

Streaming Youth Dance Online: Music Rights and Licensing

Best Practice Guide

Collated by One Dance UK

**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. Music is an art form that has value, and so in order to use music, especially for public consumption, you need a licence. This document will offer guidance and recommend best practice for digital music licensing and streaming pieces on online platforms.

Performing & streaming work online

Current laws prohibit 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 being licensed.**

Information on copyright in the UK: www.gov.uk/topic/intellectual-property/copyright
[PRS and MCPS](#)

PRS for Music is the home of the Performing Right Society (PRS) and the Mechanical-Copyright Protection Society (MCPS). PRS for Music administers the rights of composers, lyricists and music publishers in relation to songs, instrumentals, etc.

PRS pay 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 pay 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

When obtaining the appropriate licences for live performances in a theatre, this is a fairly straightforward matter and is usually done through PRS. However, when taking work online, regardless of the format, there are some complex licensing protocols to follow when securing the rights to use music. PRS do not offer licences to purchase that cover you for this type of work. Obtaining licences will take time and it will most likely cost money, and you may get told no (as One Dance UK did on several occasions when researching for U.Dance Digital 2020).

Types of licence needed for streaming dance work

Synch Licence

If you are planning on showing a live or pre-recorded piece of work online that combines audio (music soundtrack, for example) and a visual (dance, animations, graphics), you will need to obtain a Synch 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 have the right to say no.

Master Licence

Every aspect of music production has an element of copyright. Generally, each track that has been made in the last 70 or so years will be owned by a record label. This record label owns the copyright on their particular recording, and so you will need to obtain their permission to use that particular recording. This may or may not involve paying a fee. They have the right to say no.

Publisher vs Producer

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

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

When do I need a licence, and which one?

Showing any work online, regardless of platform, will require you to obtain at least one of the above licences.

Just a Synch Licence

- Facebook, Instagram, YouTube (these are all covered by a special licence granted by PRS. Check with PRS that they cover the song(s) you want to use)
- If your music was licensed under 'Creative Commons': this means the song has been licensed for free use publicly under certain conditions (usually that it is appropriately credited). Sometimes with a Creative Commons licence, you don't even need a Synch Licence (see Royalty Free Music below)

Synch Licence AND a Master Licence

- Vimeo
- Any website or 3rd party platform, even if this is an embedded YouTube video
- Any digital streaming service

How do I get a licence?

This is the kicker: in order to obtain these licences, you have to go directly to the artist/producer/publisher and kindly ask them. This is the case for each individual piece of music used, regardless of length. So, if your soundtrack contains 5 songs, you may end up contacting 10 different people for 10 different licences at 10 different fees.

PRS have a free database you can sign up to. This database lets you search for songs to get the details of who owns what copyright. Once you have this information, you can go to the artists/publisher/record label's websites where they will usually have contact info specific to licencing requests.

Costs can vary wildly when securing a licence. When researching for U.Dance Digital 2020, One Dance UK was charged up to £750 for one track by an independent artist, and £200 per licence by one big publishing company despite them having previously offered a similar licence for free. We also managed to get many permissions for free. If you do have budget available, set aside around £300 per track if you are able to; you may not need to use it, but it's worth doing so.

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 track, by which artist 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 off 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 for free. However, if you wanted it up on YouTube indefinitely, they may be more inclined to charge you

Royalty free music

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

There are many sites where you can download royalty free or creative commons music to use; usually, the better quality the music, the higher the fee. Most tracks will cost between £5-£20, but there are sites that let you download music for free as long as you appropriately credit them. The Creative Commons website has a list of sites that have music available under Creative Commons Licence.

www.creativecommons.org/about/program-areas/arts-culture/arts-culture-resources/legalmusicforvideos/

Here are some suggested sites:

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.

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

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

What if I don't get permissions in time?

Don't risk using music without a licence. If you are found out, you may be fined; this has happened more a lot more frequently recently. Changing the music to royalty free is probably the best option in this case.

What if they say no?

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

Which PRS licence do I need to buy? PRS do not offer synch licences or any other licence for online showcasing of work. You will need to obtain permissions in the way we've outlined above. For licensing for fitness and dance classes, see the link below

Useful links

NDCWales blog post by Tour and Projects Producer Anna Hainsworth:

<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-music-usage-in-video-posts/578357/>

Information from PRS on licensing for fitness and music classes:

https://pplprs.co.uk/business/fitness-dance/?_ga=2.145641777.485892603.1603294573-1180085169.1602668876