

PMRU Study Day (Shifting Ground 3): Music, film and copyright permission

The film *Anyone Can Play Guitar* (Canal Cat Films, 2011) examines the Oxford rock music scene from the mid-1980s to 2009. The film consists largely of statements by musicians and people involved in the local music industry; however, being a film about music, extracts of musical recordings and occasional video footage were both essential to the film's authenticity. For director Jon Spira and producer Hank Starrs, independent film makers for both of whom the film was a first foray into documentary films about music, the experience of securing copyright clearance, subsequent to the film's completion, was a steep learning curve. The film had taken two years to make at a cost of twenty thousand pounds; securing copyright took a further two years at a cost of a further twenty thousand pounds. In time, some of the funds were derived through the Indiegogo crowd funding site, where members of the film's potential audience contributed in advance to the film's financial security, helping to cover the ongoing costs of copyright clearance.

A Study Day held at Oxford Brookes University on 28 March 2012, under the aegis of the Popular Music Research Unit (PMRU), was devoted to exploring aspects of copyright arising from the film. Invited speakers included both Spira and Starrs, as well as Simon Carpenter who, as Managing Director at All Rights Clearance Limited, had worked to secure many of the rights for the film, and Barbara Zamoyska who, as former Head of Film, TV & Media at Universal Music Publishing, was familiar with many of the situations that the film's makers encountered, and was able to bring a view of the issues raised from an industry-based perspective. Students were present from the MA in Music, MA in Publishing and BA in Music at Brookes.

Zamoyska began the session with an overview, underlining the double aspect of copyright in musical recording: the rights in the music embodied in a recording controlled on behalf of composers and writers, usually by their publishing company; and the rights in the recording itself usually controlled on behalf of the recording artist by their record company. In the case of video footage, the same track would produce a third set of rights (and cost) relating to the film's owners. Thus, the very opening of *Anyone Can Play Guitar*, consisting of a short clip from *Top of the Pops*, turned out to be most difficult to secure and expensive in cost.

The film uses thirty-nine clips in all, about half of which needed copyright clearance. The time taken to secure clearance was well-contextualised by Zamoyska, explaining that, in granting copyright, various individuals need to be contacted: publishers and record companies, sometimes lawyers, sometimes artists themselves. The ambitious time-span of the film was sometimes a factor, since rights had been sold on, or because contracts originally signed gave musicians fewer rights than they subsequently realized they owned.

In the scholarly study of music and copyright, tracking down detail is difficult. For example, in their helpful first chapter to their edited collection *Music and Copyright* (second edition, Edinburgh, 2004), Simon Frith and Lee Marshall, three times in the space of two pages (pp. 14-15), draw attention to this difficulty: 'it is extremely difficult to document how much the different rights in a particular work are worth, or how the flow of income works'; 'it is all but impossible to discover the financial return to all the rights holders involved in licensing all the uses of the tracks on, say, Dido's *Life for Rent*, or to track where all the money made by these tracks goes'; and 'it is certain that it is impossible to get at the figures which would show who is really earning what from the copyright system'. This study day afforded a rare opportunity to do just that: to hear about exact figures, exact processes, exact problems and solutions.

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