

Code of practice

PRS
*for*MUSIC



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This Code of Practice relates to the public performance licensing activities of *PRS for Music*, covering the playing of music in premises and at events (outside the home environment). Other *PRS for Music* teams will have separate processes and complaints procedures.

Code of practice

Welcome to the *PRS for Music* Code of Practice which sets out what you can expect from our service to you. It also explains how we can help each other and what to do if things go wrong.

We are an organisation that is committed to fairness, ensuring those who wish to play or perform our music outside the home environment can do so by getting the permission they need to play the music they want and ensuring the creators of music are rightfully paid for the use of their work.

PRS for Music
we're here for music

93%

*of people believe that music plays
a valuable role in their lives.*

(MORI for PRS for Music, December 2008)

***PRS for Music* - we're here for music users**

We promise to help you get the permission you need to play and perform millions of our songs - in any form, for any business, organisation or event.

Whatever your music needs, we're here to make things as quick and easy as we can.

It's hard to imagine a pub, club, cinema or workplace without music. With us, you'll never have to.

A licence from *PRS for Music* allows you to experience the benefits of using music within your business or organisation.

We promise to make the whole process of getting permission to use our music as quick, easy and affordable as possible.

1. What is *PRS for Music*?

PRS for Music licenses the use of copyright music in the UK. We are authorised to license more than 10 million pieces of music created by songwriters and composers around the world.

By acting collectively on behalf of our members and the members of equivalent societies in other countries we can achieve economies of scale for businesses and other music users, ensuring great value access to the world's music.

We are a non-profit organisation. We keep our administration costs low through

efficiency and we pride ourselves on paying our members nearly 90% of the revenue we collect. The lion's share of the money goes to music creators not administrators.

Your *PRS for Music* licence enables you to play millions of songs. At the same time, you're making a valuable contribution to one of the UK's most vibrant creative industries, allowing songwriters and composers to continue creating great music that we can all enjoy and benefit from.

See our website for more information about the music covered by our licence.

2. Our Code of Practice commitment to you

In all your dealings with *PRS for Music*, you can expect that:

- our staff are courteous and professional
- we have trained our staff to ensure that they know and understand the contents of this Code
- your music licensing requirements are clearly explained to you
- our processes are clear and transparent
- We respond to your queries straight away if possible and, in any event, within 14 days
- we will treat you fairly in relation to other customers and users in similar circumstances
- we will correct any agreed errors as quickly as possible
- any complaints are dealt with according to our published procedure (see Section 10)

***PRS for Music* - we're here for music creators**

We were formed as a society of songwriters, composers and music publishers in 1914 and since then have been safeguarding the value of music and protecting the intellectual property rights of music creators. *PRS for Music* now represents 60,000 songwriters, composers and music publishers and is affiliated with similar organisations all over the world.

3. Why we may contact you and what you can expect from us when we do

a. If you don't have a *PRS for Music* licence

It is your responsibility to ensure you have a licence if you are playing our music.

Any type of premises or event may need a licence if music is being played.

We aim to make sure that all businesses and organisations that wish to use music have the right licence to do so.

We will contact organisations that do not have a *PRS for Music* licence to see if they need one. We can't always know if an organisation needs a licence without asking.

We may contact you by post, email, telephone or in person (see Section 3c).

We will always let you know if calls are being recorded.

When we carry out licensing campaigns, we will always send you a letter first. We also place details of our current licensing campaigns on our website with additional information to help you.

If you receive a telephone call from us without having received an introductory letter first, you can ask for this information to be sent to you before talking to us.

We can arrange a licence for you quickly and easily over the phone (we will always

send you written confirmation of your licence) or we can send you an application form.

If you tell us you aren't playing our music, you should not receive our introductory letters again. We may contact you again, no less than six months after our first introductory letter, to find out whether your circumstances have changed and we reserve the right to contact you sooner if we have reason to believe that you may be playing our music.

b. If you have a *PRS for Music* licence

Once you have a licence, we will contact you from time to time (usually annually) to review your music use details and to collect your licence fees for the next period.

To complete your review, we will contact you by post, email, telephone or in person.

At your annual review you should tell us if your music use was more or less than you had planned during your previous licence year. If appropriate, we will adjust your charges for the previous period.

If you expect your music use for the coming year to be different to the previous year, let us know and your charges will be adjusted accordingly.

If you don't provide us with any new music use details, we may estimate your music

use for your next licence year (or relevant period). We will then send you an invoice based on the music use details available to us.

If you have a *PRS for Music* licence for an event or series of events (such as a concert or festival or a concert tour), you will need to contact us each time you organise such an event as your licence may not be automatically renewed.

c. Visits to your premises

A representative from *PRS for Music* may visit your premises, at our request or at your request, to arrange a licence or discuss details of an existing licence. If we need to meet with you in person, we will always contact you first to make an appointment.

We have a right of entry to check music use details under the terms of existing licences but we will never insist on entering your premises against your wishes.

Our staff always carry ID. If you have concerns about someone attempting to access your premises, whom you believe may not represent *PRS for Music*, you should refuse their entry. You can also check any details of an arranged visit with our Customer Services team.

4. Contacting us

There are a number of reasons why you may need to contact us. For example, if you:

- are playing music in your premises and need a *PRS for Music* licence
- are playing music at your event and need a *PRS for Music* licence
- would like more information about music licensing
- wish to make a payment to us for your music use
- think a mistake has been made on your account
- have had a change in circumstances and wish to amend or cancel your licence with us
- wish to make a complaint

In all instances, except where you wish to make a formal complaint, you can contact us by phone, post or email.

For formal complaints, please write to us following our complaints procedure (see Section 10).

You should quote your *PRS for Music* customer account number, if you have one, in all correspondence.

If you simply want licensing information or a quote for your music use from us, you can get this without having to give us your name and address.

You can find useful information about *PRS for Music* on our website (see Section 5).

You can also contact us via our website:
www.prsformusic.com

a. Phoning Us

You can phone our Customer Services team on **0845 309 3090**, Monday to Friday, 9am to 6pm. Calls will be charged at your provider's Local Call or 0845 rate. Calls from mobiles may cost more.

We aim to answer your call within 30 seconds. A customer adviser will answer your call and will always give you their name. Calls may be recorded to ensure we provide an accurate and consistent service and for training and security purposes. We will always inform you if calls are being recorded.

If your call is passed to someone else, the customer adviser will pass on your details for you wherever possible, so you should not have to repeat the reason for your call.

We will deal with your matter immediately if we can. If we cannot resolve your query immediately, you can expect us to do so in a reasonable timeframe, normally within 14 days.

b. Writing to us by post or email

You can write to us using the contact details provided on any correspondence you have received from us. Alternatively, please write to:

**Customer Services
PRS for Music
Elwes House
19 Church Walk
Peterborough
Cambs PE1 2UZ**

We will acknowledge receipt of your letter within two days of receipt and we will reply fully within 14 days of receiving your letter.

You can email us at:

customerservice@prsformusic.com

We will acknowledge receipt of your email straight away and send you a reply within 14 days.

5. Getting more information

We have a comprehensive website which is designed to provide answers to most questions about licensing our music. Full details of the requirements for music licensing and our charges can be found here:

www.prsformusic.com

Alternatively, if you can't find the information you need, you can contact us by post, email or telephone.

We also work with trade bodies and representative associations to raise awareness of the work we do and of the requirement for businesses and organisations to obtain a *PRS for Music* licence.

If you want more information about the songwriters, composers and publishers we represent, and the music which is covered by our licence, please contact us or see our website. You can also request a list of our members. A charge to cover our costs applies.

6. Setting our charges

Wherever possible, our tariffs are set in consultation with trade bodies and representative associations. Our tariffs are only issued after they have been approved by our Board of Directors, the members of which are elected by the membership of

PRS for Music. We aim to be fair and reasonable in both setting the tariffs and in their application.

Because of the different needs of customers, we have over 40 different tariffs designed to suit different types of premises and users of music. A full list of tariffs is available on our website.

Alternatively, you can contact us and we will send you a copy.

We reserve the right to review our terms and conditions of licensing, including our tariffs, from time to time. If we change a tariff, we enter into a formal consultation and notification process. If we are making a major change, we will hold a full consultation with customers and their representative bodies. You can find details of this process and any current tariff consultations on our website at

www.prsformusic.com/customerconsultation

In addition, the terms of our licence and our tariffs may be referred to the independent Copyright Tribunal which also has power to set tariffs. For more details about the Copyright Tribunal, see **www.ipo.gov.uk**

In some circumstances, you may not need to pay a licence fee. An updated list of these circumstances can be found on our website.

If you have been using music without a licence, a higher royalty charge may apply to the first year of your licence. The higher royalty rate is the standard rate plus 50%. In addition, you may also have to pay charges for music use in prior years. Details of our current charging policy for higher royalty rate and charges for unlicensed use in prior years are available on our website.

7. Making payments to *PRS for Music*

We accept payment by credit or debit card over the phone or, if you prefer, you can set up a direct debit. We also accept payment by cheque, made payable to *PRS for Music* or to the Performing Right Society Ltd.

All payment details are available on our website. If you are in any doubt about giving financial details over the phone you do not have to do so.

If we agree that you are due a refund for any reason, and we have the details we need from you to make the payment, you should expect payment from us within 28 days.

8. Amending or cancelling your *PRS for Music* licence

We will contact you from time to time (usually annually) to review your music use details and most changes can be made during your annual review.

You may call us at any time should you no longer need a licence for your current premises because, for example, you move or you stop playing music.

The terms of your licence may require you to provide up to one month's notice of cancellation.

If you obtain your licence over the phone, you have the right to cancel within 14 days of the date on which the licence was agreed (which is usually the date of the phone call).

9. If things go wrong

We know that from time to time, despite our and your best efforts, things can go wrong.

We aim to rectify agreed errors and resolve any confusion as soon as possible.

If you think there has been an error or that we have dealt with things incorrectly, you can contact us by post, phone or email.

Errors will be corrected straight away if possible. If an error cannot be corrected straight away, *PRS for Music* will aim to resolve the matter as soon as reasonably possible and normally within 14 days. We will keep you updated on progress if for any reason we are unable to resolve the matter within this period.

If we believe an error hasn't been made, our staff will provide you with a full and clear explanation.

10. Making a complaint

If you are not satisfied with the service you have received from us, you should follow our complaints procedure which is set out below and which is also available on our website. The procedure is designed to be simple and quick.

Our complaints procedure can be used if you believe that:

- we have failed to follow our own procedures, including anything detailed in this Code
- we have charged you incorrectly
- we have been discourteous or unprofessional towards you
- we have unreasonably delayed or failed to take action

- we have treated you unfairly in relation to other licensees or music users in similar circumstances
- we have given you wrong or misleading information

If your complaint is about the terms and conditions of our licences or about any other matter not mentioned above, we will endeavour to address it. However, if your complaint is more properly dealt with by the Copyright Tribunal, a court or another judicial or regulatory body, we will explain this to you.

Our complaints procedure

Please write to:

Customer Relations Manager
PRS for Music
Elwes House
19 Church Walk
Peterborough
Cambs PE1 2UZ

We will acknowledge your complaint upon receipt.

We will send you a full written response within 28 days of receiving your complaint.

If you are not satisfied with this response, you should write to the Managing Director (at the same address) stating your reasons.

All complaints addressed to the Managing Director will be reviewed by a senior manager.

The Managing Director, or relevant senior manager, will respond in writing within 14 days from receipt of your letter and will either:

- confirm or vary the earlier decision, or,
- advise you of any further actions being taken regarding your complaint and the associated timescales.

If we have completed our investigation and provided a written response, we may advise you that there is nothing more we can do under our complaints procedure.

The Ombudsman

If you are not satisfied with the outcome of our complaints procedure, or if you feel your complaint has not been handled correctly, you may refer your complaint to the Ombudsman for *PRS for Music*.

To contact the Ombudsman call:

0330 440 1601

Calls to this number will be charged at same rate as calls to 01 and 02 numbers. Or see the website:

www.prsformusic-ombudsman.org

The Ombudsman is an independent service set up to review complaints made to *PRS for Music*, which are eligible for consideration by the Ombudsman. The service is free to use. Further information is available on the website or, on request, from *PRS for Music* or the Ombudsman.

PRS for Music will abide by the Ombudsman's final decision and put in place any remedy the Ombudsman requires. The Ombudsman may require *PRS for Music* to provide an apology or explanation, put right any errors and/or pay compensation.

The Ombudsman will accept new complaints, within their remit and under this Code, from 1 August 2009.

Ombudsman
Services 
PRS for Music

Our rights explained

11. About this Code of Practice

This Code of Practice relates to the licensing activities of *PRS for Music* for the public performance of music in premises and at events. The Code was published on 15 July 2009 and has been developed in consultation with our customers and representative bodies including:

- Association of Charity Shops
- British Beer and Pub Association
- British Hospitality Association
- Direct Marketing Association
- The Federation of Small Businesses
- NOCTIS
- The UK Intellectual Property Office

The Code of Practice uses terms such as 'use', 'play' and 'perform' music to describe the rights that *PRS for Music* licenses on behalf of its members and overseas affiliates. These are the rights to perform in public, or communicate to the public, any copyright musical works the rights in which are assigned to or controlled by *PRS for Music* or its affiliates ('our music'), which include most copyright music being played. Performances may be by any means, including live, played from a CD or DVD, broadcast via a TV or radio, or transmitted over the Internet. A licence from *PRS for Music* does not cover all copyright music and is not required for non-copyright music.

The term 'music user' is intended to describe anyone who may require a licence to use music in one of the ways described above.

The right to license the public performance of music is set out in the Copyright, Designs and Patents Act 1988 (as amended). *PRS for Music* is subject to the same trading laws as all businesses.

This Code is a voluntary code and does not form part of any licence between you and *PRS for Music*. From time to time, we may change the standard terms and conditions of our licence, including the tariffs and charging policies which we use to calculate the licence fee payable by you. If you have comments or queries about our standard terms and conditions, please contact us.

We will publish information about our performance against the Code at regular intervals. In addition, the Ombudsman will publish an annual report. We will review our Code of Practice at least once every three years in consultation with representative bodies and the Ombudsman. If you have any comments or questions about this Code of Practice, please contact us.

PRS for Music is the trading name of the Performing Right Society Limited, whose registered office is 29-33 Berners Street, London W1T 3AB. Registered in England No: 134396

12. Your obligations

It is your responsibility to ensure you have an up-to-date *PRS for Music* licence if you are playing copyright music outside of the domestic environment.

The Copyright, Designs and Patents Act 1988 (as amended) requires you to obtain permission from the copyright owner before you perform or authorise the performance of copyright music in public.

When you take out a licence, your rights and obligations in relation to us will be set out in the standard terms and conditions of your licence.

If your licence payment becomes overdue, we will contact you by post, email or telephone, to remind you that payment is due. If payment is still not received, we may refer your account to a debt collection agency.

If you have a licence from *PRS for Music* and unreasonably refuse to provide details of your music use at any time, you may be in breach of contract and *PRS for Music* may take further action.

If you use copyright music without a licence you could be liable for infringement of copyright and we reserve the right to take action for copyright infringement.

If we have established that you are using music, or if we have reason to believe that you may be using music, and you have not taken out a licence, we may collect evidence of your music use.

We will never try to collect infringement evidence until we have asked you to take out a licence and you have been given a reasonable opportunity to do so.

If you need assistance to access the information in this document, for example, if you are visually impaired or have difficulty using the internet, please make us aware of your needs, and we'll do everything we can to help.

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You can contact us using the details provided on any correspondence you have received from us. Or contact our Customer Services team:

Write:

Customer Services
PRS for Music
Elwes House
19 Church Walk
Peterborough
Cambs
PE1 2UZ

Email:

customerservice@prsformusic.com

Call:

0845 309 3090

Monday to Friday, 9am to 6pm.

www.prsformusic.com

Edition July 2009
PP.09.07.L.COP

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Registered Office: 29-33 Berners Street, London W1T 3AB
Registered in England No. 134396

Our Code has been developed in consultation with our customers and representative organisations and its introduction has been welcomed by many organisations, including:



Federation of Small Businesses
The UK's Leading Business Organisation

**Ombudsman
Services** ●●●●
PRS for Music