

Use of Music in Audio-Visual Productions

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Teostory

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TEOSTO

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Teosto is a non-profit organization for professional music authors founded in 1928 by Finnish composers, lyricists, arrangers and music publishers

39 000

Finnish composers, lyricists, arrangers and publishers.

900

Voting members who constitute the decision-making body

Copyright

Based on law and international treaties

Duration 70 years from the author's death (max. 50+70 years for a sound recording published after 1962)

ECONOMIC RIGHTS



Reproduction:

- **"Synchronization right"**= combining sound with moving image
- **"Mechanical right"** = making copies

Making available to the public:

- Communication to the public, distribution, public performance, public display
- **"Public performance right"**

MORAL RIGHTS



- Right of the acknowledgement as creator (name of the author)
- Right of respect: No right to alter the work in a way that violates the author's artistic values
- Moral rights may be waived only in regard of use limited in character and extent

Music copyrights terminology



MUSIC WORK

- **Composition, lyrics, arrangement** of a music work
- **Artists' performances** of a music work
- **Sound recording** of a music work



MUSIC RIGHTSHOLDERS

- **Authors** = composer, lyricist, arranger (person)
- **Performing artists** = all artists and musicians (person)
- **Producer of a sound recording** = one who is responsible for the first recording of the sound (person or company)

Teosto is a copyright society for creators: composers, lyricists, arrangers and music publishers



“Publishing rights”

- Authors
- Music Publishers

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“Master rights”

- Performing artists
- Record labels

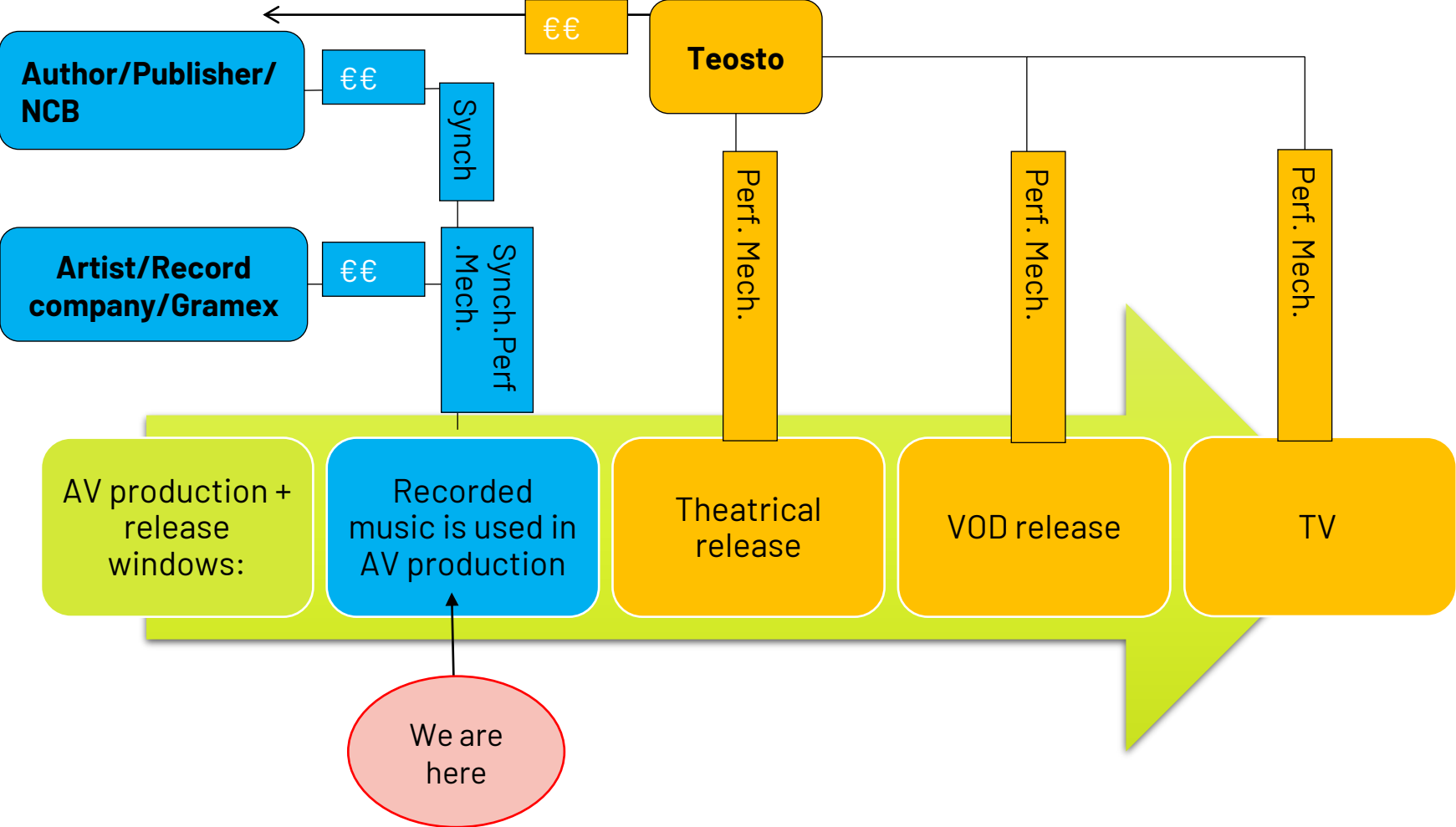
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Music rights clearance for AV productions



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Basic rights flow in AV production



Important



- **License must be achieved from every music rightsholder (or their representative).** If even one rightsholder refuses or someone cannot be reached, the music cannot be used
- If the author creates music for your production, or if the artist performs the music for your production, in addition to the music rights you need to agree on (and pay for) **the work**
 - Through employment agreement or freelancer/assignment agreement
- If the original version of existing music is altered (such as new arrangement or translation of lyrics), you need **an alteration permission** from all relevant music authors and music publishers of the original version
- Remember to **conclude a written agreement** in all cases. That is essential for the “chain of title” at later stage

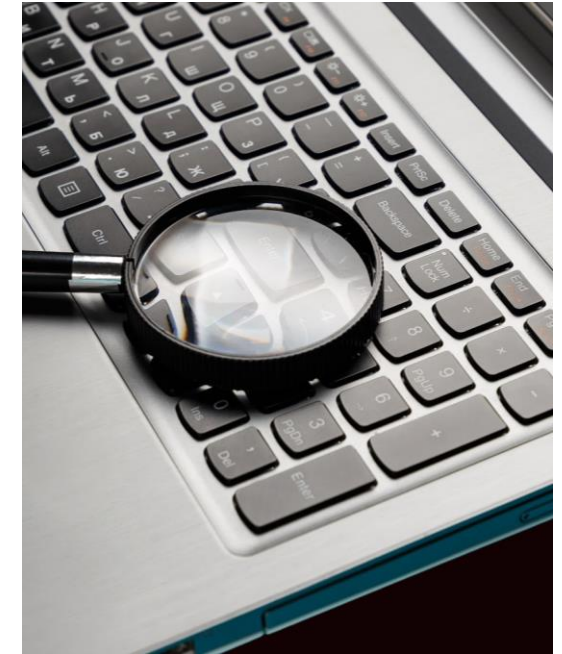
1. What music rights do I need?

- What kind of music?
 - Commissioned music
 - Existing music in its original form
 - Commercially released music
 - Production music
 - Cover version or altered version of existing music
- What kind of usage?
- Which territories?
- How long?



2. Where do I get the music rights?

- The right licensors **depend on the music and the usage**
- In some cases the license is obtained from **copyright management organizations** (Gramex, Teosto/NCB) and in some cases the license is obtained directly from **music rightsholders** or **their representatives** (the record company or the music publisher)
- Contact details of music authors and music publishers from Teosto/NCB customer service
- Contact details of the artists and sound recording producers from Gramex customer service
- Gramex and Teosto have launched together a service called AV Music (<https://www.musiikkiluvat.fi/avmusic/>). It is free service for AV producers needing to find the correct music for their productions
- In case the music rightsholder is not a member of any copyright management organization, the music rightsholder licenses the music rights themselves



Rights from NCB

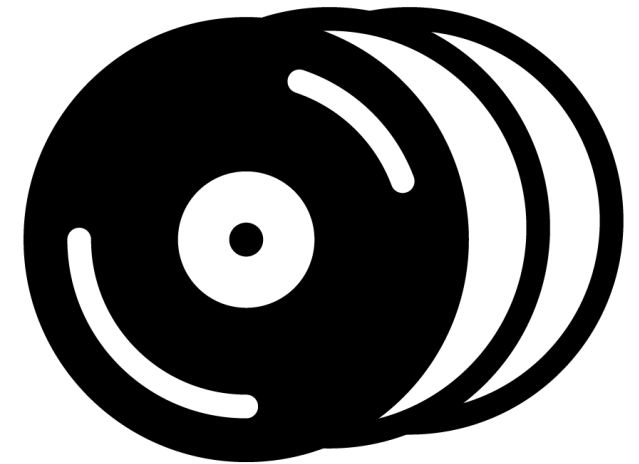
Nordisk Copyright Bureau NCB

- Nordic copyright management organization
 - Member countries: Finland, Sweden, Norway, Denmark, Iceland
- A member of Teosto is also a member of NCB
- NCB also represents authors from foreign copyright management organizations within the Nordic territory
- NCB administers **mechanical rights** and **synchronization rights**
- Office in Copenhagen, customer service in Finland at Teosto (Ulla Herpman)
- Pricelists, application forms, more information: www.ncb.dk



NCB does not represent production music

- Production music, "catalogue music" = background music for professional use
- Provided by for example Universal Production Music, Warner Chappell Production Music, etc.
- NCB does not represent synchronization rights or mechanical rights for production music
- License is acquired directly from the services in accordance with their service terms
- Usually Teosto represents the public performance rights for production music
 - Exceptions are the services which offer fully cleared music



AV productions where NCB grants a synch license

- TV programs
 - TV dramas distributed **within** the Nordic countries
 - TV movies (no theatrical release)
 - Short films and documentaries for TV or film festivals
 - Physical copies (DVD etc.)
-
- Finnish, Nordic and international music to be used within the Nordic countries
 - Finnish and Nordic music to be used beyond the Nordic countries (extra fee)
 - Unlimited re-runs and unlimited license term
 - NCB pricelist: <http://www.ncb.dk/pdf/av-pricelist-gentv-fi.pdf>
 - However, possibility for self-administration for the authors



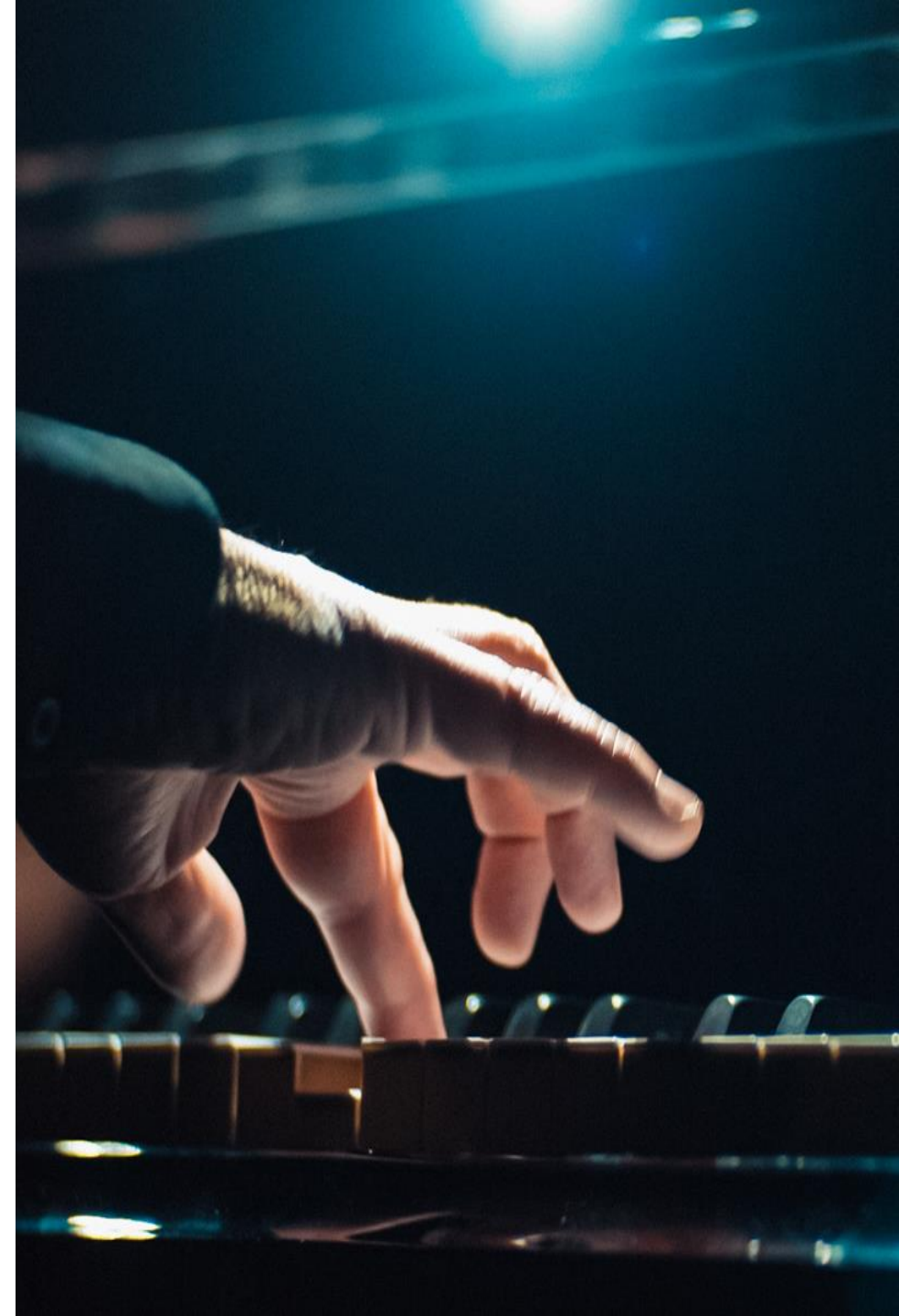
AV productions where NCB does not grant a synch license

- Feature films
 - TV dramas distributed **outside** the Nordic countries
 - Short films and documentaries for theatrical distribution
 - Commercials and trailers
 - Company presentations
 - Games
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- Feature films and TV dramas (and their trailers): The music author or the music publisher may have mandated NCB to agree on the synch rights on their behalf or to invoice the license fee on their behalf
 - If NCB invoices the license fee, NCB pricelist is applied



Copyright-free music?

- The work is free from copyright if 70 years have passed from the end of the year of death of all the authors
 - The authors have died in the year 1953 or earlier
- Folk tunes (trad.) in their original form
 - Altered works are copyright-protected as alterations
- Despite a work being free from copyright, the sound recording of the work may still be copyright-protected
- Fully free of copyright are the music works where
 - a) over 70 years have passed from the death of all the authors, and
 - b) the sound recording has been published before the year 1962



Questions?

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MUSIC IS POWER