

A short(ish) note about music and copyright

NorthLight Media does not normally use copyright-protected music in videos. Most music is protected by copyright, whether it's U2's *Beautiful Day* or *Air on a G String* by Bach. Bach won't be too bothered by infringements of his copyright but the owners of the recording probably are. Bono takes a dim view of his songs being used without permission.

Films shown at events

Occasionally, we have produced a film that is to be shown to an audience at a one-off event, such as a school open evening. The showing of the film to an audience in the school hall is covered by the school's performance licence – the one that permits the school to hold a disco on its premises.

But including a copyrighted song in the film is still an infringement of copyright because the song has been copied without permission. Using a song that the school has bought, say on CD, might be a defence, but ultimately, other copies of the song now exist so copyright has been infringed by the film producer. The school playing the film that includes music it has paid for is unlikely to be prosecuted over the event.

Videos used online (YouTube, Vimeo and other websites)

When a video containing copyrighted music is posted on YouTube, the YouTube system usually picks it up straight away. The person or company uploading the video will be told that copyrighted content has been detected and that the video will either be blocked, restricted or have advertisements placed on it.

Blocking is blocking, end of story. Restrictions might mean a film can't be seen in certain countries or on mobile devices. Advertising can accompany restrictions. The advertising comes about through an agreement between the copyright owner and YouTube, where a percentage of the revenue paid to YouTube (Google) for that advertising goes to the copyright owner as compensation, based on the number of times the video is viewed and the advertisement is served.

Just because a video is accepted by YouTube and appears with an advertisement on it, that doesn't mean the video is legal. Copyright has still been infringed and the arrangement between YouTube and the copyright owner can change at any time. A YouTube account holder who persistently infringes copyright may have their account removed after written warnings. The YouTube accounts used by NorthLight Media are all in 'good standing'.

Commercial producers will be prosecuted

Using music in a video without permission is illegal and copyright owners take a particularly hard line with commercial film producers. Schoolkids making bedroom videos miming to chart hits will not worry the copyright owners too much (although it's still illegal) but production companies making films for commercial clients will be pursued. The clients, too, are exposed to litigation if they knowingly publish content that they don't own the rights to on their websites.

As you can see, copyright is not a simple subject. To get permission to use a tune, you might have to ask and pay three separate parties: the composer or writer of the song, the performer and the publisher, or record label. Sometimes one organisation can act for two or more of these parties and make life simpler, but not necessarily cheaper.

Obtaining permission to use a popular piece of music on a video to be shown online can be time-consuming and expensive. A licence to do this legally will usually cost hundreds of pounds but for the right song to set the right mood for your film, it can be worth the time and cost. NorthLight Media has negotiated with copyright owners to use music in productions.

But many clients decide to seek an alternative to well-known music.

Production music

The most popular alternative is 'production music', a bit more sophisticated than lift music or 'music-on-hold' tunes, production music has been specially created for audio and video productions and is distributed on a 'royalty-free' basis. Most royalty-free music still has to be paid for but one licence usually takes care of all payments and grants the licensee unlimited usage.

Royalty-free music can be bought online and downloaded. Popular vendors include iStockaudio, which offers credits or one-off payments, and VideoBlocks, which operates a subscription model for its customers. NorthLight Media has accounts with both and customers can browse these sites and tell us what music they would like us to buy for their project.

There are websites that offer truly free music – lots of them with new ones appearing all the time. Most offer music under a 'creative commons' licence and the composer and performer have given up all rights to the material. But even creative commons agreements can have restrictions. Some compositions are available only for use by private individuals in not-for-profit productions; in education, for example.

Choosing your music

Finding exactly the right track for your film is not always easy. Film/music is a combination that really is greater than the sum of its parts and only when they are brought together do we really appreciate how well they work. Many clients are happy to leave the choice of music to us and quickly let us know if we get it right (or, very occasionally, wrong).