

1. INTRODUCTION

This much-revised guide is produced with the intention of assisting club music librarians with the task of obtaining the relevant clearances on new arrangements of a song and permissions to use and copy music for club use. It is not definitive, if it doesn't work for you, perhaps it's your phone manner ! I do find it pays to be really ingratiating to those on the other end of the phone, it can save a lot of money in fees. At the end of the piece is an additional section, a guide to obtaining licences to produce Tapes and CD's etc. Having completed the exercise for the Thames Valley Chorus twice now I now know that it can be very time consuming and not as easy as it at first seems! There are many pitfalls for the unwary!

The normal sequence of events that will probably take place when you want to use a piece of music is this.

2. THE OVERALL PROCESS

a. If the piece is an original barbershop song arrangement it may be registered with SPEBSQSA or BABS and marked as such. If it is a published arrangement with a Society catalogue number you merely need to place an order with the Society or with Mike and send the relevant payment for the number of copies you require. The catalogues in PDF format of published and unpublished arrangements are on the Society web site. If it is a BABS published or unpublished arrangement go through Mike Lofthouse. If it is in the American Society "unpublished" list then the procedure is slightly different. Nancy Foris runs the American end of the Harmony foundation library of unpublished arrangements. The procedure for obtaining and clearing these unpublished arrangements for use is currently under change but sort of goes like this! Once you have chosen a song from the unpublished catalogue contact Mike Lofthouse or Nancy by E or snail mail (or even phone). You can borrow up to 5/10 different songs "on approval" for a fee of \$10/\$20 for 60 days. You will probably end up phoning once if only to pass your credit card details. At the end of this period you either let Mike / Nancy know and destroy the copy or, if you declare that you wish to sing them, you will be billed for the arrangers fee (if there is one – up to \$50). This is a major change! – You cannot now pay a "per copy" fee to Society for unpublished arrangements. You now have to clear the use of the arrangement with the UK copyright owners and pay any copying fees due to them.

b. If the piece appears to be a home-grown barbershop arrangement of an ordinary (not barbershop) song, find out who the copyright owners are and then check if the arrangement is registered with them, if it is, find out what fee if any would be payable to make copies of the music (normally about 50p per copy maximum).

c. If it is not a registered arrangement then you must talk to the arranger (if you know who it is) and agree that you will now register the arrangement with the copyright owners. If you can't find the arranger send it to the copyright owners for approval anyway. This process will involve you finding out the copyright owners, sending them a copy for proof reading, agreeing any changes required by the copyright owner and then agreeing any contract of ownership and fees. They tend not to like it when arrangers change the words or the sense of the lyrics.

The guidelines outlined below should help you sort out the detail of how to carry out the requirements listed above.

3. THE BASICS OF COPYRIGHT CLEARANCES

a. When you get a piece of music it may say at the top who owns the copyright on it (if you're lucky). Don't believe a word it says. In many cases the name at the top may indicate who owned it originally but you will often find that the companies interests have been taken over by one of the big two, EMI or Warner Chappell Music (now Time Warner). Don't bother trying to find the phone number of a company that could have dissolved years before or reside in America, Let me do it for you ! The Mechanical Copyright Protection Society (MCPS, detailed below) used do the work for you, with the help of their huge database. This procedure has changed. You cannot now phone the MCPS index for information but have to have an account set up to access the database remotely. I have set up an account on BABS behalf and can now search for you. In the near future we will probably make this access available to more BABS nominated staff so that we have cover at all times. This service costs £30 hour to use so when you call me to check ownership you should have as much information about the song as you can find to save time. The minimum will be the title and probably the author.

b. Having ascertained who owns the song you then contact the copyright owners. A list of the most frequently found ones and info on where to find the numbers and addresses of all UK copyright owners is detailed later on. When arranging clearances of a new arrangement always emphasise strongly to the copyright owner (if it's true), that the songs are used primarily for competition and at other venues where little or no profit is made from their use. Point out that your society, BABS, is a registered charity. If you are only using it for the benefit of charities, say so. I always point out that most of us Barbershoppers actually pay a significant monthly subscription to keep our clubs afloat and that if any money is made from sing-outs it is ploughed straight back in for the benefit of barbershop and/or charities.

c. Always keep the number of copies required to a minimum as there is often a "fee per copy" charge once permission to use the arrangement has been obtained. Often however if you are clearing a new arrangement, and have the arrangers permission to give it away! they will offer you a form of contract whereby you use the song exclusively for your clubs use for performance only at a very small or no charge in exchange for you signing the rights to the arrangement over to them, this is known as a "short term contract assignment". This means that you cannot lend or sell the music to anyone else. If a third party wishes to use the music they must apply for "permission to copy" in their own right. If you wish to sell sheet music this has to be agreed with the authors and copyright owners and could be expensive and time consuming to arrange.

d. Sometimes things will drop into place easily but I often find that arranging clearances on a medley can be traumatic as you could have several different copyright owners to deal with. Even single songs can sometimes be difficult as they can also have two or more shared owners. Be patient on the phone with the companies – a pleasant phone manner could save you ££££'s.

e. You may be thinking “why should I go to all this palaver just to get permission to use a piece of music”? The answer is if you don't, you could end up not using a piece because you can't afford the fees.... waiting 6 months for a reply because you wrote to the wrong person, or ending up in court because you used it illegally !!! Grovelling is worth it ! This warning is particularly relevant to competitions such as the “Sainsburys Choir of the Year”. They insist on copies of all paperwork proving that you have the right to use the songs you intend to perform! Beware!!

f. If you are a prolific arranger you will soon get to know the staff at the various agencies. They don't seem to change very often. It is particularly useful to get to know the proofreaders. Once you have spoken to them a few times and explained the basics of Barbershop they tend to look on you with far more kindness when you have a new arrangement which perhaps changes some of the original words. Technically this can be a no-no but a personal explanation and a bit of cajoling has often meant that we could sing the words the new arranger wanted.

g. When the relevant permissions have been agreed you must put a copyright statement on your arrangement of the music. The copyright owner in their letter of confirmation will normally provide the correct form of words.

h. Finally if you think their service has been good, let them know. A quick thank you phone call or letter has probably saved £££s in the long run and probably helped to speed things up. Most of the companies will now deal by FAX/E mail if asked nicely.

4. CONTACT ADDRESSES

a. Below is a list of the major companies/bodies that I have dealt with. It's not exhaustive by any means but I think covers most of the major copyright owners of the songs that we sing. etc. I have provided the Internet addresses of two sites, Vocalist and MPA, from which you can obtain the numbers and info on all UK music publishers and copyright owners.

I have split this section into two parts, the information services and the copyright owners. If a company mainly supplies information but also does some copyright work I have put them in the first section; I try to keep the names of the contacts up to date but do not be surprised if you ask for someone by name and they have moved on or that the number doesn't work. ! The latest info will almost certainly be available on the Internet at the addresses supplied later.

b. Databases and Information Services

i. MCPS/PRS Alliance

Mechanical Copyright Protection Society/Performing Rights Society - “Refinder” database
Through Rod Adams

This group is the most important source of Information. MCPS has the database of most music available in the world. Over 24 million entries! Up until this year you have been able to phone the MCPS for the info direct. They have stopped this service. To access their database now you have to contact me –Rod Adams, preferably by E mail but use the phone if you have to. I will provide the copyright owners and phone/fax numbers and addresses so that you can obtain the relevant permissions etc. You may even be lucky and find that it is “traditional” and out of copyright. Be sure to give as much info as possible as there may be up to 40 arrangements of a particular song –Often owned by different people! If I cannot find the data I do have the ability to call them for help in difficult instances.

MCPS database – via Rod Adams

Kings Piece, Davis Street, Hurst, Berks RG10 0TH

Tel. 01189 344515 Mobile 07801 015140

E Mail (the preferred method) Rod Adams

MCPS is also the body who sorts out licences if you are planning to make a tape or CD. See the new section for details on CD and Tape production. You can actually phone them with questions about this ! (See last section).

If you are a budding original music writer you can also register with MCPS and PRS so that you might actually get paid for use of your songs.

ii. PRS (Performing Rights Society)

The performing rights society is the body that collects fees for all performances of music in public venues. They issue licences to venues, concert halls, pubs etc. and in major venues you should always be asked for a list of songs so that the relevant fees are paid to the owners of the music via the PRS. Small venues normally just pay an annual fee and detailed lists will not be required The PRS are allied to MCPS and share the database above.

If you are enquiring about membership (i.e.: you have written a song and wish to register for fees), call 0207 580 5544 and ask for Gary Bhupsingh.

IMP (International Music Publications)

Part of the Time Warner group, IMP owns a very large percentage of music ever written. They obviously work closely with EMI, who Time Warner bought the company from a few years ago, and whose site they share at Woodford Green. They are the main music publishers and distributors for both EMI and Warner Chappell. The chaps at their Woodford Green archive office are particularly useful if you have been unable to trace a piece through the MCPS database (unlikely though that may seem it does happen. Matt Smith and Leon Skelton run their copyright office which is now co-located with Warner Chappell at Griffin House in Hammersmith. They also do of course also own International copyright on lots of music and actually are responsible for clearing new arrangements of anything owned by Warner Chappell and EMI although initially you should go through the Warner or EMI numbers, they will redirect you if necessary as this set and staff seem to change very frequently! (see address later under copyright owners). If you get stuck identifying something give them a ring.

Main IMP telephone number: 0208-551-6131
Copyright direct number: 0208 222 9251
Archive (for old difficulty titles): 0208 551 6761
Archive address is;
International Music Publications
Woodford Estate, Southend Road, Woodford Green, Essex, IG8 8HN
See Warner Chappell address for main office address.

iii. Oxford University Press

These people own a great deal of copyright but can also help find obscure pieces on their database, particularly classical and secular music. (we barbershoppers seem to be doing more of this these days!)

Tel. 01865 56767 Ext 4741

Very helpful staff in the library dept. Will supply original and arranged music by return of post.

OUP, Music dept, Walton St, Oxford, OX2 6DP

c. Main Copyright Owners

i. EMI Music Publishing

Very helpful young lady called Sharon O'Neil. Understands Barbershop, willing to rush things through.

Tel 0207- 434- 2131 , ask for Copyright or Sharon .

FAX 0207-287-0477

127 Charing Cross Road, London, WC2H 0EA

EMI also now often pass on the copyright action on some songs they own to (you've guessed it!) IMP. They may advise you to contact Matt Smith at the IMP Copyright Office on 0208 222 9251.

The interests of the 3 Companies listed below are now dealt with by EMI;

Keith Prowse Music

B Feldman & Co.

Frances Day and Hunter (formerly Fun Music)

EMI/IMP also has an excellent archive dept run by Geoff Wilson at Denmark St in London where the really old pieces are stored. Tel: 0208- 836-2505

ii. Warner Chappell Music Ltd

Staff here does change fairly regularly , but are very helpful when pushed!

Tel: 0207 563 5800, Ask for Copyright Dept.

If you want to clear a new arrangement of a Warner owned piece you will be redirected to IMP.

Warner Chappell Music Ltd (also IMP)

Griffin House, 161 Hammersmith Road, London W1V 5TZ

iii. Campbell Connelly & Co Ltd

Mick Booth (Head of copyright section)

Others Alex Batsby and Linda Whittle.

Both extremely helpful and willing to rush things through.

Tel: 0207-434-0066, ask for Campbell Connelly copyright

8/9 Frith Street, London W1V 5TZ

iv. MCA Music Co

Copyright dept run by John Reston, very helpful, willing to work fast.

Seldom seems to charge for copying!

Tel: 0208-741-8686, ask for copyright. FAX: 0208-741-8646

Elsinore House

77 Fulham Palace Road, London W6 8JA

v. Anglo PIC/ Memory Lane Music

Very helpful.

Tel: 0207-836-5996 ask for Anglo/Pic copyright

22 Denmark St. London WC2H 8NX

vi. BMG Music

Bedford House, 69-76 Fulham High St, London SW16 3UW

Tel 0207 384 7711 Fax 0207 384 7633.

vii. Bucks Music
Lisa Walsh, very helpful.
Tel: 0207-221-4275
FAX: 0207-229-6893
1A Farm Place
London
W8 7SX

This company looks after the interests of;

GEMAL (Germany)
SUISA (Switzerland)

viii Carlin Music/Redwood

Carlin now also looks after the interests of "Redwood Music"

They never seem to charge us!

Tel: 0207- 734- 3251

Terry Whittaker - very helpful

Ironbridge House, 3 Bridge Approach, Chalk Farm, London NW1 8BD

ix. Any Music by Andrew Lloyd Webber

Really Useful Group

0207 -240-0880

copyright run by Emma Harvey.

d. Sheet Music Services

Sheet music services:

Most IMP/EMI/Warner Chappell original printed music is available at short notice by post/FAX (if you just want to check an arrangement they might fax you a page free) or complete, by return of post if you pay by card.

Tel: 0207 836 4766

Older songs may be in the "Warner Vault". Contact Brian Court, 0208 222 9222

Others (not IMP)

Argent Music -0207-379-3384

Novello – 01284 702600.

e. Copyright Owners/ Publishers address database

The less common addresses and phone numbers are at the following Internet addresses. (about 200 in all!)

www.vocalist.org.uk go to "Databases" then scroll down to "Music Publishers".

www.mpaonline.org.uk go to the "MPA Members" button.

5. CD AND TAPE PRODUCTION AND LICENCING

There is a lot more to producing Tapes and CD's of your good selves than you may at first imagine! You cannot simply record the songs, whack them onto hundreds of tapes and flog them - well, not unless you want a criminal record !! If you are not using standard arrangements, i.e. sheet music that you have bought and not altered, then you must have cleared the arrangements with the copyright owners following the procedures outlines previously.

There are several paths to getting a master tape made from which you can produce the saleable item. My advice would be to make use of the portable recording facility offered at reasonable rates by BABS in the guise of Andy Milner and his good lady . They have the portable DAT equipment and mikes with which to produce a good quality recording providing you have a suitable venue to use as a studio (hopefully not too close to airports/motorways/playgrounds etc.) They will give you a quality DAT recording which you then take to the studio of your choice (there are always lots in Yellow Pages, shop around) who will muck around with the tape , adding "reverb" and/or "echo" as necessary (yes they can make your 10 man chorus sound like 100!!) Again for a suitable fee they will then deliver you a "master", from which the copies will be made. You can of course use any recording studio you like but they will almost certainly be more expensive than Andy !

This however is where the fun starts !

Before any studio will release the final product to you a licence must be obtained from the Mechanical Copyright Protection Society (MCPS). You need to obtain a form AP2 from them either by writing to or phoning;

AP Scheme Manager

MCPS , Elgar House, 41 Streatham High Road, London SW16 1ER

Tel: 0208-769-4400 Fax : 0208-769-8792

AP clearance help line 0208 664 4400.

The form comes with a comprehensive guide on how to fill it in but there is also an excellent (and much used) telephone helpline, which routes straight to the department if you ask for "AP clearances".

The information that you need for the form is very detailed and comes in 2 parts; firstly the physical media information (tape/CD, how many of each, who is producing it for you , title etc. The second part covers the track information and requires all copyright ownership information, authors details and if you have them, running times. Beware, there are strict rules about declaring medleys; you have to log each song even if you only use a few seconds of it.

You really need to have done your homework and sourced the copyright owners but the helpline will assist you if you get stuck.

Before you fill in the form you must decide exactly what songs are going on the recording. Once a licence is issued it is a pain to make any changes and will cost you time and money.

Time is important. To be safe and save heartache allow 4 weeks to process the form. It says on the form "allow 7 working days from when the form is logged onto the MCPS system to issue of the invoice". Beware, this time only applies if you already have an account with MCPS. Setting up the account is done by another department and takes up to 5 working days.

The processing of the form will only start after an account has been set up for you and your form is logged onto the system. There could be hundreds of forms to process and yours may take a few more days to get logged. Once logging and copyright checking has been completed an invoice will be issued for the licence fee.

This fee is a standard amount based on the number of units (either tape or CD) that you are going to produce. The fee if you are distributing it yourself is 6 ½ % of the retail value of the total production run minus an allowance for "promotion" i.e. Those you give away to prospective clients/sponsors etc. . If you are distributing it via a dealer (i.e. WH Smith !!) then the fee is 8½%. Do it yourself!! The licence will only be released when the invoice is paid and cleared. They do not accept credit cards or phone payment. It must be by cheque or bankers draft so if you pay by cheque allow another 4 working days!

Licences will be issued to you and copied to the studio producing the product. Unless they are very dodgy they will not release the tapes etc. to you until they get the licence. Don't forget, the licence is for an exact number of copies. If you want to do more copies there is another form for repeat pressings/tapes of an earlier licence.

Normally that would be the end of it but unfortunately there is a possibility that some of the songs you wish to sing may be refused by the owners (it has happened) or that they are not administered by MCPS. In that instance you must negotiate a fee directly with the owners. Luckily it did not happen to us but if it does happen it can take ages and cost lots!

That's it, I hope that this is a useful guide. Please feel free to copy and distribute this paper to anyone who needs it. If you have problems, find that personalities have changed or have updated or new info, give me a call on 0118 934 4515 or E mail me at Rod Adams

Best of luck
Yours in Harmony
Rod Adams, MBE.
TVC Chorus Mangler Manager/ Music Librarian RBHC
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