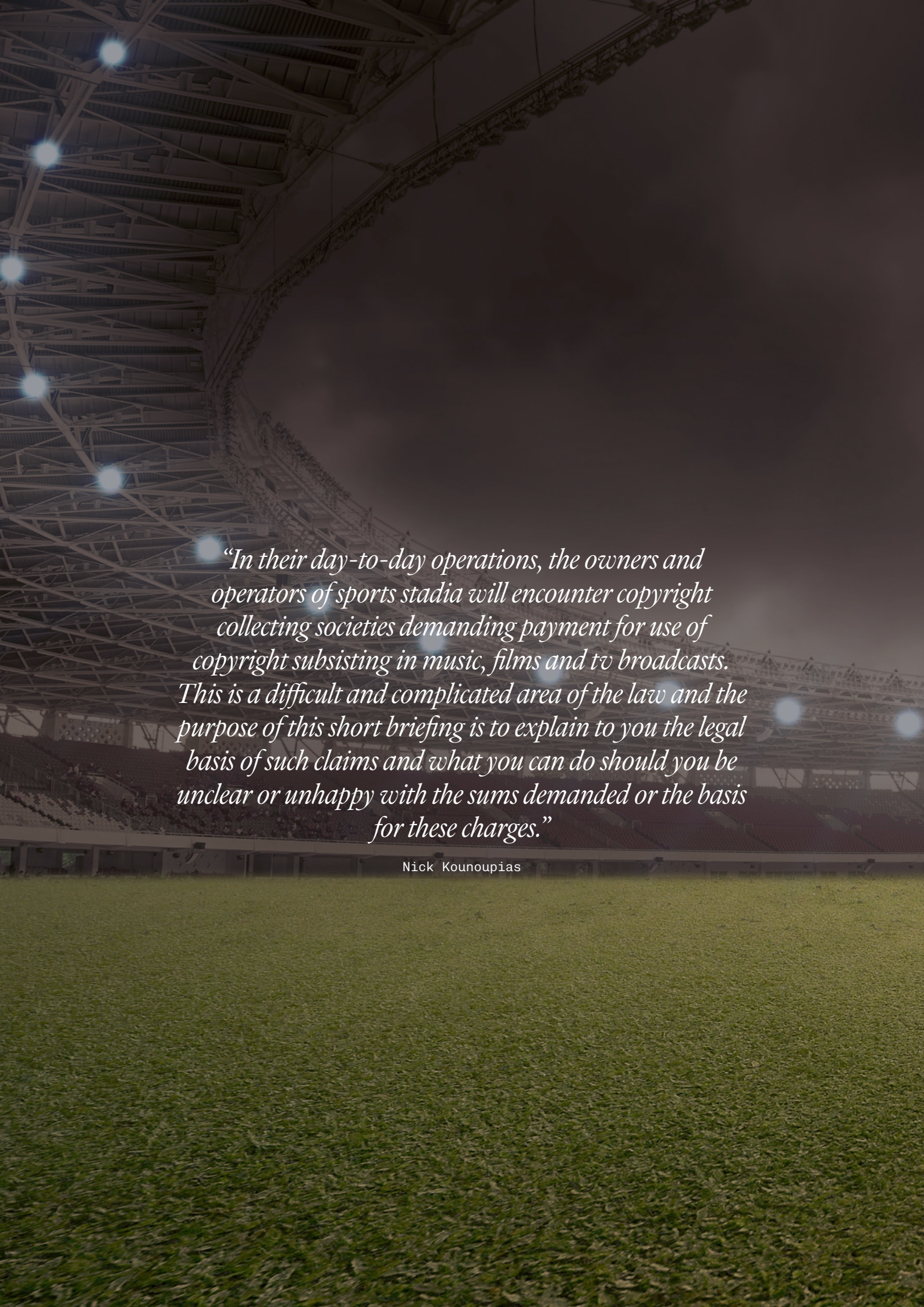


The background of the cover features a dark blue sky with a grid of bright, starburst stadium lights. In the top right corner, there is a cluster of circular, glowing light fixtures. The bottom portion of the image shows a green grassy field.

# STADIUM GUIDELINES

Music Licensing for Stadia



*“In their day-to-day operations, the owners and operators of sports stadia will encounter copyright collecting societies demanding payment for use of copyright subsisting in music, films and tv broadcasts. This is a difficult and complicated area of the law and the purpose of this short briefing is to explain to you the legal basis of such claims and what you can do should you be unclear or unhappy with the sums demanded or the basis for these charges.”*

Nick Kounoupias

## Copyright Collection Societies

Copyright collecting societies (“CCS”) operate to facilitate the licensing of copyright works by copyright owners to those who wish to use their copyright works for a multitude of purposes. However, whilst they perform a vital role in making copyrights available to the public, CCS are by their nature monopolies and as such the exercise of their monopoly powers needs to be properly exercised and scrutinised.

Kounoupias IP and My Music Solutions are two copyright consultancies employing staff approaching 100 years of combined experience of working for the CCS. We are very well placed to assist you to scrutinise the exercise of these powers. Both organisations are regularly instructed, individually and jointly, to work together to help users to investigate the legitimacy and basis of the claims by the CCS.

Kounoupias IP

 mymusic  
solutions



Who are the  
Copyright Collection  
Societies?

## PRS for Music

PRS for Music ("PRSfM") is the trading name used by the Performing Right Society Limited ("PRS"). PRS is a music industry CCS and an association of composers, authors and publishers of musical works (lyrics and music). It is mandated by its members to license and collect royalties for the broadcast, performance in public and communication to the public of musical works of those members.

Broadly speaking PRS seeks to license whenever a song is performed in public, live, by way of a broadcast or communicated to the public in some other way. A similar society called the Mechanical Copyright Protection Society ("MCPS") licenses music used in a different way, whenever someone wishes to copy or dub music.

## PPL

Phonographic Performance Limited ("PPL") is also a CCS. It should not be confused with PRSfM or PRS although they are similar acronyms. PPL represents the interests of record companies and performers and licenses the rights to use sound recordings rather than musical works.

PPL is mandated by its record company members to license and collect royalties for the broadcast, playing in public and communication to the public of sound recordings belonging to those members.

It is also mandated by its performer members, who do not transfer any rights to PPL, to collect and distribute the UK royalties and, if appointed to do so, international royalties for their share of the licence fees for the performances of recordings and broadcasts on which they have performed.

Whenever music is therefore played by way of a sound recording, broadcast and communicated at stadiums, PPL is entitled to collect royalties. All the terms of licence are decided by PPL.

## PPL PRS Ltd

PPL PRS is a joint venture between PPL and PRS. Previously, businesses were obliged to obtain separate music licences from both PPL and PRS. However, Government pressure has obliged them to simplify music licensing and create PPL PRS Ltd and launch "TheMusicLicence" to provide a single music licensing service for users.

However, their licence terms and royalty rates are still set by PPL and PRS

individually in accordance with their published schemes and tariffs.

PPL PRS does not own any rights in PPL or PRS members musical works (or those of PPL and PRS's affiliate members). It is mandated only to license and collect royalties for the performance or playing in public and communication to the public of musical works and sound recordings.

## MPLC

Motion Picture Licensing Company ("MPLC") is a CCS which licenses and collects royalties for the showing on TV in commercial settings of a film in public or communication of a film to the public.

MPLC claims to represent the interests of its members, which are film companies and TV producers.

MPLC argue that a "non-theatrical" film licence to show films and TV programmes in public is required:

- At one-off events
- At film clubs - whether or not tickets are sold
- In common areas for guests, residents and passengers
- In retail and entertainment venues

MPLC claims to be mandated by its members to represent them.

## WHY AND IN WHAT CIRCUMSTANCES WOULD I NEED A PPL PRS LTD LICENCE?

Typically, stadia use music and / or television screens in the 'stadium bowl' for fans, before, during and after the sporting action, in suites and boxes for corporate entertainment, on concourses and often in areas like the dressing rooms.

PPL and PRS also license areas such as gyms, training grounds/facilities, retail stores/warehouses and even TV channels.

In theory therefore a stadium that uses music is almost certainly going to require a licence from PPL PRS.

## WHY AND IN WHAT CIRCUMSTANCES WOULD I NEED A MPLC LICENCE?

If most of the TV channels currently available in the UK are played in a sports stadium, it is likely that an MPLC licence is payable. The exception to this would be if a stadium were to limit TV use to news, music and sports channels only.

*“KIP and MMS can help you to unravel the complexities of each organisations’ tariffs, ensure that you provide the correct data, and potentially save you time and money.”*

Rob Gilbert

## How can we help you?

Over the past 10 years we have assisted many football, rugby & horse racing venues by helping them understand some of the more nuanced areas of the tariffs and advising on how to only pay for the music they use. This has led to average improvement in licence fees of 21% and up to 48%.

As there is no single tariff to cover all the potential music use from PPL or PRS, a business could be licensed across up to 10 different tariffs, each one with a different set of metrics. This makes budgetary certainty in music licensing much more difficult than it needs to be.

For example, you could be asked about total attendance, square meterage of audible areas, number of seats in each space, number of featured music events (DJ, Live etc) with average attendance, duration and frequency and so on.

It is important to only declare, and therefore pay for, the music you use and to possess a solid understanding of all the tariffs and their application to ensure that this is the case.

Some years ago, PRS developed a specific tariff to cover the overall attendance and boxes and used other tariffs to pick up hospitality, retail and other areas where music is played. Similarly, PPL use their Spectator Sports tariff for attendees and their hospitality tariff to cover other areas of the stadium. They also both use additional tariffs to pick up miscellaneous areas not covered by the above.

## Licences you may need

	PRS	PPL	MPLC	Filmbank	TV Licence
Background Music	✓	✓			
Live Music	✓				
DJ Events/Discos	✓	✓			
Karaoke	✓				
Broadcast Television	✓	✓	✓ *		✓
DVD & Filmshows	✓	✓	✓ *	✓ *	

\* Exclusions may apply, contact us for details.

## WHAT ISSUES SHOULD YOU CONSIDER WHEN MAKING A DECLARATION TO PPL PRS?

When making a declaration there are many issues to consider. Below we set out a non-exhaustive list of some of these:

- What music is played when fans are in their seats;
- What pre match build up music is played;
- Whether there is a fan park;
- Whether music will be played for goal, try or wicket celebrations;
- Whether there is music entertainment at half time or during intervals;
- How hospitality is structured on a match day;
- How private rooms and boxes are set-up;
- What devices are used to play music;
- What is happening at concourse level;
- What music use takes places at these stadia outside of sporting fixtures, for example for room hires for corporate or Christmas events and any other music use.

We look closely at the specific use within all areas of the business, making sure that not only the correct tariff is applied but also that the correct section of that tariff is used as just a few small misinterpretations can change the licence fee considerably.

## IF THERE IS ANY ISSUE CAN THE TARIFFS AND TERMS AND CONDITIONS IMPOSED BY CCS BE CHALLENGED?

As CCS are monopolies they are regulated by different bodies in the UK. If a licensee believes that these terms and conditions or rates are unreasonable it is open to you to challenge the rates and terms within the UK either broadly on competition law grounds as an abuse of a dominant position or at a specialist Copyright Tribunal. KIP and MMS are experienced in advising in both scenarios.

## Get in touch

If you are currently in dispute with any of the collection societies or are unhappy with how your account has been handled by them, contact Nick at Kounoupias IP.

07768 201998  
nick@kounoupiasip.com  
www.kounoupiasip.com

If you would like a free audit of your businesses' exposure to music and tv licensing costs, contact Rob at My Music Solutions.

07769 333434  
rob@mymusicsolutions.com  
www.mymusicsolutions.com

It's simple and free to find out if we can help, we just need a copy of your latest invoice to get started.

