

## Audio Products (AP2)



### FAQs

#### **Why do I need a Licence?**

We need an application for Licence to be completed in all cases in order to assess the repertoire used. This will be required by your manufacturer to show MCPS have either issued a Licence or to show MCPS does not currently have any of its members' musical works used in your product. It will also eliminate your product from our monitoring activities and help us to keep a comprehensive database.

#### **What does the Licence cover me to do?**

The AP2 Agreement allows the issuing of audio products (CDs/LPs) in the UK for retail sale.

#### **What if I'm releasing my own work?**

If your works are unpublished and the writers are not direct MCPS members you will not be charged royalties. You will receive a 'Notification of No Claim' document.

#### **What is a 'Notification of No Claim'?**

This is a document which is sent in place of a Licence when no royalties are owed.

#### **What if I'm not a record label?**

Anyone can apply for an AP2 Licence as long as the product adheres to the terms and conditions of the agreement. However, you may find the LM Licence more appropriate for your needs.

#### **I'm trying to apply for a product which includes a medley. How do I input these details?**

Medleys require a medley header followed by each individual title completed in the subsequent track fields. When entering the track information, please select 'yes' when asked if the track is a medley. Then enter the name of the entire medley in the 'track title' box. Once you have then entered the rest of the required info specific to the entire medley, please click the 'add/edit medley parts' button. You will then see 'medley part' as an additional field and you can enter each of the tracks contained within the medley. Click the 'save' button to add each medley part. Once each part has been entered, click 'continue' to move onto the next track.

#### **I don't have the publisher details?**

Only complete the publisher's details if you have them. We will be able to search for the publishers of any songs where they haven't been provided. However, it is important for you to include the composer/songwriter details.

#### **When will I receive my Licence?**

An invoice (if royalties are payable) will be emailed to you within 7 to 10 days of us receiving your application. Once the invoice is paid, your Licence will be emailed to you.

#### **What is a catalogue number?**

You will need to issue your releases with a catalogue number for identification purposes. This can be whatever you want it to be, however we do advise you to try to make it unique to you e.g. MNPCD1 as opposed to CD1 as it will be easier to find.

### **What is 'Copyright Control'?**

Copyright control is when the works aren't currently registered with MCPS so we cannot collect royalties at present. If works are subsequently registered, you will receive a back claim.

### **What is a 'Back Claim'?**

A back claim is a retrospective invoice for works unclaimed by MCPS at the time of application. This will occur when works are subsequently registered.

### **What is the Published Dealer Price ("PPD" or "PDP")?**

For the purposes of the AP1, AP2, DVD1 and AVP agreements, this means the highest price at which a product is marketed by the producer or their distributor to any dealer in the supply chain, including to the retailer. The price declared to MCPS must be exclusive of any discounts or deductions of any kind.

### **Can I use existing sound recordings?**

You can do this only if you have permission from the sound recording owner. If you do not own the master recording from which you will manufacture, you should ensure you have a valid Licence from the owner before applying to MCPS. MCPS only represents writers and publishers and not sound recording owners or record labels.

### **How much will I be charged?**

You will be charged at either 6.5 percent of the retail price or 8.5 percent of the dealer price pro rata for works registered to MCPS. Where timings are not available, tracks will be treated as of equal duration.

### **What are promotional copies?**

You are entitled to a promotional quantity in order to promote the record. The allowance for promotional copies is 25 percent of the first manufacture. You will be allowed to manufacture this quantity royalty free. The allowance will be available where 500 or more copies of the product are being manufactured. The maximum is 400 units per format for a single and 250 per format for albums. If you wish to benefit from this option, you should tick the appropriate box on your application for Licence (AFL). If this option is chosen, the record's packaging must be prominently marked 'PROMOTIONAL COPY – NOT FOR SALE'. Promotional copies which go over your allowance must be licensed under the AP4 licensing scheme.

### **What is First Licence Refusal?**

This is a flag on our system which shows when an MCPS member publisher initially placed a restriction on the recording of the work and licensing of this track was refused on your Licence. Once the restriction is lifted, the work is available for licensing and royalties are payable.

### **What happens when I need to repress the product?**

You can apply for a repress application through the online system on our website - <http://www.nmp.eu/MCPSAFL/AFLonline.faces>

**What do I do if I need to make changes to my application which has already been submitted?**

If the changes meet the following criteria:

Please email the changes you need made to **applications@mcps.co.uk** or email your account manager directly if you know who they are already.

**What will I usually be required to present to a manufacturer before they agree to manufacture my product?**

This will be either a MCPS Licence, or a Notification of No Claim.

**Do you need to obtain an MCPS Licence before you record the music?**

No. However you need to obtain a Licence before you wish to manufacture copies for distribution to the public.

**One of my tracks is a cover version but you have changed some of the lyrics. Will the AP2 Licence be sufficient in this case?**

In this case permission to adapt the musical work should be sought from the copyright owner. MCPS represents the mechanical rights of its members, but is unable to grant a Licence for any adaptations made to any members' music without their permission. If your version is an adaptation, or is in any other way significantly different to the original track then you must first of all seek permission from the copyright owner.

**One of my songs contains a sample from another song belonging to someone else. Will the AP2 Licence be sufficient to cover the use of this sample?**

You will be required to obtain permission from whoever owns the Sound Recording rights for the track before applying to MCPS for the Licence to cover the Mechanical Rights of the song.

**Do I need a Licence if I'm using existing Sound Recordings?**

Yes, if you do not own the Sound Recording from which you will manufacture, you should ensure that you have the written consent or a valid Sound Recording Licence in addition to an MCPS Licence. The MCPS Licence is conditional on these consents being in place.

**Do I need a Licence in order to give music away for free?**

Yes. Whenever music is distributed on an audio product, whether for free or not, a Licence from the copyright holders (or MCPS on their behalf) is required. There are various licenses granted by MCPS, dependent on the use and purpose of the particular product. Please contact our licensing team on **0208 378 7555** if you require further guidance.