

Streaming Youth Dance Online: Music Rights and Licensing



One Dance UK, Dani Bower

**Disclaimer: This document is meant as a general guide and is not legally binding. It is based on One Dance UK staff experience when applying for and streaming music online as part of youth dance showcases. It is intended to assist those who are streaming music in similar settings.*

In creating dance for live settings, music accompaniment is often something we take for granted. Like dancers and choreographers, musicians and composers spend years training and perfecting their creations and deserve to be rewarded for their work, so in order to use music as part of a performance, especially where it's for public consumption, you need a licence for the use of their work. This document will offer guidance and recommend best practice for digital music licensing and streaming works on online platforms. The law prohibits anyone from sharing copywritten material, including music, without permission. You are infringing copyright and could be sued for damages if you use copyright music or music videos online or on mobile technology without the appropriate license.

PRS for Music is the home of the Performing Right Society (PRS) and it has a service agreement in place with the Mechanical Copyright Protection Society (MCPS). Further details can be found here: <https://www.pratformusic.com/what-we-do/prs-and-mcps>

PRS administers the rights of composers, lyricists, and music publishers in relation to songs, instrumentals, etc.

PRS pays royalties to its members when their works are:

- broadcast on TV or radio
- performed or played in public, whether live or through a recording
- streamed or downloaded

MCPS pays royalties to its members when their music is:

- copied as physical products, such as CDs and DVDs
- streamed or downloaded
- used in TV, film or radio

Obtaining the appropriate licences for live performances in a theatre is a fairly straight forward matter. Further details can be found through [PRS PPL Ltd's The Music Licence](#) or on the GOV.uk page on [getting a licence to play live or recorded music](#).

However, when sharing work online, regardless of the format, there can be some complex licensing protocols to follow in order to secure the rights to use music which you need to be aware of. PRS may offer some of the necessary licences or can put you in contact with the correct people, but it is important to check all the details carefully to ensure that you and all parties are advised correctly and properly covered.

Obtaining licences can take some time and will most likely cost money, and you may get a “no” (as One Dance UK did on several occasions when researching for U.Dance Digital in 2020).

PERFORMING & STREAMING WORK ONLINE

Limited Online Music Licence (LOML):

If you are planning to offer on demand streaming, permanent downloads, podcasts, webcasting and general entertainment on your OWN website; or a website which PRS has a pre-existing agreement with that they can licence on behalf of, for example Vimeo, Zoom, Teams etc.; and you will have an annual turnover of less than £12,500 you probably need the LOML. This is paid on an annual basis.

This licence does not cover content for third-party websites and social media platforms such as YouTube, Facebook, Spotify, or Soundcloud as the platform itself will usually have a licence to cover use. For example, if you are embedding a YouTube video onto your website a LOML is not needed as it should already be covered by YouTube. It is always advisable to double check this with PRS or the third-party platform.

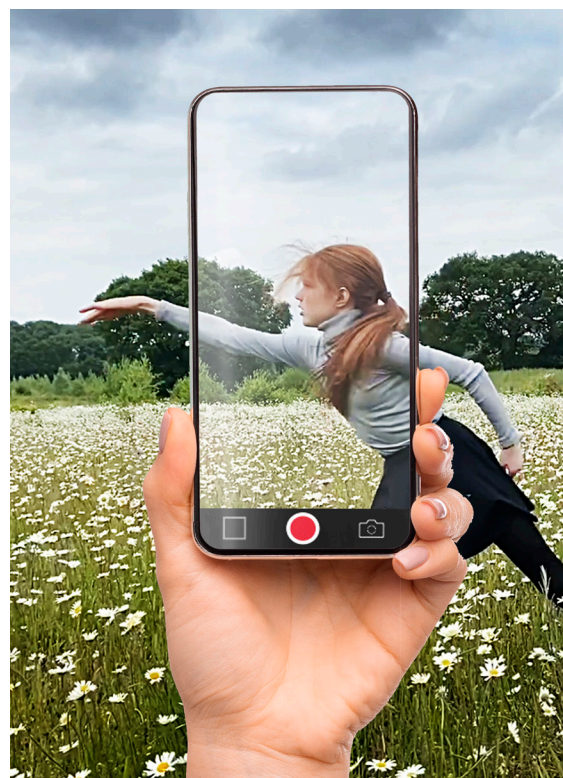
Further details on the [Limited Online Music Licence](#) can be found on the PRS for Music website.



Sync Licences

In addition to the LOML if you are planning to show a live or pre-recorded piece of work online that combines audio (music soundtrack, for example) and a visual (dance, animation, graphics) you will also need to clear the synchronisation rights and obtain a Sync Licence. This is because an association is made between the audio and the visual, and the licence holder for the music has a right to reject this association. This is usually managed by the publisher of the track or the artist themselves. This may or may not involve paying a fee. They also have the right to say no.

Further details on [Sync Licencing](#) are available through PRS who can assist you on either acquiring a licence from one of their members, or they should be able to help you contact with the rights holders so that you can obtain a licence directly. The rights holder is usually the publisher of the track or the artist.



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Always check terms and conditions carefully to ensure the use of the content you are uploading is permitted before you upload it.

Please note that if you license the synchronisation rights via [MCPS Production Music](#) then you will most likely also require a [Performing Right Online Licence](#).

MASTER RIGHTS

Master Rights are also referred to as sound recording copyright and are typically owned by whoever financed the recording of the work.

Every aspect of music production has an element of copyright. Generally, each work which has been made and recorded in the last 70 or so years will be owned by a record label. The record label owns the copyright for their particular recording of the work, so you will need to obtain their permission to use that particular recording. This may or may not involve paying a fee. They also have the right to say no. Further details on getting permission to use the sound recording from the company that owns it and the artist, can be found on the [PPL website](#).

A note about Publisher vs Producer

Publisher is not the same as Producer. A Publisher is someone who publishes the work of the artist – this may be the artist themselves, or an organisation. The publisher owns the copyright on the work as a piece of art and is responsible for its public consumption. The Producer (often the record label) is responsible for the mechanical creation of that particular recording. They own the copyright for that production, but not the copyright for the artistic value of the work. This is why it is necessary to obtain TWO sets of permissions.



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This can sometimes get confusing, as independent artists tend to own the master rights, and sometimes even the publisher rights, so they can grant both a Sync Licence and a licence for Master rights, usually for one small fee, or even free of charge. Sometimes, larger companies will own both sets of rights, but will charge you two separate fees for Master rights and a Sync Licence.

TYPES OF LICENCE NEEDED FOR STREAMING DANCE WORK

When do I need a licence, and which one?

Showing any work online, regardless of which platform it appears on, will require you to obtain at least one of the above licences:

Just a Sync Licence

- Facebook, Instagram, YouTube (these are all covered by a special licence granted to the platform by PRS. Check with PRS that they cover the work(s) you want to use and that no other licences are needed)
- If your music was licensed under 'Creative Commons': this means the work has been licensed for free use publicly under certain conditions (usually that its' creator is appropriately credited). Sometimes with a Creative Commons licence, you may not even need a Sync Licence but please be sure to check (see Royalty Free Music below)

Sync Licence AND Master rights may both be required for the following scenarios:

- Any website or third-party platform, even if this is an embedded YouTube video
- Any digital streaming service

Limited Online Music Licence (LOML), Sync Licence AND Master rights may all be required for the following scenarios:

- Any footage on your OWN website
- Vimeo
- Any website or third-party platform that PRS has a pre-existing agreement with and can licence on behalf of

How do I obtain a licence?

There are a lot of helpful resources out there so if you do your research it's possible to ensure you are properly covered. PRS has a great deal of information on its' website and also provides contact details (see the links at the end) so that you can discuss your needs further with PRS via email or over the phone. When corresponding with PRS be sure to fully explain how you plan to use the music.

PRS has a database you can sign up to access. This database lets you search for works and access the details of who owns which copyright. Once you have this information, you can go to the artist/publisher/record label's websites where they will usually include contact info specific to licencing requests.

If PRS or PPL cannot help to obtain these licences, you will have to go directly to the artist// publisher/record label and ask them kindly for permission to use the work. This is the case for each individual piece of music used, regardless of its length or only using a short extract - if your soundtrack contains 5 works, you may end up contacting 10 different people for 10 different licences, possibly at 10 different fees.

Costs for securing a licence can vary wildly. When researching for U.Dance Digital 2020, One Dance UK was charged up to £750 for one work by an independent artist, and £200 per licence by one large publisher despite them having previously offered a similar licence free of charge. We also managed to get permission to use many works free of charge. If you do have budget available, set aside around £300 per work if you are able to - you may not need to use it, but it's worth doing so just in case you do.

When emailing publishers or artists, be sure to give them the full details of your project.

They'll want to know the following information:

- Which work by which artist, and on which album – this is specific and important
- How much of the track are you using? Sometimes they'll want specifics like "from 00:30 to 01:24"
- How is the music being used? For example: "accompanying a recorded youth dance performance that will be shown as part of a free youth dance festival"
- Are you charging for public consumption? In other words, are you making any money at all from this performance, such as through ticketing?
- Where will this be shown? Facebook, your website, as part of a festival, etc.
- How long will this be publicly available? This can affect your licence, as if you just want it shown on just one day, they are more likely to give this to you free of charge. However, if you want to keep it posted on YouTube indefinitely, they may be more inclined to charge you.

ROYALTY FREE MUSIC

The ideal scenario to avoid having to secure any licences is to have original music created for your piece of dance. However, if you don't have the time or budget to commission music, royalty free music is another great option.

There are many sites where you can download royalty free or creative commons licensed music. Usually, the better quality the music, the higher the fee for downloading it. Most works will cost between £5 and £20, but there are sites that allow you to download music free of charge providing you credit them appropriately. [The Creative Commons website](#) has a list of sites that have music available under the Creative Commons licence.

NB You may also need to secure a Sync Licence to use Royalty Free music, so please check this carefully.

Some sites offering music under the Creative Commons licence:

www.bensound.com

www.epidemicsound.com

www.youtube.com/channel/UCht8qITGkBvXKsR1ByIn-wA

www.soundstripe.com

COMMON MISCONCEPTIONS & FAQs

The music isn't the main focus, so I don't need a licence.

Wrong. You're using music, and it is accompanying a visual and will be accessible online. You need the appropriate licences in place.

I'm doing this as part of an educational project, so I'm covered.

Wrong. If you are sharing the work with an audience outside of the school itself (including to teachers and parents, and especially if this is online), you will need licences in place.

What if I don't get permissions in time?

Don't risk using music without an appropriate licence. If caught, you will likely be fined. This is happening a lot more frequently recently. Changing to royalty free music is probably the best option in this case.

What if they say no?

If they say no, then you cannot use the music under any circumstance. This is even the case if the work is only a 10-second part of a 6-minute soundtrack. You will need to change that 10-second part.

Which PRS licence do I need?

PRS do not offer Sync Licences directly, but they can help you to either acquire approval or put you in contact with the correct people. For information on licensing music for fitness and dance classes, see the link below.

USEFUL LINKS

To speak with the PRS licensing team directly please call +44 (0)20 3741 3888, from 9am to 5.30pm, Monday to Friday. Alternatively you can email applications@prsformusic.com or synclicensing@prsformusic.com

Information from PRS on online fitness classes

<https://pplprs.co.uk/themusiclicence/sectors/fitness-dance/online-fitness-classes/>

The PRS database to search works and see the details of who owns which copyright

<https://www.prsformusic.com/works/searching-works>

The National Dance Company Wales blog post by Tour and Projects Producer Anna Hainsworth provides some great insight into Music Licencing for online use:

<https://ndcwales.co.uk/my-ascent-mountain-known-music-rights>

Publer on uploading videos to Facebook

<https://blog.publer.io/be-careful-with-the-videos-you-upload-to-facebook/>

Social Media Today article by Andrew Hutchinson on Facebook's updated guidance, May 2020

<https://www.socialmediatoday.com/news/facebook-clarifies-guidelines-around-musicusage-in-video-posts/578357/>

Details on getting a Licence to play LIVE or recorded music

<https://www.gov.uk/licence-to-play-live-or-recorded-music>

