



# BRITISH ACADEMY OF FILM AND TELEVISION ARTS

## A SHORT GUIDE FOR FILMMAKERS - USING MUSIC IN FILM - ORIGINAL SCORE AND LICENSED MUSIC

### SCORE

- Commissioned score is original music which is specially composed for your film.
- The main rights to consider in your agreement with a composer are master rights and synchronization or publishing rights. The master rights refer to the recordings of the music that are made for the production. The sync or publishing rights refer to the underlying composition i.e. the notes and the lyrics.
- It is important to have a written agreement with the composer confirming the fee that they are being paid and who is retaining the rights to the masters and publishing.
- It is also essential to have written agreements with any musicians or singers playing on recordings of the score to confirm that they have given permission for the recording to be used and in what capacity eg. film alone, trailer, promotional purposes, etc.

### LICENSED MUSIC

- Licensing music means clearing the rights to use pre-existing 'source' music for use in a film. This could be a piece of instrumental-only music or a song.
- If you are using a recording, both the master rights and the publishing rights need to be cleared together with any musicians/singers use payments – a license granted and signed, and payment made by the relevant parties – before a piece of music can be included in the commercial or festival release of your film.
- To clear a **master recording**, the record label owning the rights to the recording you want to license should be contacted. They will let you know if permission is granted by the artist(s) and at what fee. The figure quoted usually depends on the budget of the film, the length and nature of the use, and the status of the recording.
- If no recording is being used and the music is being performed by a character on-camera or within the story, only the publishing rights need to be cleared.
- The **sync or publishing rights** always need to be cleared. To do so, the publisher who represents the interests of the composer(s) should be contacted.
- Sometimes the artist and the composer are one and the same. In this instance, you still need to clear both sets of rights separately through the label and the publisher.
- Record labels and publishers will often approve masters and publishing on an 'Most Favoured Nations (MFN)' basis with each other; this means that the same fee must be paid to the master owner of a recording as to the publisher of the composition. For example, if the terms were MFN master and publishing, you could not pay £1000 to the master owner but only £600 to the publisher, even if this was the figure that the publisher approved the use at. In this instance you would need to pay £1000 each to the record label and the publisher.
- On some recordings there are 'reuse' fees which are payable to the musicians and/or singers who performed on the track. It is important to check beforehand whether this is the case on the recording you wish to use.

### ADDITIONAL POINTS

- Once the film is completed it is important to put together a **cue sheet**. This details all the music included in the film (however short the use is) and displays ownership information that needs to be backed up by relevant contracts. It is most important the information given is accurate. The music cue sheet is one of the documents that you will be required to deliver to a distributor or exhibitor.
- A music supervisor will be able to look after clearance work for you and advise of anything in particular to watch out for.

**It is most important to have a paper trail for any music that is used which includes a signed master license, sync license, composer agreement, musicians and singers fees/usage payments documents.**