

## **Policy for playing music on radios, computers, mp3s, phones and other devices on campus.**

Many people enjoy listening to music with friends or colleagues, and the wide range of devices currently available means that everyone can now do so easily. As in many areas of life, legislative requirements may have an impact on the way in which sharing music can be done legally, and we are aware that the licensing bodies (notably PRS and PPL) are currently being very proactive in monitoring the usage of music and taking legal action against non compliant offenders. To help clarify these and to explain how the campus community can meet the requirements and avoid being caught out by the current legislation, the University has recently introduced a new policy guidance document.

### **Purpose**

This Policy does not propose to limit the right of an individual to listen to music, but to set out the policy for what is legally acceptable on campus.

### **Statement and recommendation**

Brunel University is a large community and is a public area to which anyone has access. It is also private property. As a university, we strive to ensure that our activities on campus meet the requirements of all current legislation.

The terms of the Copyright, Designs and Patents Act 1988 mean that, throughout the campus, when music played via a radio, computer, mp3, phone or other device can be heard by more than one person in a “non-domestic” area, two or more licences will frequently be required. The Act’s definition of “non-domestic” is very broad, and includes all offices, public areas of all buildings, corridors and outdoor spaces. The two licences most commonly required are those issued by PRS for Music and PPL (Phonographic Performance Ltd).

**In order to comply with the current legislation, it is recommended that listening to pre-recorded music in non-domestic areas on campus, (other than as part of a course), should be restricted to use of personal ear-phones, unless the appropriate licences have been obtained.**

### **Definition of Terms**

On campus, a “domestic environment” applies only to student bedrooms and kitchens. In all other cases, when more than one person can hear the music, it is a public environment and will require at least a PRS licence and often a PPL licence as well.

Examples of public places for this legislation include: offices, social areas, corridors, retail outlets, outdoor spaces and building sites.

PRS and PPL both have special arrangements for educational purposes (lectures), but these do not apply to student clubs, societies, ad hoc gatherings etc.

### **Special Arrangements for Educational Purposes by PRS.**

*PRS for Music* does **not** make a charge where music is used :

1. During course tuition or as part of performances made solely to meeting syllabus requirements - solely as a required part of fulfilling a recognised and official qualification, without a charge for entry. (If the syllabus requires the event to charge for admission, evidence of the syllabus must be provided.)

2. In student bedrooms, provided as **term time accommodation**.
3. In dining/living areas of student accommodation (such as kitchens), where access is limited to students who are resident in the specific building and where the use is consistent with normal domestic music use.
4. During recognised Services of Divine Worship in consecrated places of worship such as Christian churches and cathedrals (and places of worship of other faiths) having no charge for admission.

For further details about the occasions on which PRS does not make a charge for playing music, please see:

<http://www.prsformusic.com/users/businessesandliveevents/musicforbusinesses/Pages/doineedallicence.aspx#12>

**For all other uses, PRS does make a charge for music.**

The University does not hold a general licence for the campus, and individual members of staff and students will need to ensure that their activity or use of music is covered.

This includes playing music in rooms which are accessible by other students, rooms used for activities such as clubs, meetings, parties or discos and areas where catering is provided, such as refectories.

The following areas hold PRS licences: Hamilton Building (Ground Floor: UBS, First Floor: Hospitality), Howell Theatre, Roberts Room, Sports Centre and IAC.

Music users will need to notify the Licence Holders in these areas that they are playing music so that accurate returns can be made to PRS on annual basis.

**PPL (Phonographic Performance Ltd)**

A PPL licence is normally needed for the public playing of original sound recordings such as CDs, tapes or records etc. This includes jukeboxes and background music systems as well as computers, iPhones, MP3 players or other digital/mechanical means. It is normally also necessary when using a radio or TV in a non-domestic location, so users should confirm that such use is legal with the PPL.

PPL defines “public playing” as occurring when more than one person can hear the music in a non-domestic environment.

The following areas hold a PPL Licence: Hamilton Building (Ground Floor: UBS, First Floor: Hospitality), parts of the Lecture Centre, Sports Centre and IAC.

Music users will need to notify the Licence Holders in these areas that they are playing music so that accurate returns can be made to PPL on annual basis.

**PPL licences and student unions**

Prior to 1 January 2011 various events run by student unions were exempt from licence fees (often referred to as S67 exemptions). With effect from 1 January 2011 such events now require a licence.

### Further information

#### **Performing Right Society (PRS for Music) Licence**

PRS can be contacted on **0800 068 4828** or **www.prsformusic.com**

#### **Phonographic Performance Ltd (PPL)**

PPL can be contacted on **020 7534 1000** or **www.ppluk.com**

#### **Video Performance Ltd (VPL)**

VPL can be contacted on **020 7534 1000**

### At-a-glance guide to licences, supplied by PRS

|               | <b>Juke-box</b> | <b>MP3/CD/Record/Tape</b> | <b>Radio</b> | <b>TV (Inc. Satellite)</b> |
|---------------|-----------------|---------------------------|--------------|----------------------------|
| PRS for Music | Yes             | Yes                       | Yes          | Yes                        |
| PPL*          | Yes             | Yes                       | Possibly**   | Possibly **                |
| TV licence    | No              | No                        | No           | Yes                        |

|                                     | <b>Film/DVD/ Video</b>         | <b>Live music</b> | <b>DJs/<br/>Dancing</b> | <b>Karaoke</b> |
|-------------------------------------|--------------------------------|-------------------|-------------------------|----------------|
| PRS for Music                       | Yes                            | Yes               | Yes                     | Yes            |
| PPL*                                | ***Covered by<br>Filmbank/MPLC | No                | Yes                     | Yes            |
| Filmbank or<br>MPLC                 | *** Yes                        | No                | No                      | No             |
| ****Video<br>Performance<br>Licence | Yes                            | No                | No                      | No             |

\* PPL charges are sometimes included in rental charges by jukebox or music suppliers - check with your agent for details.

\*\* Please check with PPL.

\*\*\* Whether you need a Filmbank or MPLC licence depends on which film you are screening and which market sector your business operates in. Contact Filmbank or MPLC to confirm which licence you need.

\*\*\*\* VPL licence is needed for the public playing of music videos. VPL represent the companies who own the 'film' copyright in the music videos themselves.