



# Copyright Notice: printed music

## Copyright Notice Number: 6/2016

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# What is a Copyright Notice?

Copyright Notices are published by the Intellectual Property Office to help explain specific areas of copyright in the UK. This Notice is aimed at individuals or groups who may wish to reproduce printed music in some way.

This Notice is not meant as a substitute for legal advice on individual cases, but it can help readers understand some of the issues involved. It is not a conclusive view of the law – only a decision of the court can provide that.

## Copying of sheet music

### The basics

There are several components of printed music that may be protected by copyright:

- the music itself may be protected as a musical work;
- any lyrics may be protected as a literary work; and
- copyright in the typographical arrangement of a published edition may belong to the publisher of the work.

If the work is protected by any (or all) of these copyrights, the permissions of the copyright owner(s) is required before the music can be copied. As part of their exclusive rights to control specific uses made of their work, the copyright owner(s) is entitled to charge for giving permission to someone to copy their work, usually through a licence.

### What is considered printed music?

Most people would recognise printed music as staff notation. However, printed music could also be in other forms, such as neumatic notation, tablature, chord symbols, tonic sol-fa, graphic scores or braille. For the purposes of this Copyright Notice, printed music also covers handwritten manuscripts of music.

See the [annex](#) to this Notice for examples of these types of music.

### Who owns the copyright in printed music?

There may be a composer, lyricist, arranger and music publisher owning rights in the printed music. The copyright in the works and how they may be licensed may be specified on the printed copy.

In the case of a commissioned work, copyright will belong to the creator unless otherwise agreed in writing. Copyright in printed music created in the course of a person's employment will belong to the employer unless the employment contract states differently.

Composers may have assigned (transferred) their copyright to the publisher by contract. More information about assignment is available in a separate Copyright Notice: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/379040/c-notice-201402.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/379040/c-notice-201402.pdf).

Many music publishers in the UK are represented by the Music Publishers Association ([www.mpaonline.org.uk](http://www.mpaonline.org.uk)), which may be able to help you find the copyright owners of a piece of music. PRS for Music ([www.prsformusic.com](http://www.prsformusic.com)) manages the rights in musical works for its members; if you perform the music, PRS can provide a licence to the venue.

### How long does copyright last?

In the UK, copyright in the musical work and the literary work (if relevant) will last for the life of the creator, plus 70 years. If the work was created jointly, it will last for 70 years after the death of the last surviving creator.

If the work is unpublished, copyright will last for 70 years after the death of the creator OR until 2039, whichever is later. For example, if you find an unpublished piece of instrumental music in an archive and the creator died in 1853, copyright would last until 2039. However, if the creator died in 2015, copyright would last until the end of 2085.

The typographical arrangement of a published edition lasts for 25 years from first publication.

## What does copyright protect in printed music?

As with other copyright works, such as artistic or literary works, copyright prevents people from:

- copying the work
- distributing copies of the work, whether free of charge or for sale
- renting or lending the work to the public
- performing, showing or playing the work in public
- making an adaptation of the work
- broadcasting the work or making it available through the internet

These are economic rights, which allow a creator to make money from their creation. The creator(s) also has moral rights in the work, including the right to attribution and to object to false attribution, and the right to object to derogatory treatment of a work.

## Can I copy printed music without asking permission?

If all the copyrights in a work have expired, any of the [restricted acts](#) can be undertaken without requiring permission.

If the work is protected by copyright, there are exceptions in copyright legislation which allow for copying of printed music in certain circumstances without permission. These include copyright exceptions for research and private study; criticism, review and quotation; parody, caricature and pastiche; and education. These exceptions are restricted as 'fair dealing' so no more of the work should be used than is necessary. There is also a copyright exception to assist a person with a disability (if an accessible copy is not already commercially available), such as producing large print or braille editions. There is more information on exceptions on the IPO's website at <https://www.gov.uk/guidance/exceptions-to-copyright>.

In addition to the exceptions, the Music Publishers Association (MPA) has developed a Code of Fair Practice with its members. The Code of Fair Practice sets out the circumstances where copying of printed music is acceptable beyond what is permitted by law, subject to appropriate acknowledgements, although this copying should never be used to evade appropriate licensing arrangements. The Code is available at [http://www.mpaonline.org.uk/sites/default/files/The\\_Code\\_of\\_Fair\\_Practice\\_Revised\\_Apr\\_2016.pdf](http://www.mpaonline.org.uk/sites/default/files/The_Code_of_Fair_Practice_Revised_Apr_2016.pdf).

Some music might be published under a licence which allows a certain level of copying for specific purposes – this will usually be made clear in any copyright information with the printed music.

Where music cannot be copied under a copyright exception, a provision in the Code of Fair Practice or licence, then permission of the right holder(s) will be required. This includes photocopying, scanning or reproduction by other means of the music, whether for rehearsal or performance.

## Can I get copies from a library or archive which holds printed music?

If the work is no longer in copyright the library or archive can provide you with any number of copies for any purpose. There will be no copyright fee to pay, but there may be a charge to cover the cost of making the copies.

If the work is still protected by copyright, an archive can provide you with a single copy of a proportion of a published work, or of the whole or part of an unpublished work. In both cases, the copy can only be provided for the purposes of private study or research. No copyright fee would be charged, but there may be a charge to cover the cost of making the copies. Where the extent or purpose of the copy go beyond what is permitted by the exception, you will need permission from the right holder(s) to obtain a copy.

There is information on these and other copyright exceptions on the IPO's website at <https://www.gov.uk/guidance/exceptions-to-copyright> and [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/375956/Libraries\\_Archives\\_and\\_Museums.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375956/Libraries_Archives_and_Museums.pdf). The International Association of Music Libraries (IAML) provides further guidance to libraries and archives which have printed music collections (<http://www.iaml-uk-irl.org/copyright-faqs--uk>).

## Licensing for educational use of printed music

If you teach music in a school in the UK and you wish to make copies of printed music you may need the Schools Printed Music Licence from the collective management organisation called Printed Music Licensing Limited, via the Copyright Licensing Agency (CLA). Some schools may have licences in place or be covered by a local or nationally obtained licence. You can check whether you are likely to be covered or obtain contact details of CLA at: <http://schools.cla.co.uk/about-your-licences/schools-printed-music-licence/>.

Copyright law specifically allows performance of a musical work in a classroom setting for educational purposes. There is information about how copyright exceptions apply for educational use at: <https://www.gov.uk/guidance/exceptions-to-copyright>. However, if the music is performed before an audience consisting of people other than teachers, pupils and others directly connected with the school's activities, the school will need to have an additional PRS licence to cover this public performance.

### How do I get permission to make copies?

You will need to ask the permission of the right holder(s). They may be happy for you to make the copies when you explain your requirements, they may ask you to pay for a licence, or they may refuse permission.

To find the right holder(s), you can start with the printed music. Often, published printed music will have copyright information on it, usually on the first page. The MPA has around 260 members of UK music publishers (<http://www.mpaonline.org.uk/>). Composers and songwriters may have their rights represented by PRS for Music (<http://www.prsformusic.com/Pages/default.aspx>), and poets or lyricists may have their rights represented by Authors' Licensing and Collecting Society (ALCS, <http://www.alcs.co.uk/Home>).

### What if the right holder died or I cannot find them?

Printed music is considered an orphan work if you do not know who a right holder is, or you cannot find them or whoever inherited their copyright. The IPO runs a licensing scheme for orphan works: if you have completed a diligent search for the right holder, you can apply for a licence with an application fee.

The IPO will check the diligent search and decide whether to grant you a licence, which can last for up to 7 years, is limited to use in the UK and is non-exclusive. You can find out the cost of a licence before you apply. More information about the orphan works licensing scheme and guidance on completing the diligent search is available at <https://www.gov.uk/guidance/copyright-orphan-works>.

### What if I am the composer or lyricist?

If you are creating printed music from other content (for example, setting a song), you should ensure you have permission to use that content unless the copyright has expired or you are relying on a copyright exception.

If you own some of the rights in printed music and wish to copy that music, you will still need the permission of the other right holder(s), unless all parties have transferred their copyright to you in advance.

### Using notation software to create printed music

If you are type-setting music protected by copyright using notation software, you may want to check whether you are copying or arranging, which may be **restricted acts** requiring the permission of the right holder(s). The fact that software is being used (as opposed to writing by hand) does not affect whether or not permission is required. However, an additional level of licensing applies as the terms and conditions of the program will often require you not to infringe a third party's copyright in using the software.

### Using printed music that has been borrowed or hired

Unless the copyright has expired in both the publication and music works contained within it, you may only copy printed music borrowed from a library under a copyright exception, one of the specific permissions in the MPA's Code of Fair Practice, a licence such as the Schools Printed Music Licence or with permission from the right holder(s).

The MPA also produces guidelines for the hire of sets of music for amateur rehearsal and performance direct from publishers: [http://www.mpaonline.org.uk/sites/default/files/Guidelines\\_for\\_Amateur\\_Music\\_Hire.pdf](http://www.mpaonline.org.uk/sites/default/files/Guidelines_for_Amateur_Music_Hire.pdf).

## Performing printed music

If you are considering performing the printed music, you will need to check whether you need a licence for the performance – this is usually obtained by the venue. More information about performing music is available in a separate Copyright Notice at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496296/Copyright-notice-Jan-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496296/Copyright-notice-Jan-2016.pdf).

## What are the consequences of copyright infringement?

When someone infringes copyright, the copyright owner or someone acting on their behalf could take action against the infringer. The person or company that has failed to obtain the appropriate permission for copying the work may be asked to purchase a licence and an agreement might be reached after which no further action is taken.

In certain circumstances, copyright owners may take legal action by bringing a claim in court which could result in the person responsible having to attend a hearing. Court cases can be expensive, as they may result in the person paying the licence fee, the legal costs for both parties, and possibly further financial compensation for copyright infringement.

## Examples

### My group is performing very old music, it must be out of copyright by now?

It is a good idea to check whether all the copyright has expired. For example, the copyright in music by Ludwig van Beethoven is no longer protected by copyright, but editions of his work published in the last 25 years will have their typographical arrangement protected by the publisher, and modern editions, adaptations or arrangements of his work may still be protected by copyright for life of the adapter or arranger plus 70 years.

### Is there any difference between folk music, classical and other types of music in copyright?

As a general rule, copyright lasts for 70 years after the death of the creator, whatever the type of music (see ‘[How long does copyright last?](#)’). In many cases, the original creator of printed music which is folk music will be unknown; copyright in works of unknown authorship generally lasts for 70 years after the work was made or 70 years after the work was published. However, if a composer ‘collected’ a folk tune by hearing someone sing it, and then arranged it with the melody intact, the copyright in the melody is likely to last for 70 years from first publication, but the arrangement is likely to be protected by copyright for 70 years after the death of the composer.

### Are religious songs like Christmas carols covered by copyright?

Yes, as a general rule, copyright lasts for 70 years after the death of the creator, whatever the type of music (see ‘[How long does copyright last?](#)’). The copyright in some older songs or Christmas carols may have expired, but if an edition has been published more recently, it will have its typographical arrangement protected for 25 years, and any adaptations or arrangements may still be protected by copyright for life of the creator plus 70 years.

### If we have a full set of scores but are short by just a few for our group, do we still need permission to copy it?

The MPA code of practice allows limited copying of orchestral or band music sets, such as if you have a particularly large clarinet section in your band. Copying in other circumstances may require permission or a licence from the right holder if it does not fall within a copyright exception (see ‘[Can I copy printed music without asking permission?](#)’).

### Can I make an arrangement or adaptation of the printed music for my group?

This will usually require permission from the right holder(s), if the printed music is still protected by copyright. The MPA Code of Fair Practice and the Schools Printed Music Licence allow limited adaptation and arrangement in a specific educational setting.

## I use a score sharing site, can I use any of the works there without asking permission?

Some contemporary composers and arrangers are happy for their work to be used and put their work online for this reason. They will usually specify the licence conditions they impose, such as using for non-commercial purposes and acknowledging the creator when using it.

However, printed music on a score sharing site may still be protected by copyright. You may want to check the terms and conditions of the site carefully and will still need to ask permission from the right holder(s) if the music is still protected by copyright and no copyright exception or licence is applicable.

## Can we give song sheets with the words to the audience so they can join in?

The lyrics of songs are protected by copyright as a literary work. Unless the copyright has expired or you already have a relevant licence, you will need to obtain permission to reproduce the lyrics on song sheets or in orders of service.

For further information about Copyright Notices, email [copyrightnotices@ipo.gov.uk](mailto:copyrightnotices@ipo.gov.uk).

To ask for a Copyright Notice on another topic please complete the [online form](#).

# Annex - examples of notation type

## Staff notation

Emma Hetherington/Margaret Haig, Cast the Net, 2014.

6

Guid-ed by the cur-rent, rocks and sand, \_\_\_\_\_

Guid-ed by the cur-rent, rocks and sand, \_\_\_\_\_

8

This musical score consists of four staves. The top two staves are for the voice, both containing the lyrics "Guid-ed by the cur-rent, rocks and sand, \_\_\_\_\_". The bottom two staves are for the piano accompaniment, with the right hand (treble clef) and left hand (bass clef) parts.

## Neumatic notation

The Divine Music Project, St Anthony's Monastery Arizona, Awed by the Beauty

(M) (r)

wed \_\_\_\_\_ by the \_\_\_ beau - - - - ty \_\_\_\_\_

This neumatic notation features a large, ornate initial letter 'A' in red and green. To its right, a series of rhythmic symbols (neumes) are placed above a horizontal line. Some neumes are marked with '(M)' and '(r)'. Below the neumes, the lyrics "wed \_\_\_\_\_ by the \_\_\_ beau - - - - ty \_\_\_\_\_" are written.

## Tablature

John Dowland, Burst forth, my tears

VOICE

Burst, burst forth, my tears, as - sist my for - ward grief

LUTE

This musical score is for a lute and voice. It features three systems of notation. The top system is for the voice, with the lyrics "Burst, burst forth, my tears, as - sist my for - ward grief". The middle system is for the lute, showing a treble clef and a key signature of one flat. The bottom system is for the guitar, showing a C-clef and a key signature of one flat. The guitar notation includes fret numbers (a, b, c, d) and rhythmic values.



# Handwritten manuscript

Jonathan Harvey, You: for soprano and chamber ensemble, Faber 1992. Courtesy of Jerwood Library of Performing Arts, Trinity-Laban Conservatoire of Music and Dance

The image shows a handwritten musical score for the piece "You" by Jonathan Harvey. The score is written on five staves. The top staff is for the soprano, with lyrics: "zu piu", "zu piu", and "zu vay piu". Above the first two measures, there are markings "8:9" and "8:9" with arrows indicating a tempo change. Above the third measure, it says "... same speed". The second staff is for Clarinet (Clar), with a dynamic marking of  $ff$  and a tempo marking of "norm". The third staff is for Viola (Vla), with a dynamic marking of  $mf$  and a tempo marking of "quiek" with a downward arrow. The fourth staff is for Violoncello (Vcl), with a dynamic marking of  $mf$  and a tempo marking of "senza cesu". The fifth staff is for Clarinet Bass (Cb), with a dynamic marking of  $mf$  and a tempo marking of "pizz". The score includes various musical notations such as notes, rests, and dynamic markings.

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**Twitter:** [@The\\_IPO](https://twitter.com/The_IPO)  
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