

INCLUDEART

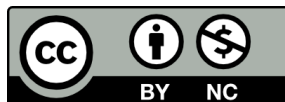


Licensing

Module 5 of the IncludeArt Training Kit.



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Copyright

When you create an **original literary, scientific and artistic work**, such as poems, articles, films, songs or sculptures, you are protected by copyright. Nobody apart from you has the right to make the work public or reproduce it.

In EU countries, copyright protects your intellectual property until **70 years** after your death or **70 years after the death of the last surviving author** in the case of a work of joint authorship.

[Your Europe](#)

How to obtain copyright

- If you create literary, scientific and artistic work, you automatically have copyright protection, which **starts from the moment you create your work**, so you don't need to go through any formal application process
- However, you may need to advise other people that you are the author of that work. You can attach a **copyright notice** to your work - such as the "all rights reserved" text, or the © symbol - together with the year the work was created
- You can also register your copyright via a dedicated service provider, which can be useful to prove the existence of your work at a certain point in time

[Your Europe](#)

Internet radio licensing/1

An **Internet radio license** is a specific type of [broadcast license](#) that allows the licensee to operate an [Internet radio station](#). The licensing authority and number of licenses required varies from country to country, with some countries requiring multiple to cover various areas of a station's operation,^[1] and other countries not having stringent licensing procedures in place. **Licensing costs also vary, based on the number of listeners that a station has, as well as other factors such as the number of songs played, the number of broadcast hours, and whether tracks are [dubbed](#) to a [digital playout system](#)**

[Wikipedia](#)

Internet radio licensing/2

Licensing fees for Internet radio have often been the subject of controversy. For example, in 1998, the passing of the [Digital Millennium Copyright Act](#) meant that [US](#)-based Internet radio and [satellite radio](#) stations would have to pay separate royalties to recording artists and sound recording copyright owners, unlike traditional over-the-air stations that paid royalties only for the use of the underlying musical works. This led to the creation of the *SaveNetRadio.org* petition group,^[2] in addition to the proposal of the [Internet Radio Equality Act](#)

[Wikipedia](#)

Internet radio licensing/3

Multimedia content is intellectual property. These regulations on this property differ from country to country; however, the general rule is that the station must own, or have a license to broadcast the content that is covered under copyright regulations. **Content that has been released under some creative commons licenses, public domain or similar can be streamed with no special content licensing requirements.** However the content licensed under [non-free cultural Creative Commons licenses with non-commercial \(NC\) clause](#) cannot be streamed if **Internet broadcast station has any form of advertising, either in the stream or on the station website**

[Wikipedia](#)

How do you set up a web radio from a legal point of view?

It is legal to set up a web radio without any legal permission if you do not broadcast commercial music or ads. The only thing is to be careful to the **music licensing if you decide to stream commercial music or ads**. This depends on the country in which you are starting it as every nation has its own set of rules and regulations for running **Radio Station Portals** so its important to adhere with them. **Once everything is followed legally you don't need to worry about it the only thing is that you must offer a user-friendly interface** where one can easily play the radio stations and listen to their favourite event, news, music, shows and many more without any issues

Music licensing for web radio

Unlike terrestrial radio, **you don't need to own a license in order to broadcast your stream online**

However, **if your station is going to be playing commercial music, you will need to obtain a license in order to fully protect yourself and ensure you are not infringing on anyone else's copyright.** In most cases, the copyright for a song is held by the recording artist or record label, who then receive royalties when the music is broadcast in a public space, which includes play on online radio stations

Alternatively, **if you plan on broadcasting royalty-free music or talk radio, you're free to stream it from your station without any form of license.** But if you want to play the latest hits, like the Top 40, then you will need to get a license

[Radio.co](https://www.radio.co)

Music licensing for web radio - free music

It is possible to broadcast music which is free of charge, in the sense that there is no copyright and you can freely stream it without paying any royalty to the owner

Do you need to pay to use royalty free music?

Yes, you will be required to pay a one-time licence fee that grants you a licence to play the music wherever you want, as many times as you want without further cost. Royalty free sites include:

- [Jamendo Music](#): An independent music community
- [Audio Jungle](#): Thousands of tracks available for just \$1
- [Storyblocks](#): Offers music, sound effects and jingles

And if you would prefer to have something more unique there are websites such as [Fiverr](#), an online platform where session musicians offer their services for a fee and can compose and record music for you which can then be used again and again

Check this video out to get a quick intro to music licesing for your web radio



Music licensing for web radio - a list of Regulatory Bodies

Internet only radio stations protect themselves using “**blanket**” or “**umbrella licensing**”. It covers your station so you have the freedom play any kind of music

Licensing type and cost depends on your number of listeners, broadcasting hours, and where you are broadcasting from and too

Worldwide Regulatory Bodies

Every country's broadcasting licensing body is different. What they cover and what you need to provide will probably be different from your neighbouring country. That being said, find a list of regulatory licensing bodies [here](#)

Note: Please bear in mind some organisations don't clearly state their licensing options, so you may have to contact them directly for more details

Radio.co

Music licensing for internet radio in Spain

In Spain music licensing is regulated by [SGAE](#) (Sociedad General de Autores y Editores). You can request a license for internet radio streamed music clicking [here](#)!

Please check SGAE web site and get familiar with the rules and discipline of music licensing in Spain

In Spain, the author, the person who creates a work, owns all copyright in it. Copyright is granted automatically, upon creation of a work (with no formalities required for protection). Copyright consists of moral and economic rights

An infringement of copyright (and related rights) occurs when the work (recording, performance, broadcast, photograph) is used without the prior authorisation of its rightful owner, in a manner that is not expressly permitted by the Law (for instance, by means of the limitations for quotation and parody, or for purposes of information, teaching or for the benefit of handicapped people)

Music licensing for internet radio in Italy/1

The Ministry of Cultural Heritage and Activities and Tourism (MiBAC) – Directorate-General Libraries and Cultural Institutes is the authority in charge of copyright-related matters

A copyright-protected work is offered legally on the internet only when its owner has given users and/or online content suppliers permission to use their work. The existence of copyright-related permissions can be determined by checking whether the copyright holder's chosen digital distribution model is non-profit or for-profit. For instance, many copyright-protected works nowadays are legally provided online for free under open content licences (such as those offered by Creative Commons)

[EUIPO](#)

Music licensing for internet radio in Italy/2

In Italy the costs for internet radio licensing vary depending of the type of radio:

Amatorial, institutional or **commercial**

For an amatorial internet radio in Italy, you should pay:

Music broadcasting *	SIAE	LEA	SCF	ITSRIGHT	Totale
Up to 25%	€ 634,4	€ 58,56	€ 485,56	€ 54,90	€ 1233,42
From 26% to 75%	€ 488,00	€ 58,56	€ 485,56	€ 82,35	€ 1114,47
Over 75%	€ 488,00	€ 58,56	€ 485,56	€ 109,80	€ 1141,92

[Web Radio TV Associate](#)

Music licensing for internet radio in Cyprus

In Cyprus music licensing is regulated by [CRTA](#) (Cyprus Radio Television Authority)

Please check CRTA web site and get familiar with the rules and discipline of music licensing in Cyprus

In accordance with Cypriot law, **the protection of copyright is afforded to authors of original works, producers of films and sound recordings, and broadcasting organisations, while the protection of related rights is afforded to artists, interpreters and performers**

Under Cypriot copyright legislation, producers of sound recordings and films, as well as broadcasting organisations, are protected as 'authors'. Cypriot copyright law recognises as holders of related rights only interpreters and performers

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Music licensing for internet radio in Czech Republic/1

In the Czech Republic, **the author and the performer can only be a natural person**. The potential conflict between wider public interests (interest in the dissemination of works and their public availability) and the interests of the individual author or authors (interest in protection of the author's rights, interest in the use of the work with the author's consent and interest in equitable remuneration for the use of works) is solved in Czech copyright law by the exceptions and limitations of copyright which, in certain specific cases, allow the general public to use works without the author's consent. **The Czech copyright system has no general 'fair use' rule**

No form of registration is necessary to obtain copyright protection in the Czech Republic. The Czech Copyright Act protects any literary or scientific work or any other work of art

Music licensing for internet radio in Czech Republic/2

An author's work may be used: 1) under a licence agreement concluded with the relevant rights holder; 2) according to the provisions of the Czech Copyright Act in the case of compulsory licences (exceptions and limitations); 3) with respect to the limited protection of moral rights, so-called work in the public domain (this is work for which copyright protection has already expired). The possibility of using quotations is limited to the strict conditions set out in the **Czech Copyright Act**

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Music licensing for internet radio in Czech Republic/3

If the work is available on the internet, it should be available in accordance with the provisions of the law. Since it is difficult to distinguish the nature and legality of the various services that offer works, **it is necessary to be careful**. The best way to obtain information about the nature of a work, and also about a service, is **to contact the organisations dealing with collective rights management, or with the protection of a particular kind of work** (anti-piracy organisations). These organisations and collective rights management societies in the Czech Republic include the **Business Software Alliance** (BSA); the **Czech National Association of the International Federation of the Phonographic Industry** (CNS IFPI); the Czech Anti-Piracy Union (CPU); the **Dilia** – Theatre, Literary, and Audiovisual Agency and the OSA – Protective Authors' Union for rights in musical works. Some websites also provide a list of legal digital services that customers can visit. Customers can visit (in the case of music), for instance, the following website: www.pro-music.org

Music licensing for internet radio in Poland/1

Copyright covers both the author's economic and moral rights. The economic rights are a form of quasi-property rights: they are limited in time and may be transferred by the author to other individuals in the same way as any other property (in Poland, a written contract is required). Economic rights may also be licensed by a rights holder to third parties (**in Poland, a written contract for licence of copyright is required only for an exclusive licence**)

The level of protection of copyright in Poland is similar to other legal systems and is basically the same as in other EU Member States. Poland has implemented all the EU copyright directives. The basic terms and rules of copyright and protection of related rights are the same all over the world because of international treaties signed in the fields of copyright, although specific rules, exceptions and limitations may differ in some countries

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Music licensing for internet radio in Poland/2

Under Polish law, the fact that you did not know that a work is from an illegal source, does not automatically provide a lack of liability for copyright infringement. In general, **neither streaming nor downloading is illegal if it is from a legal source.** You do not infringe copyright when you watch a film by streaming from a legal source. In this case you only access the work and no act of reproduction takes place (therefore, no rights holder's consent is required)

[EUIPO](#)

Group Exercise

Gather with your national group of teachers and try to discover together the **costs of licensing for your web radio at school** considering the number of potential listeners, number of podcasts and music to be programmed within a month. Try also to imagine a typical day programme for your school web radio

You have **1 hour to draft the daily programme and the costs** connected with the broadcasting of licensed music and non-licensed music

Thank you!

