

THE SONGLAB: MUSIC BUSINESS DEJARGONISED

UNDERSTANDING COPYRIGHT



Simplifying The Right To Copy

WHAT IS COPYRIGHT?

- Quite simply, copyright is the right to copy.
- In this context, we are referring to the identity of a song and the copyright retained within its composition.
- There are two forms of intellectual property attached to a song's audio content. One is Master Rights (See WHAT ARE MASTER RIGHTS doc). The other is the compositional copyright and that is the focus of this document.
- A song's copyright is defined by its underlying melodies, harmonies (chords) and lyrical content. You cannot copyright chords only.
- A songwriter may choose to partner with a music publisher in their career and if they do then it is the song's copyright that is traditionally either assigned to or licensed to the music publisher. By contrast, a record company's professional interests are with the artist and the recording of the song rather than the copyright of the song itself.

UNDERSTANDING THE LEGAL FRAMEWORK OF COPYRIGHT

- Under the jurisdiction of English and Welsh law, copyright protection is automatic. You do not need to pay a fee or apply for it.
- There is no official register of copyright works in the UK. You automatically get copyright protection when you create original literary, dramatic, musical and artistic work and this may also include illustration and photography.
- There are three key requirements for copyright protection:
 - 1) It must be a work of authorship.
 - 2) It must be original.
 - 3) It must be fixed in a tangible medium of expression.
- A breach in copyright is most commonly referred to as an infringement. This is defined by someone using either the whole or a substantial part of your work without your permission.

HOW TO PROTECT YOUR COPYRIGHT

- The trust of your word is not enough. It is important that you protect your copyrights in an effective manner.
- For many years, the most common way of proving a copyrights existence was to duplicate a recording of your song to a physical format (CD, Vinyl, Cassette Tape, USB Drive, etc) and post it to your home address through recorded delivery from a post office.
- It could be argued that this exercise is somewhat dated now.
- The strongest form of proof of copyright in the modern era is through a digital time stamp.
- A digital time stamp can documented in a number of ways. The two most common forms are through either using a smartphone or tablet to record a song on an app or recording the song into a DAW (digital audio workstation) using computer software such as Logic, Ableton Live, FL Studio, Pro Tools, etc.
- To ensure extra proof, you could export/ bounce an MP3 from either of the above methods, email this to yourself and file it into a folder on a web based email account.
- This process will generate a time stamp in digital form which can be used in a court of law in order to provide evidence of ownership.

HOW LONG DOES A COPYRIGHT LAST?

- A song's copyright lasts for 70 years after the death of the author.
- If the song was cowritten then it would be 70 years after the death of the cowriter that deceased the last.
- After this time period has lapsed, the song's copyright expires.
- Once this happens, the song enters the public domain.

COPYRIGHT ADMINISTRATION

- In order for a song to earn royalties it needs to be registered with a performing rights organisation.
- In the UK, we have one performing rights organisation which is called the PRS For Music.
- PRS For Music also have a sister company called MCPS.
- MCPS collects royalties for songs' that have been mechanically reproduced in physical format whilst PRS collects royalties from performance and broadcasting.
- Membership costs for songwriters is £100 for joining PRS For Music and £100 for joining MCPS.
- Registering songs with a performing rights organisation does not ensure copyright protection.

SONG CODES

- When a song is registered with PRS For Music there are two codes which are generated which help to identify a song's uniqueness.
- These two codes are a Tunecode and an ISWC.
- A tunecode is generated automatically by PRS once the administrative process of a song's registration has taken place. It is unique to each song and it helps to link the song copyright to the recording of the song.
- An ISWC stands for International Standard Musical Word Code. This unique code is assigned to track a song's activity. Once there is activity on a song copyright or if the song is registered by a music publisher (rather than a songwriter) an ISWC is then generated.

SUMMARY

- A songwriter is automatically granted copyright when a song is composed.
- However, it is important that the songwriter must be able to prove that their song's copyright is original and the most effective method for proving this is by creating a digital time stamp.
- A copyright is the most important form of intellectual property that a songwriter owns.
- Copyrights can be assigned to or licensed to a music publisher in exchange for a split of royalty income.