

Check List

These rights must always be cleared	Obtainable from	Responsible *)
Synchronisation the combination of sound and picture	NCB and/or directly from the rights owners	AV producer
The making of copies (synchronisation licence must be in place)	NCB	AV producer
Commissioned music music written especially for the production in question	NCB	AV producer
Intensive usage (special usage) advertising, theme tune, signature tune etc. – or the use of music in political, religious or pornographic context	NCB and/or directly from the rights owners	AV producer

Also check if these additional permissions apply to you	Obtainable from	Responsible *)
Copying/dubbing of music directly from CD, DVD or other existing recording	record company + singers/musicians	AV producer
Modifications to the music or lyrics, translation, arrangement, sampling etc.	directly from the rights owners	AV producer
Musical notations and lyrics reproduced visually/graphically	usually directly from the rights owners	AV producer
Library music (also called “production music”)	music publisher/the owner of the library music	AV producer
Public performance/exhibition	KODA	the owner of the establishment where it is exhibited

*) "AV producer" = the one who is financially and legally responsible for the production and/or distribution of the AV products in question.

AV production

Clearing music rights in audio-visual productions

WHEN DO YOU NEED AN NCB LICENCE?

If you use music in an audio-visual production (e.g. film, video, dvd, tv productions) you will need to have a written licence from those who own the rights in the music (composer, lyricist, music publisher – collectively called “rights owners” or “rights holders”).

You obtain the licence either from NCB or directly from the rights owners depending on the production type and type of music – but start your contact at NCB.

If you copy the music directly from a CD or other sound recordings, you will have to contact the relevant record company and the artists to seek permission for the copying. See the “Check list” on the last page of this folder.

Generally the rights owners will grant you

a licence against payment of the relevant fee. However, there are instances where the rights owners refuse to grant a licence, and it is their right to do so – then you will have to look for another piece of music for your AV production.

WHY DO YOU NEED A LICENCE?

Applicable copyright law says that the person who writes a new piece of music automatically owns the copyright in the music.

He alone can decide if his music can be used, how it can be used and by whom it can be used. This means that he normally also can decide at what price he will grant the licence. However, there are instances where NCB can grant the licence based on agreed tariff rates.



Did you know that...

- NCB is a non-profit organisation which collaborates with affiliated societies all over the world

AV production

HOW TO APPLY

If you want to use music in your AV production it is important that you find out if you are allowed to use the music at an early stage of your production planning – and of course at what price.

- First step is to complete and submit the application for licence to NCB (can be downloaded from www.ncb.dk). You indicate in the application what music you want to use and for what purpose.
- The fact that you have submitted the application does not mean that you automatically can obtain the licence. As owner of the production it rests with you to make sure that all rights for the use of the music have been cleared before the production

is screened or exhibited for the first time. See the “Check list” on the last page of this folder.

- Based on your application NCB will check whether it is a licence we can grant you or you may have to contact the rights owners directly to clear the rights. Some rights owners manage their rights themselves, consequently, NCB cannot grant a licence on their behalf. Contact NCB if you want to know more about “individual rights management”.

If a licence for the use of the music in your production is subject to special permission from the rights owners, NCB will inform you accordingly, however, we do not act as a negotiator between you and the rights owners.

WHAT DOES NCB'S LICENCE COVER?

NCB's licence covers the particular usage of the music in your production as described in your application – this only applies to the music we administer for our Nordic and Baltic members as well as composers, lyricists and music publishers in countries outside the Nordic/Baltic area.

NCB's licence has not been granted until you have paid the invoice. This also goes for any additional permissions you have to get directly from the rights owners or others.

NCB's licence is granted on the basis of our “Mechanical licensing terms • Audio-visual products”, which also make out the agreement between you and us. You can find the licensing terms on www.ncb.dk

If you have a regular production/distribution of Feature Films on dvd/video, Entertainment Programmes on dvd/video, Multimedia/CD-ROM productions or Karaoke productions, it

may be worthwhile considering an NCB standard contract. Contact NCB for further information – or visit our website.

HOW MUCH IS A LICENCE?

In our “AV rate card” (can be downloaded from www.ncb.dk) you will find the prices covering licences for music in AV productions.

NOTE! You always need to have our price in writing to make it legally binding in the relevant instance – this also helps to exclude possible misunderstandings later in the process.

You can find additional information on NCB's website – www.ncb.dk – or you can contact:

Market • Audio-visual productions

Mail: av@ncb.dk
Tel: (+45) 33 36 87 00
Fax: (+45) 33 36 46 90

definitions

SYNCHRONISATION FEE

To obtain a licence for the use of NCB protected music in an AV production, you will have to pay a synchronisation fee. The licence covers only the production in question for the exploitation indicated in your application. The synchronisation fee covers the making of the first copy of the production. If you make additional copies you will also have to pay mechanical fees.

MECHANICAL FEE

In order to make copies of your production you will have to pay a mechanical fee - in addition to the very first copy (which is covered by the synch fee).