

ZOOID PICTURES LIMITED

LINTON HOUSE, 39-51 HIGHGATE ROAD, LONDON NW5

1RS

TEL: +44 20 7267 9990

FAX: +44 20 428 9991

MOBILE: 07785 355 368

ISDN: +44 20 7263 1259

EMAIL: PICTURES@ZOOID.CO.UK

URL: WWW.ZOOID.CO.UK



COMPANY No. 1835587

VAT No. 396 5536 05

Exploring the musical jungle

What's this all about?

Are you an audio-visual producer?

Worried about that vaguely recognisable soundtrack (an adaptation from Lily Allen, or is it a 1950s instrumental track...?) in the background?

Maybe it plays behind some dialogue you don't want to cut out?

You'd better be!

Why should I care?

Licensing music can be both painful, time-consuming and it is notoriously expensive, with rates that often exceed the video budget, each piece of music likely to involve several licensing sources.

So do check your needs before you go ahead!

As a rule of thumb, as long as your usage is commercial and you don't have a blanket agreement to cover your deeds, you'll have to clear all the author's / owner's rights as well as the sound recording.

Author's rights are spelt out in section 16 of the CDPA 1988: amongst others, the right to copy the work, and the right to issue copies of the work to the public.

Also distributing on DVD? Then don't forget to also clear mechanical rights.

In addition, if you're thinking of accompanying music to moving or still images, then a synchronising licence will apply.

And you'll be happy to know that the WIPO Beijing Treaty on Audiovisual Performances, concluded in June 2012, gave new strengths to performers in the audiovisual industry around the world and safeguards the rights of performers against the unauthorised use of their performances in audiovisual media.

So do not forget to check who owns the performers' rights before you include their performance!

Collecting societies (eg. In the UK: PRS for Music – for authors', mechanical and performing rights, PPL for sound recording) will probably make your life easier than what it looks above, but if you're looking into publishing internationally, you will be faced by their territorial limitations and then you're on your own again. And these societies are often expensive and there may be cheaper routes open to you.

Conclusion

Confused? That's so much better than clueless! But don't let this put you off from choosing to use commercial music in your production.

It may be a musical jungle out there, but it can be explored (and cleared).

Just take your knowledge, your patience and a machete with you.

Or... make it simpler, and take *ZOOID*.

Please contact us for further information.

Richard Philpott
ZOOID PICTURES LIMITED

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Please call me on +44 20 7267 9990 if you would like to discuss any of the above

Richard Philpott



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