copyrighted material.

Related terms: piracy, violation, illegal copying.

Explanation: Occurs when a protected work is used without permission or beyond the scope of a licence.

Example: A YouTuber uploads a music video using a copyrighted song without clearance.

Practical application: Conducting risk assessments to avoid infringement.

Challenges: Determining liability when rights are fragmented.

Creative Commons – a suite of licences that allow creators to share works under predefined conditions.

Related terms: CC licences, open licensing, public domain dedication.

Explanation: While not directly a UK law, Creative Commons licences are recognised and can be used for music.

Example: An independent artist releases a track under a CC-BY-NC licence, permitting non-commercial use

with attribution.

Practical application: Sourcing CC-licensed music for projects with limited budgets.

Challenges: Ensuring compliance with licence terms, especially attribution and non-commercial clauses.

Derivative Work – a new creation that incorporates or adapts an existing work.

Related terms: adaptation, remix, transformation.

Explanation: Creating a derivative work requires permission from the original copyright holder.

Example: A DJ produces a remix of a popular song.

Practical application: Securing derivative-work licences before releasing a remix.

Challenges: Negotiating rights for both the underlying composition and the sound recording.

Digital Rights Management (DRM) – technological measures that control the use of digital content.

Related terms: copy protection, encryption, anti-piracy.

Explanation: DRM can be applied to music files to prevent unauthorised copying or distribution.

Example: A streaming platform uses DRM to restrict offline playback of tracks.

Practical application: Verifying that DRM-protected music can be used in intended platforms.

Challenges: Compatibility issues and user-experience concerns.

Duration of Licence – the time period for which a music licence is valid.

Related terms: term, expiry, renewal.

Explanation: Licences may be limited (e.g., one-year sync licence) or perpetual.

Example: A film's sync licence covers the film's theatrical release window but not future home-video distribution.

Practical application: Planning for future exploitation rights during clearance.

Challenges: Negotiating extensions or additional licences for ancillary uses.

Exclusive Licence – a licence that grants the holder sole rights to use the work, precluding the owner from granting further licences.

Related terms: sole licence, monopoly, exclusive rights.

Explanation: Often used in publishing deals where the publisher has exclusive control over a song's exploitation.

Example: A music publisher obtains an exclusive licence to administer a songwriter's catalogue.

Practical application: Understanding the impact of exclusivity on downstream users.

Challenges: Limited flexibility for the rights holder and potential market restrictions.

Fair Dealing – the UK equivalent of "fair use," permitting limited use of copyrighted works for specific purposes without permission.

Related terms: fair use, exception, statutory licence.

Explanation: Fair dealing covers research, criticism, review, news reporting, and parody, among others.

Example: A music journalist quotes a short excerpt of lyrics for a review.

Practical application: Assessing whether a proposed use falls within fair dealing exceptions.

Challenges: Narrow scope compared to US fair use; risk of misinterpretation.

Fair Use – a US doctrine allowing limited use of copyrighted material without permission; not directly

applicable in the UK.

Related terms: US copyright, doctrine, limitation.

Explanation: While the UK does not recognise fair use, understanding it aids comparative analysis for multinational projects.

Example: A US-based streaming service relies on fair use for a short music clip in a documentary.

Practical application: Advising clients on cross-jurisdictional considerations.

Challenges: Aligning US fair-use arguments with UK fair-dealing provisions.

Fee-Simple Transfer – the outright sale of a copyright, transferring all economic rights to the buyer.

Related terms: assignment, sale, full transfer.

Explanation: The original owner relinquishes all rights, and the purchaser gains full control.

Example: A songwriter sells the entire copyright of a hit song to a publishing company.

Practical application: Drafting assignments that clearly convey all rights.

Challenges: Ensuring no residual moral rights obligations remain.

Collective Management Organisation (CMO) – an entity that administers rights on behalf of multiple rights holders.

Related terms: society, royalty collection, PRS for Music.

Explanation: In the UK, CMOs such as PRS for Music, PPL, and MCPS manage licences and distribute royalties.

Example: A venue pays a blanket licence to PRS for Music to play live performances.

Practical application: Identifying the appropriate CMO for each type of right.

Challenges: Overlapping jurisdictions and double-licensing risks.

Composition – the underlying musical work (melody, harmony, lyrics) separate from any sound recording.

Related terms: musical work, score, sheet music.

Explanation: Copyright protects the composition as a literary and artistic work.

Example: The written notes for “Yesterday” constitute the composition.

Practical application: Distinguishing between composition rights and sound-recording rights during clearance.

Challenges: Managing joint authorship and splits.

Copyright Clearance – the process of obtaining permission to use a copyrighted work.

Related terms: rights clearance, licensing, clearance audit.

Explanation: Involves identifying owners, negotiating terms, and securing licences.

Example: A television network clears music for a reality-show episode.

Practical application: Using clearance checklists to ensure all rights are addressed.

Challenges: Time-consuming research and fragmented ownership.

Copyright Infringement Notice – a formal communication alleging unauthorised use of copyrighted material.

Related terms: cease-and-desist, takedown notice, DMCA.

Explanation: In the UK, rights holders may issue a notice demanding removal of infringing content.

Example: A record label sends a notice to a website hosting unauthorized copies of a song.

Practical application: Responding appropriately to avoid legal exposure.

Challenges: Determining liability for user-generated content platforms.

Copyright Notice – a statement indicating ownership and protection of a work.

Related terms: © symbol, attribution, legal notice.

Explanation: While not required, a notice can deter infringement and clarify ownership.

Example: “© 2023 Jane Doe. All rights reserved.” appears on a sheet music PDF.

Practical application: Including notices on all distributed materials.

Challenges: Ensuring accuracy of ownership details.

Creative Attribution – the requirement to credit the original creator when using their work.

Related terms: credit, acknowledgement, moral rights.

Explanation: In the UK, moral rights include the right to be identified as the author.

Example: A film credits the songwriter in the end credits for a featured track.

Practical application: Including attribution clauses in licences.

Challenges: Managing multiple contributors and varying credit standards.

Derivative Rights – rights to create adaptations, translations, or other modifications of a work.

Related terms: adaptation right, transformation right, derivative work.

Explanation: Holders of derivative rights control the creation of new works based on the original.

Example: A theatre company seeks permission to stage a musical based on a popular pop album.

Practical application: Negotiating derivative licences alongside primary licences.

Challenges: Coordination between original and derivative rights owners.

Digital Distribution – the delivery of music via electronic means, such as streaming or download.

Related terms: online music, streaming, download.

Explanation: Requires licences for both the composition and the sound recording, often managed by CMOs.

Example: An artist releases a single on Spotify.

Practical application: Ensuring proper royalty collection for digital platforms.

Challenges: Territory-specific licensing and varying royalty rates.

Duration of Copyright – the length of time a work remains protected.

Related terms: term, expiry, public domain.

Explanation: In the UK, musical works are protected for 70 years after the death of the last surviving author.

Example: A composer who died in 1960 has works protected until 2031.

Practical application: Calculating when a work enters the public domain.

Challenges: Complexities with co-authorship and post-humous publications.

Exclusive Rights – the bundle of rights granted to a copyright owner, including reproduction, distribution, public performance, and adaptation.

Related terms: monopoly, sole right, entitlement.

Explanation: These rights can be licensed, assigned, or retained.

Example: A publisher holds exclusive rights to publish a songwriter’s catalogue.

Practical application: Drafting licences that respect exclusive rights.

Challenges: Avoiding inadvertent infringement of un-licensed exclusive rights.

Fair Dealing Exception – statutory provisions allowing limited use of copyrighted works without permission for specific purposes.

Related terms: fair dealing, exception, statutory licence.

Explanation: Covers research, criticism, review, news reporting, parody, and incidental inclusion.

Example: A documentary uses a short excerpt of a song as background ambience, qualifying as incidental.

Practical application: Conducting a “fair-dealing test” to evaluate risk.

Challenges: Narrow scope; courts interpret narrowly, making reliance risky.

Film Synchronisation Licence (Sync Licence) – permission to pair a musical composition with visual images.

Related terms: sync, audiovisual licence, placement licence.

Explanation: Required for any use of music in film, TV, advertising, or video games.

Example: A car commercial uses a popular rock track; the producer obtains a sync licence from the publisher.

Practical application: Negotiating fees based on usage, territory, and duration.

Challenges: Securing both composition and sound-recording sync licences; dealing with multiple rights holders.

General Licence – a standardised licence offered by a CMO covering a broad range of uses.

Related terms: blanket licence, standard licence, collective licence.

Explanation: Allows users to access a large repertoire without negotiating individual deals.

Example: A nightclub pays a general licence to PRS for Music for live performances.

Practical application: Simplifying compliance for venues with extensive music libraries.

Challenges: May not cover niche uses such as sampling or synchronisation.

Grand Rights – rights to perform a dramatic musical work, such as an opera or musical theatre piece.

Related terms: dramatic rights, stage rights, performance rights.

Explanation: Separate from “small rights” (concert performances) and often negotiated individually.

Example: A theatre company secures grand rights to stage a full-length musical.

Practical application: Identifying when a work requires grand rights clearance.

Challenges: Higher fees and more complex negotiation processes.

Intellectual Property (IP) – the legal category encompassing copyrights, trademarks, patents, and designs.

Related terms: IP law, proprietary rights, intangible assets.

Explanation: Music rights are a subset of IP, specifically governed by copyright law.

Example: A brand logo is protected by trademark, while a song is protected by copyright.

Practical application: Coordinating multiple IP protections for a music-related product.

Challenges: Managing overlapping rights across different IP regimes.

International Standard Musical Work Code (ISWC) – a unique identifier for musical compositions.

Related terms: identifier, metadata, work code.

Explanation: Facilitates tracking of rights and royalties across territories.

Example: "T-123.456.789-0" identifies a specific song in databases.

Practical application: Using ISWC in clearance requests to avoid confusion.

Challenges: Ensuring accurate registration and consistency across databases.

International Standard Recording Code (ISRC) – a unique identifier for sound recordings.

Related terms: barcode, digital fingerprint, recording code.

Explanation: Enables precise tracking of recordings for royalty collection.

Example: An ISRC appears in the metadata of a digital track file.

Practical application: Including ISRC in licence applications to specify the exact recording.

Challenges: Multiple versions of a song may have different ISRCs.

Joint Ownership – situation where two or more parties share copyright in a work.

Related terms: co-authorship, shared rights, collective ownership.

Explanation: Each co-owner can exercise rights, but must account for the other owners' interests.

Example: Two songwriters co-write a track and each own 50% of the composition copyright.

Practical application: Negotiating licences that respect each owner's share.

Challenges: Disagreements over licensing decisions and revenue splits.

Licence Fee – the monetary amount paid for the permission to use a copyrighted work.

Related terms: royalty, payment, consideration.

Explanation: Fees can be fixed, percentage-based, or a combination, depending on the agreement.

Example: A sync licence may involve a flat fee plus a percentage of the programme's revenue.

Practical application: Budgeting for music clearance in production schedules.

Challenges: Negotiating fair compensation while staying within budget constraints.

Mechanical Licence – permission to reproduce and distribute a musical composition in audio format.

Related terms: reproduction right, cover licence, statutory licence.

Explanation: In the UK, mechanical rights are administered by the MCPS subsidiary of PRS for Music.

Example: A record label releases a cover version of a song and obtains a mechanical licence.

Practical application: Securing mechanical licences for physical and digital releases.

Challenges: Calculating royalties per unit sold and handling multiple territories.

Music Publishing – the business of managing and exploiting composition rights.

Related terms: publisher, catalogue, administration.

Explanation: Publishers negotiate licences, collect royalties, and promote works on behalf of songwriters.

Example: A publishing company administers a songwriter's catalogue and licenses sync uses.

Practical application: Working with publishers to obtain necessary licences.

Challenges: Identifying the correct publisher when rights have been transferred.

Music Supervision – the role of selecting and clearing music for visual media.

Related terms: supervisor, music clearance, sync specialist.

Explanation: Supervisors match musical cues to scenes and negotiate licences.

Example: A music supervisor sources an indie track for a TV drama's climactic scene.

Practical application: Coordinating with rights holders and legal teams to ensure clearance.

Challenges: Time pressures, budget limits, and limited availability of desired tracks.

Neighbouring Rights – rights that protect performers and producers of sound recordings, similar to adjacent rights.

Related terms: adjacent rights, performer's rights, phonogram rights.

Explanation: In the UK, these rights are administered by PPL and collect royalties for public performance of recordings.

Example: A radio station pays PPL for playing a recorded song.

Practical application: Securing neighbouring-rights licences for broadcast or streaming.

Challenges: Dual clearance needed for both composition and recording.

Non-Commercial Use – use of a work that is not primarily intended for profit.

Related terms: educational use, charity, personal use.

Explanation: Some licences (e.g., certain Creative Commons licences) permit non-commercial use without additional fees.

Example: A school uses a copyrighted song in a student project under a non-commercial licence.

Practical application: Assessing whether a use qualifies as non-commercial before proceeding.

Challenges: Determining the line between non-commercial and commercial, especially when revenue is indirect.

Performance Right – the right to perform a musical work publicly, either live or via broadcast.

Related terms: public performance, live licence, broadcast licence.

Explanation: In the UK, performance rights are administered by PRS for Music.

Example: A concert venue obtains a PRS licence to host live performances.

Practical application: Ensuring venues have appropriate licences for each event.

Challenges: Overlapping rights for live performances and recorded broadcasts.

Plagiarism – the unauthorised copying of another's work presented as one's own.

Related terms: infringement, copying, originality.

Explanation: While not a legal term in copyright law, plagiarism can indicate potential infringement.

Example: A songwriter lifts a melody from an existing song without credit.

Practical application: Conducting similarity analyses during clearance.

Challenges: Subjective assessments of similarity and intent.

Public Domain – works whose copyright has expired or never existed, making them free for use.

Related terms: free use, open content, expired copyright.

Explanation: In the UK, musical works enter the public domain 70 years after the death of the last surviving author.

Example: A folk song composed in the 1800s is now in the public domain and can be freely recorded.

Practical application: Using public-domain works to avoid clearance costs.

Challenges: Verifying that no ancillary rights (e.g., recordings) remain protected.

Public Domain (United Kingdom) – the specific status of works no longer protected under UK copyright law.

Related terms: UK copyright expiry, free use, orphan works.

Explanation: When a musical composition's protection period ends, it may be freely used, but existing sound recordings of that work may still be protected.

Example: A 1920 composition is public domain, yet a 1965 recording of it remains under copyright.

Practical application: Differentiating between composition and recording status before use.

Challenges: Identifying which elements are in the public domain and which remain protected.

Royalty – payment made to rights holders for the use of their work.

Related terms: fee, compensation, remuneration.

Explanation: Royalties can be collected on a per-use, per-unit, or percentage basis.

Example: A streaming service pays a royalty per stream to the composer's publisher.

Practical application: Tracking royalty obligations in licence agreements.

Challenges: Complex royalty splits across multiple parties.

Sample Clearance – process of obtaining permission to use a portion of an existing sound recording in a new work.

Related terms: sampling, excerpt licence, derivative work.

Explanation: Requires clearance for both the underlying composition and the sound recording.

Example: A hip-hop producer clears a 4-second drum break from a 1970s funk track.

Practical application: Negotiating licences for each sampled element.

Challenges: High costs, multiple rights owners, and potential refusal.

Secondary Use – an additional exploitation of a work beyond the original licence scope.

Related terms: ancillary rights, extension, derivative use.

Explanation: May require separate licences if the original agreement did not cover the new use.

Example: A song licensed for a TV commercial is later used in an online ad campaign.

Practical application: Anticipating future uses during initial clearance.

Challenges: Securing flexible terms without inflating costs.

Sound Recording – the fixed audio capture of a performance, distinct from the underlying composition.

Related terms: master, recording, phonogram.

Explanation: Copyright in the sound recording is separate and typically owned by the record label or producer.

Example: The Beatles' 1965 recording of "Help!" is a sound recording protected for 70 years from its release date.

Practical application: Clearing both composition and recording rights for synchronization.

Challenges: Multiple owners for recordings (artist, label, producer).

Statutory Licence – a licence granted by law, allowing certain uses without direct negotiation, often with set royalty rates.

Related terms: compulsory licence, government licence, blanket licence.

Explanation: In the UK, mechanical licences for covers are often statutory, administered by MCPS.

Example: An artist records a cover of a song and pays a statutory mechanical royalty to the original composer.

Practical application: Relying on statutory licences to simplify clearance for covers.

Challenges: Limited to specific uses; may not cover commercial synchronisation.

Synchronization (Sync) Licence – permission to pair a musical composition with visual media.

Related terms: sync licence, audiovisual licence, placement licence.

Explanation: Must be obtained from the composition's copyright holder; a separate sync licence is required for the sound recording.

Example: A video game developer secures a sync licence to use a track in a game's soundtrack.

Practical application: Negotiating sync fees based on audience size, territory, and duration.

Challenges: Coordinating with multiple rights holders and negotiating exclusivity.

Territory – the geographic region where a licence is valid.

Related terms: region, jurisdiction, geographic scope.

Explanation: Licences may be limited to specific countries or worldwide.

Example: A sync licence covers use of a song in the EU only.

Practical application: Defining territory to align with distribution plans.

Challenges: Securing additional licences for expansion into new markets.

Third-Party Clearance – obtaining permission from entities other than the primary rights holder, such as sample owners or performers.

Related terms: sub-licence, additional clearance, ancillary rights.

Explanation: Required when a work incorporates elements owned by others.

Example: A film uses a song that contains a sampled loop; clearance must be obtained from the sample's owner.

Practical application: Conducting comprehensive rights audits to identify third-party interests.

Challenges: Increased negotiation complexity and potential for delays.

Trademark – a sign, symbol, or name used to identify goods or services.

Related terms: brand, logo, protected name.

Explanation: While not directly a music-right, trademarks can intersect with music branding (e.g., band logos).

Example: A band trademarks its name to prevent others from using it commercially.

Practical application: Coordinating trademark clearance when licensing music for advertising.

Challenges: Overlapping rights and cross-industry disputes.

Unclaimed Royalties – royalties that have been collected but not yet allocated to a rights holder due to lack of information.

Related terms: orphan royalties, unallocated funds, residuals.

Explanation: CMOs may hold these funds until claimants provide proof of ownership.

Example: A small independent label receives unclaimed royalties for a song it did not register.

Practical application: Maintaining accurate metadata to claim royalties promptly.

Challenges: Administrative burden and potential loss of income.

Work for Hire – a work created under an employment contract where the employer owns the copyright.

Related terms: commissioned work, employer ownership, contractual creation.

Explanation: In the UK, “work for hire” is not a distinct legal concept, but contracts can assign all rights to the commissioning party.

Example: A composer writes a jingle for a brand and signs an agreement assigning the copyright to the brand.

Practical application: Drafting contracts that clearly allocate ownership.

Challenges: Ensuring moral rights are respected even when economic rights are assigned.

Yield Management – a pricing strategy that adjusts licence fees based on demand and usage.

Related terms: dynamic pricing, tiered fees, revenue optimisation.

Explanation: Rights holders may vary fees for high-profile placements versus low-budget uses.

Example: A sync licence for a prime-time TV spot commands a higher fee than a regional ad.

Practical application: Negotiating fee structures that reflect the value of exposure.

Challenges: Predicting market demand and justifying fee differences.

Zero-Cost Licence – a licence granted without monetary payment, often for educational or charitable purposes.

Related terms: free licence, pro-bono licence, waived fee.

Explanation: Rights holders may waive fees for non-commercial or public-interest projects.

Example: An educational documentary receives a zero-cost sync licence for a classic song.

Practical application: Seeking goodwill licences when budgets are limited.

Challenges: Ensuring proper attribution and compliance with any remaining conditions.