

Sound and copyright in Audio Visuals.

These are notes from a short presentation I did in 2020. Latest information can be obtained from some of the links at the end of this document.

The audio of AVs may contain:

- Music
- Sound effects
- Your own recordings
- Voice-over

Of these the voice-over is probably the simplest because you record it, presumably with the permission of the person speaking, and will therefore own the copyright.

The others immediately hit the problem of Copyright.

Where you source sound for your AV depends on your approach to the issue of copyright.

Copyright is right up there as one of the most boring subjects in the world...

...but just think, how would you feel if someone used your pictures without your permission?

...especially if they were making money out of them?

...that's theft, I hear you cry.

The comments here are based on the IAC information on copyright (www.theiac.org.uk), but even those experts do not feel able to guarantee their understanding is correct! Copyright law is very complex.

Note that anything may be subject to copyright - not just music:

- photographs,
- recordings (even at weddings),
- paintings,
- statues,
- record covers,
- book covers,
- advertisements,
- packaging
- church services...
- ...and lots more.

For example, your AV production should only feature photos to which

- you own the copyright
- and have permission to use.

A photograph taken on private property, for private use is probably fine, but if you're publishing or making money out of the image, you would need the property owner's permission. And don't just assume that a place is a public location - shops and shopping centres, churches, cafes, restaurants, and transportation are among many places that count as private property.

Now, let's not get too carried away here. The general feeling is that glimpses or fleeting appearances are not a problem, at least at the level of amateur productions. A commercial film, for example, might have to seek permission to photograph someone in front of a TV shop with TVs showing programmes in the background. But that's probably not going to cause a problem for amateurs unless the TVs are the main subject of the AV.

Music.

So, what about music in particular?

Copyright exists to protect:

- Composer, lyricist, arranger and their heirs (70 years)
- The organisation that made the recording (from the date of the recording)

- Performers, players, singers (from the date of the recording)
- Any “public performance” (except to the “family circle”)

While you MUST own a copy of any music you use in an AV (i.e. you bought it yourself!), simply owning it DOES NOT allow you to use it in an AV.

It is an offence just to make a recording of copyright music, let alone to use it in public. (There are special rules for organisations like Youtube).

Simply buying a music track DOES NOT entitle you to use it for an AV.

Apparently, in law, the “family circle” is the only permitted type of public performance, and it is very tightly defined. It certainly does NOT include neighbours or friends, for example. You may feel that nobody is ever likely to find out, or be bothered about it, if you’re just sharing with a small number of people, but technically it is illegal.

Showing things in camera clubs, competitions, and fee-paying locations is a different matter. Competitions may well require proof that you hold the appropriate licenses, permissions or copyright to all your AV, including the sound.

So how do we cope with this complexity?

Getting the appropriate permissions individually is not a practical solution for amateurs, but there may be unusual circumstances where you need to do just that! In general, obtaining individual permissions is more for commercial operations, like movies, who will pay for the rights obtained.

One way is to make your own music of course. I wish I was that talented! Or to know someone who can do it for you and is willing to give you a license to use it.

Another option is to use only music and sound effects which include a license. This is a great solution but:

- The choice of music is limited,
- Check the licensing details carefully,
- Check the acknowledgement requirements – they may require you to credit the tracks or company in some specific way.

A search online for “Royalty free Music” or “Sound effect library” will reveal lots of possibilities. Some will ask for a subscription, others for payment by individual track, still others will differentiate based on the use you want to make of it. Very few that are of any use are completely free, and the available selection is limited.

The IAC has a list of resource links on their web site, www.iac.org.uk (follow Resources / Links).

There are a few resources available to people who subscribe to other products; for example, Adobe has a stock music selection – which you pay per item, (the first 10 may be free), but once paid, use is reasonably unlimited. Again – remember to check their license rules.

To cover yourself a little more sign up to the IAC Copyright Clearance Scheme which gives limited permissions to use commercial music. These licenses are restricted – check, before you rely on them. To get all four licenses you’ll need to be an IAC member. (www.theiac.org.uk) but the fourth license is only to cover you if presenting in venues that do not have a public performance license.

There are four licenses involved here, covering the four protected copyright holders we discussed earlier. Only a member of IAC can buy all four! Non-members can buy three of them (for about £15 per year - 2020). Membership of the IAC costs £38 per year, for which you also get a regular magazine.

And remember, just because a camera club has a license, that does not cover Members of the club; each AV author must have their own licenses.

Finally, in this copyright wilderness, I'll mention "crediting" the music you use. There is a lot of misunderstanding about crediting other people's work in AV production. Basically, it seems to fall into three categories:

- If relying on the IAC licenses, it's best NOT to credit anything (because doing so implies you have sought their specific permission).
- Using your own or friends work – do what you / they ask.
- Using free-to-air or pre-licensed work – check what they require and follow their specific rules.

Using the music

For competitive purposes there are two categories of AV defined by the RPS, but even if you are not competing, there is good reason for thinking in the way they describe:

- competing or not - making AVs in these ways creates interest,
- it draws the audience in,
- it shows "good pictures" in their best light,
- done well, the viewer will really enjoy the experience you're providing.

The two styles are:

- Narrative style
May include the spoken word, with the aim to "take the viewer on a journey" using sound and visuals. One could think of it as a documentary – but that is somewhat limited. It allows for many types and forms.
- Photo Harmony – conceptually the same as that old term "slide show to music" but this is a very different animal. Technically the RPS defines it as: "a sequence of good pictures which blend well with each other and with a suitable soundtrack". But they also use terms like "visual progression", the sequence "flowing well in a pleasing progression, not just a random manner".

For me the key difference between the two is in the first we tend to be telling more of a story, and in Photo Harmony we're playing more with ambience, mood, and atmosphere. Of course, there can be a lot of overlap between the two!

So, what about creating the sound for these styles?

In the Photo Harmony style, we mainly need control of the music track, whilst in the Narrative style we mix a range of audio using several different tracks:

- record and edit a voice-over,
- music,
- sound effects; from a library or maybe your own recordings (from a video perhaps).

We'll want to combine these into the final audio track. Your AV software may be able to do all of this, and if so, use it, because it will make life much simpler! Making changes during development is much easier within the AV software itself.

If your software does not do this, then one piece of software I can recommend is Audacity, which can handle multiple audio tracks and can be output in all sorts of formats. Audacity has an excellent free version of the software (<https://www.audacityteam.org/> PLEASE donate if you use it and like it!).

Links:

RPS guide on making AVs:

<https://rps.org/groups/audio-visual/making-an-av-sequence/>

Institute of Amateur Cinematographers (IAC) Copyright information:

<https://www.theiac.org.uk/iac/copyright/copyright-faq.html>

This is a similar and up-to-date view of the same subject (music in AVs):

<https://rps.org/media/5feddidv/using-music-in-an-av-sequence-002.pdf>

Introduction to Audacity: https://rps.org/media/hielatfq/audacity_user_guide_0v5.pdf