



Sync / AV-licensing Music Publishing

Marja Kortelainen | Aalto yliopisto | 19.1.2024



Suomen Musiikkikustantajat ry Finnish Music Publishers Association

- Founded 1976
- Non-profit organization
- Promotes, supports and protects the work of a music publisher
- Represents professional music publishers in Finland
- Approx 40 members in Finland
- https://www.musiikkikustantajat.fi

(all contact details to Finnish MPA members can be found from the site)

Presenter: Marja Kortelainen

- Finnish MPA board member
- Creative & Licensing manager at Warner Chappell Music Finland – in charge of licensing at WCM since 2012





COPYRIGHT – main points

Copyright law protects the owner(s) of the copyright

In Finland, a work is protected by law when it is created

- Does not require, for example, work registration in order to be protected by law.
- The law protects Creative work and its creators

In practice, the law protects three parties:

- author of the work Creator (writer, composer etc..)
- performer
- entrepreneur financing the work (label, publisher, producer etc..)



COPYRIGHT – main points

Two types of rights:

- Moral rights: The author has the right to decide in which context his work is used (always the author's)
- Economic rights: These rights author can transfer to, for example, the publisher or record label

The author must always be mentioned according to good practice (e.g. "end credits")

Tekijänoikeuslaki: https://www.finlex.fi/fi/laki/ajantasa/1961/19610404



PUBLISHING and MASTER RIGHTS

	"PUBLISHER" "PUBLISHING RIGHTS"	"LABEL" "MASTER RIGHTS"
Person	Author / Songwriter	Artist / Band
Product	The work / Song	Master recording
Copyright society	TEOSTO	GRAMEX
Royalties:	Publisher & Teosto	Label & Gramex



Licensing music to audiovisual productions





Direct licensing - AV productions (Songwriter rights cleared through music publisher)

Commercials, trailers and promos

Feature films + trailers & promos

Short films for theatrical distribution

Documentaries for theatrical distribution

TV drama (shown outside the **Nordic** countries)

Theme and bumper music (ie. Theme song for a Tv show/drama)

Music videos

Company presentations (intended for public use)

Games



LICENSING PROCESS - What rights do I need?

Identify to yourself which rights holders you need permission from when you license music?

Composition (Composition/Lyrics) → Publisher

Who are the songwriters and their publishers? Info on right owners: Teosto, AV Music, www.fono.fi, Spotify writer credits, wikpedia, ASCAP search This permission is always required (Unless Trad/DP)

Recording → Record company (aka "Master owner" / "Label")

Which artist's recording are you using and which record company released that specific version. Info: Gramex, AV music, Spotify, www.fono.fi, Wikipedia (The master is copyright free to use when 50-70 years has passed from release)

→Permission must be obtained from each party 100% / 100%

→If a recording is not used, but a song is e.g. sung on scene / performed live - permission is only required for the composition/lyrics → Publisher



Artist: Chic

Song: Good times

Label: Atlantic (Warner Music)

Songwriter 1: Bernard Edwards

Publisher: Warner Chappell Music Scandinavia

Songwriter 2: Nile Rodgers

Publisher: Sony Music Publishing Scandinavia

You will need:

A master license → Label (Warner Music)

• Songwriter licenses → Publishers (both WCM & Sony Pub)

Good to know:

If the song Publisher / Label is not Finnish or have an office in Finland –contact geographically the closest office! Most likely they represent the rights in the territory







LICENSING PROCESS

The process from start to end - Publisher/Label perspective:

- The need and/or a specific request triggers the process
 The publisher/ label
- (in some cases) suggests suitable songs for the requested use / budget etc..
- negotiates/discusses the usage terms and the price with the customer
- clears the usage and price with the writer/artist (or through the original publisher / label in the actual signing territory)
- confirms/denies the usage
- takes care of the agreements and invoicing
- pays the royalties to writers/ artists
- → Publisher/ label is the link between the client and writer/artist (or their estate / rep / manager etc..)
- →The licensing process can take time depending on the use details, negotiatons, writers, original publisers, estates etc..
- →Time frames / deadlines for TV series and movies are often very long but in Ads very short



LICENSING PROCESS Licensing Request

First identify what kind of rights you will need from the Music publisher / master owner. List the following information as carefully as possible when you start clearing the rights.

Song title

Song Writer(s)

Song Version

Album title (if taken from album)

Artist (if any)

Record company (if any)

Language of production

Film title

Genre

Synopsis of the movie

Director

Producer

Distributor (if any confirmed)

Duration of movie

Type of use (BV, BI, VV etc)

Duration of music in scene

Scene description

Territory

License period / Term

Start date

Optional Territory

Optional Media

Optional License period

Film Budget

Music budget

Clearance deadline

Fee offer (optional)

Good to know: Giving the above info (or as much as you have at that point) in an "easy read" form will in 99% cases speed up the process! (+ remember to be informative in the Subject field in your e-mails, too!)



LICENSING PROCESS Pricing

Points listed on the previous slide affect the price

The price is also usually affected to some extent by:

- Status of the song (and/or) artist
- Author (emotions / values etc)
- "Author vs estate"
- Country of origin of the song (ie France, US)

"Art meets business"

- → It is almost impossible to put any frames for pricing
- →You can always also try to suggest a a fee that fits your budget

Good to know: If you don't have the budget for the songs you want:

- Have a plan b (and c) at hand
- Ask for alternatives
- Use free copyrights (recording or composition)
- Make your own
- Use production music

LICENSING PROCESS



"World, All media, Perpetuity" in Film/Documentary/Short film/Drama licensing

Territory:

- Usually Worldwide requested but less territories can lower the price
- If not worldwide make sure to negotiate relevant options if there's any international aim/ potential!
- Not having options cleared might cause problems
 - song use might denied or is not possible for other territories
 - new clearing process can take time or is not possible
 - unexpected surprises in pricing

Media:

- Generally "all media" is the easiest and most common way to go
- excluding some rights like "Theatrical" in TV Drama productions can lower the price.

License period / Term:

- Usually Film / TV Drama is licensed for "Perperuity" which means forever
- in some cases the rights might be limited to 5-10 years.
- → Who's keeping track on when the license expires?





Who should be credited for music in end credits of a production?

- Song name
- Song writers
- Artist
- Label

In Nordics Publisher is often also mentioned as well as the recording year of a master

Anna mulle tähtitaivas – Katri Helena Säv & San Jukka Kuoppamäki

- (p) 1992 Fazer Finnlevy
- (c) Warner Chappell Music Finland

"BANG A GONG (GET IT ON)"

Written by Marc Bolan
Performed by T. Rex
Courtesy of Musadet Productions, Inc.

"SLOW RIDE" Written by David Peverett

Performed by Foghat
Courtesy of Bearsville Records/Rhino Entertainment Company
By arrangement with Warner Music Group Film & TV Licensing

"WON'T GET FOOLED AGAIN"

Written by Pete Townshend
Performed by The Who
Courtesy of Geffen Records
under license from Universal Music Enterprises

"VIPER COMES DOWN ON MAY"

From the motion picture TOP GUN
Written & performed by Harold Faltermeyer

"LET'S DANCE"

Written & performed by David Bowie Courtesy of RZO Music

"TRAMP"

Written by Jimmy McCracklin & Lowell Fulsom
Performed by Otis Redding & Carla Thomas
Courtesy of Atlantic Recording Corp.
By arrangement with Warner Music Group Film & TV Licensing

"GREAT BALLS OF FIRE"

Written by Otis Blackwell & Jack Hammer
Performed by the Cast

"I AIN'T WORRIED"

Written by Ryan Tedder, Brent Kutzle, Tyler Spry,
John Eriksson, Peter Moren & Bjorn Yttling
Produced by Ryan Tedder, Brent Kutzle & Tyler Spry
Performed by OneRepublic
Courtesy of Mosley Music/Interscope



LICENSING PROCESS Cue sheet

Cue sheet is one of the most important tools you have!

- Is a log of all the music used in a film / television production
- Should list detailed info on all parties involved with the music being used
- cue sheet is **very important** and the copyright societies / performing right societies (such as Teosto AND foreign societies) use it for paying royalties.
- Music Publishers usually also ask for the cue sheet for tracking purposes
- Keep in mind that if you want your production to travel internationally it's key to have a proper cue sheet and paper trail so you can get the production sold to other countries, Netflix etc..

Cisac Cue Sheet Standards & Rules document pack: https://members.cisac.org/CisacPortal/documentPack20.do?method=detail&id=192



LICENSING PROCESS - Cue sheet

Cisac Cue sheet also here (site in Finnish) https://www.teosto.fi/ohjeita-elokuvien-ja-ohjelmien-tuotantoyhtioille/

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Production Type:				Alternative Production Title:		Brit Awards			Name of AV Interested Party:		Anyman Anyname				
	Production Category:*	Specials				Episode Title:					AV Intereste	ed Party Role:			
	Submit Date/Revision Date:*	28/10/2015			Alternative	Episode Title:					Name of AV Inte	erested Party:	Anywoman	Anyname	
	First Release Date:	10/02/1998			Epi	sode Number:					AV Intereste	ed Party Role:			
	Version:	No			Country of	f Production 1:*	UNITED KIN	NGDOM			Name of AV Inte	erested Party:			
	Version Category:				Country o	f Production 2:									
	Version Comment:					f Production 3:									
	Version Territory/Country:		DOM			ntifier Source:	ISAN								
	Territory of First Broadcast:				710 141	AV Identifier:		3D80-013F-	B-0000-0000-						
	Language:		JDOIN		Droduction Ide	ntifier Source:		3000 0131	B 0000 0000						
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LICENSING PROCESS How to succeed in placing original music in my production?

Some keys to success in music licensing:

- Be as EARLY as you can with the process (= contact the publishers/labels as early as you can)
- BUDGET your music needs (realistically)
- Choose songs according to your budget (hits are generally always more expensive)
- Have plan B's in mind / cleared
- Ask for help / suggestions that fit your needs (Publishers, labels, music supervisor etc)
- Check possibilities for collabs, bulk deals etc if you need any
- KEEP TRACK on you licensing process (excel, cue sheet etc..)

Examples of recently released Finnish productions with a lot of original music MUNKKIVUORI (Jani Volanen – Rabbit Films – Elisa Viihde)

DANCE BROTHERS (Taito Kawata - Endemol shine – Netflix & Yle co-production)



Useful links

Teosto/NCB – Price lists: https://www.ncb.dk/index.php/using-music/

Gramex webshop: https://shop.gramex.fi/fi/shop

Teosto infoa tuotantoyhtiöille:

https://www.teosto.fi/ohjeita-elokuvien-ja-ohjelmien-tuotantoyhtioille/

Writer search:

- Global: Ascap / BMI song search: https://www.ascap.com/repertory#/
- Finnish: Fono <u>www.fono.fi</u> (In Finnish) (Up to 2022)
- Finnish: Suomalaisten äänitteiden tietokanta 1901 1999 https://fenno.musiikkiarkisto.fi/

Kustantajien AV lisensointi-info (Finnish)

https://www.musiikkikustantajat.fi/tietoa/musiikin-kaytto-av-tuotannoissa/

2022 Raportti "Musiikin käyttö AV-Tuotannoissa" (Finnish)

https://www.musiikkikustantajat.fi/wp-content/uploads/2022/03/musiikin-kaytto-av-tuotannoissa-raportti.pdf

https://www.musiikkikustantajat.fi/wp-content/uploads/2022/01/av-tuotannot-2021_.pdf



Musiikin käyttö av-tuotannoissa



Musiikkilupien hankkiminen av-tuotteisiin

nitteellä olevaa musiikkia, tarvitset kaksi erillistä lupaa:

1. Sävelteosta koskevan luvan (ns. publishing right) Äänitettä koskevan luvan (ns. master right)

tilausmusiikkia tai tallennat jo olemassa olevan teoksen osalta. Tuotannossa käytettävien esiintyvien tai- misvuoden päättymisestä. teilijoiden oikeuksista on sovittava tällöin erikseen.

JOS KÄYTÄT av-tuotannossa jo olemassa olevalla ää- 👔 JOS ET KÄYTÄ jo olemassa olevaa äänitettä vaan esim. 👔 HUOMIOI, että sävelteosten suoja-aika kestää tekijän elinajan ja 70 vuotta hänen kuolinvuotensa päättysen elävän esityksen, tarvitset luvan vain sävelteok- misestä. Äänitteiden suoja-aika on 70 vuotta tallenta-

Synkronointi- ja esityskorvaukset

TÄMÄ ESITYS koskee musiikin liittämistä eli synkronoin- [JOS AV-TEOKSEN käyttötavat muuttuvat myöhemtia av-teoksiin. Av-tuottaja maksaa tuotantovaiheessa kertaluontoisen korvauksen sävelteoksen/äänitteen littämisestä av-teokseen.

min alun perin sovitusta, mahdollisesta lisäkorvauksesta neuvotellaan erikseen. Kun tv-yhtiöt tai siis maksa esityskorvauksia tuottamiensa av-teosten muut tahot esittävät av-teoksia yleisölle Suomessa, esityksistä.

esittäjäyhtiö maksaa esityskorvaukset Teostolle sävelteosten ja Gramexille äänitteiden osalta. Av-tuottaja e

Mille lupa haetaan?

F.

Sävelteokselle

YKSITTÄISELLÄ SÄVELTEOKSELLA voi olla monta eri oikeudenomistajaa: säveltäjä(t), sanoittaja(t). sovittaja(t) ja musiikkikustantaja(t).

LUVAN TEOKSEN littämiseen av-tuotantoon saat näiden kaikkien puolesta joko NCB'ttä tai suoraan kustantajalta, ja kustantamattomien eli manus-teosten osalta suoraan tekijöiltä.

Mistä lupa haetaan?

NCB:ltä, kun kyse on:

- Tv-draamat (esitys Pohjoismaissa ja Baltiassa)
- Tunnus- ja bumper-musiikki (tilausmusiikki) Konserttitaltioinnit
- Lyhytelokuvat (tv-esitykset, festivaalit ja muu julkinen
- Dokumenttielokuvat (tv-esitykset, festivaalit ja muu iulkinen esittäminen)
- Opetusohjelmat

- Yritysesittelyt (sisäiseen käyttöön tarkoitetut) Koulutehtävät ja projektit (peruskoulut ja lukiot)
- Ei-kaupalliset tuotannot: tanssiesitykset, taideprojektit, kuntoiluvideot yms.
- Audiovisuagliset tallenteet

Miten lupa haetaan?

MENE NCB:N nettisivuille ja täytä siellä lomakkeeseen tarvittavat tiedot. Lähetä lomake NCB:lle, joka lähettää sinulle laskun. Kun olet maksanut laskun, lupa on kunnossa! NCB:n sivuilla on myös laskuri, ionka avulla voit arvioida eri vaihtoehtoien kuluia jo hankkeen suunnitteluvaiheessa.

Kustantajalta tai manus-teosten osalta teoksen tekijöiltä, kun kyse on:

- Pitkät elokuvat ja nijden trailerit.
- Lyhytelokuvat (elokuvateatteri- tai muuhun kaupalliseen levitykseen tarkoitetut)
- Dokumenttielokuvat (elokuvateatteri- tai muuhun kaupalliseen levitykseen tarkoitetut)
- Tv-draama (Pohioismaiden/Baltian maide ulkopuolella esitettävät)
- Tunnus- ia bumper-musiikki (olemassa oleva musiikki) Mainokset, trailerit ja promot
- Musiikkivideot
- Yritysesittelyt (julkiseen käyttöön tarkoitetut)

KUSTANTAJA: Ota suoraan yhteyttä kustantajaan ja sovi hänen kanssaan luvasta. Jos kyseessä on kustantamaton eli manus-teos, pyydä tekijätiedot Teostolta ja ota yhteys kyseisiin tekijöihin.

TIETOA YKSITTÄISEN SÄVELTEOKSEN oikeuden omistaiista saat Teostosta. Kotimaisten kustantajien yhteystiedot saat Suomen Musiikki-

VKSITTÄISEN ÄÄNITTEEN oikeudenomistajia ovat sillä esiintyvät taiteilijat ja äänitetuottaja eli le-

LUVAN ÄÄNITTEEN käyttöön saat näiden kaikkien puolesta joko Gramexilta tai suorgan levvyhtiöltä.

Gramexilta, kun kyse on:

- Tv-ohjelmat (tv-jakelu sekä VOD- ja SVODpalvelut tietyin rajoituksin)
- · Tv-draamat ja -sarjat (jotka eivät mene Musikkiohjelmat ja musikkidokumentit
- . Lyhytelokuvat (tv-esitykset ja alan festivaalit)
- Tv-dokumentit (tv-esitykset ja alan festivaalit)

GRAMEX: Voit hankkia luvan Gramexin verkkopalvelusta. Voit myös selailla äänitetietoja ja tarkistaa, voiko Gramex myöntää tarvitsemasi kaltaisen luvan. Gramexin sivuilla on myös laskuri, jonka avulla voit arvioida eri vaihtoehtojen kuluja jo hankkeen suunnitteluvaiheessa.

Levy-yhtiöltä, kun kyse on:

- Pitkät elokuvat ja niiden trailerit.
- Lyhytelokuvat (elokuvateatteri- tai muuhun kaupaliseen levitykseen tarkoitetut)
- · Dokumenttielokuvat (elokuvateatteri- tai muuhun
- kaupaliseen levitykseen tarkoitetut) AV-tuotannot internetissä
- Tunnus- ja bumper-musiikki

- Mainokset, trailerit ja promot Musiikkivideot
- Yritysesittelyt
- Videotaideteokset

LEVY-YHTIÖ: Ota suoraan yhteyttä levy-yhtiöön ja sovi heidän kanssaan TIETOA YKSITTÄISEN ÄÄNITTEEN oikeudenomistajista saat kätevimmin googlaamalla. Epäselvissä tilanteissa voit ottaa yhteyttä Gramexiin. Kotimaisten levy-yhtiöiden yhteystiedot saat IFPI-Musiikkituottajilta.

Hinnoittelu

NCB:n ja Gramexin myöntämien lupien hinnastot ja muut ehdot on julkaistu järjestöjen kotisivuilla. Kustantajien ja levy-yhtiöiden suoraan myöntämien lupien hinnoittelu on sen sijaan yksilöllistä.

HINTATASOON VAIKUTTAVAT MONET SEIKAT KUTEN:

- kāytön luonne ja laajuus
- · maantieteelliset alueet

- vksinoikeudet
- av-tuotteen kaupallinen potentiaali
- kuluttavuus eli teoksen leimautuminen johonkin
- teoksen ja artistin/yhtyeen tunnettuus ja asema

Vinkkeiö

LUPAPROSESSIN KESTO: Varaudu siihen, että yksilöllisesti hinnoiteltavissa oikeuksissa vastausten saaminen lupapyyntöihin voi kestää pitkään erityisesti kansainvälisten teosten ja äänitteiden osalta. Ota siis yhteyttä musiikkikustantajiin ja äänitetuottajiin mahdollisimman varhaisessa vaiheessa tuotantoprosessia!

BUDJETOINTI: Tuotannon budjetoinnissa kannattaa jo varhaisessa vaiheessa selvittää musiikkilupien hintatasot, etteivät lopulliset kustannukset tule yllätyksenä. Jos tuotannossa käytetään sekä tilausmusiikkia että jo olemassa olevia teoksia/äänitteitä, ne kannattaa budjetoida omina kohtinaan.

MIETI VAIHTOEHTOJA: Huomioi suunnittelussa se, että yksilöllisesti hinnoiteltavissa tapauksissa oikeudenomistajat eivät välttämättä anna lainkaan lupaa teoksen käyttämiselle tai kansainvälisten hittien

osalta hintapyynnöt voivat olla hyvinkin korkeita. Vaihtoehtoisista teoksista/äänitteistä on hyvä keskustella io ensimmäisen yhteydenoton yhteydessä, ellei tarina edellytä ehdottomasti juuri tietyn teoksen/äänitteen käyttämistä. Musiikkikustantajilla ja levy-yhtiöillä on laajat katalogit, joista löytyy useimmiten sopivia vaihtoehtoja.



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Questions?



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