



Recording performance advice sheet: Permissions and Copyright

Permissions and copyright are complex areas covered by law and the following should be seen only as a general introduction. You do not need to be an expert but you should develop a grasp of the basic concepts and pitfalls. Requirements will also vary from production to production and with different art forms. These notes are designed for people wishing to record smallscale, amateur or community performance, not professional productions governed by entertainment unions. Please note the following does not constitute legal advice.

Key points

1. Permissions: You should always obtain written permission from organisations/individuals before filming their work and from the operators of the venue (if different). All creative work has potential value, whether artistic or commercial or both and usually enjoys some legal protection (see copyright). In some cases, such as film of a Madonna concert, the commercial value is clear. Artists and producers naturally want to maximise the income they derive from their work. It is unlikely that you will be allowed to film performance where there is a significant current or potential financial benefits. Specific venues may have particular insurance or other requirements. Remember most arts organisations are usually stretched and naturally their focus has to be getting their performance delivered to their audience. Even if they are enthusiastic about a recording they have to fit you into busy existing schedules.

2: Copyright : Together with other forms of "intellectual property" copyright is a legal concept, giving the creator of an original work exclusive rights to it, often for a long period of time. Literary, artistic, musical and dramatic works are all covered, as are films and performances. The copyright holder essentially controls who can copy or make available the work, but also has the right to be credited for the work and can determine who may adapt the work to other forms and who may perform the work. Copyright exists not only in the performance itself but also in the original play text, music or other content of the performance.

Plan ahead

These issues complicate recording performance but should not deter you. It is however, vital to think through these issues carefully. Your chances of getting an agreement to record will increase if you:

- make it clear that your interests are cultural preservation rather than financial
- have built up a relationship with the organisation involved
- act in an organised and professional way
- take their advice on getting agreement with the copyright holder of the work being performed (if relevant) as they will have to have done this before performing it

In general:

- plan ahead and expect obtaining permissions to take time. Keep all correspondence
- get permission from everyone: the writer (or estate), director, performers, designers, etc
- explain clearly but concisely your interest in recording. Be precise about requirements
- build connections with key individuals in relevant organisations. Thank them for any help
- keep letters of recommendation from groups you have recorded previously
- always keep exactly to doing what has been agreed - whatever the temptations to change
- finally, if your requests are rejected accept with good grace

Further reading

The website of the UK Intellectual Property Office gives up-to-date information on copyright and other forms of legal protection such as patents - <http://www.ipo.gov.uk/copy.htm>

Some useful fact sheets are available from Collections Link – these are aimed at museums, but are a useful starting point

http://www.collectionslink.org.uk/get_to_grips_with_copyright/copy_ess