

HEPML Negotiations Update

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Intro

- Current legal use
- Background to licence
- Key provisions
- Update on negotiations

HE Licences



CLA



NLA



ERA

Current ways to copy printed music

- CDPA Exception, e.g.
 - S.29 Research and private study
 - S.30 Quotation, criticism and review
 - S.32 Illustration for instruction
 - S.36 Copying extracts of works by education establishments [5% per annum across the institution] when no licence exists

First three subject to **fair dealing**

Aspects to consider in relation to “fairness”

- Does it conflict with the normal exploitation of the work?
- Does it unreasonably prejudice the legitimate interests of the rights holder?

MPA's Code of Fair Practice

“attempts to achieve a balance [between protection and pragmatism] by describing a small category of reasonable uses of musical works that most copyright owners will not treat as a violation of their rights”

Music Publisher's Association Code of Fair Practice, p. 4

[https://www.mpaonline.org.uk/wp-content/uploads/2017/09/The Code of Fair Practice Revised Apr 2016.pdf](https://www.mpaonline.org.uk/wp-content/uploads/2017/09/The_Code_of_Fair_Practice_Revised_Apr_2016.pdf)

MPA's Code of Fair Practice

“Study and Research: Bona fide students or teachers, whether they are in an educational establishment or not, may without application to the copyright owner make copies of short excerpts of musical works provided that they are for study only (not performance). Copying whole movements or whole works is expressly forbidden under this permission.”

Printed Music Licensing Limited (PMML)

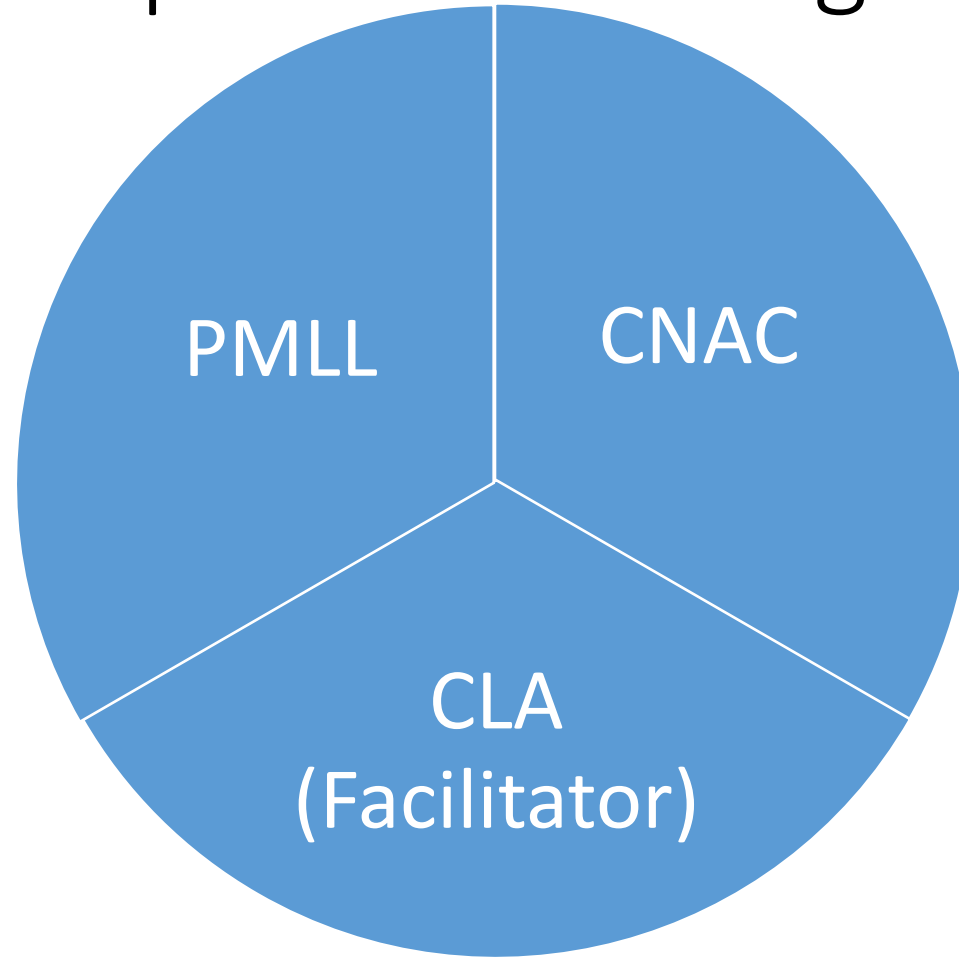
- Established 2013
- Schools Music Licence launched with CLA



- Initial HE research and development – focus group and survey



Licence Development and Negotiation



Licence provisions

- Activity taking place within a music course
- Photocopying and scanning
- Whole works
- Staff and student copying
- Arrangements
- Performing and recording



Reporting

- PMLL will require all copies to be reported
- Various reporting options to be made available
 - Spreadsheet
 - Web form
 - Mobile-friendly
 - Accessible via QR code

Pricing model and cost

- Licence will be optional
- HEIs will choose which students to opt in
- £15 per student

Next steps

- Hope to launch 1 August 2020
- Initially as a trial licence
- Before then:
 - licence terms and reporting mechanisms finalized
 - User guidelines to be produced
 - Fuller briefing to be sent to HEIs

Questions?

