

## Guidelines for Practice in Professional Music Hire FINAL DRAFT @ 12.05.17

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Issued jointly by the ABO and MPA

These Guidelines are intended as a contribution towards achieving an efficient service by publishers to major professional orchestras and good communication between all concerned with hiring music material.

### Guidelines to be noted by Publishers

1. Material should be of a suitable standard for performance. This means:
  - the music shall be clearly legible when read from the music stand;
  - well produced – see production standards at the end of this document;
  - materials should be kept in as good repair as possible, especially the corners of pages worn by turning.
2. Where practical, orchestras should receive **either** a set of parts previously bowed by a professional orchestra **or** a clean set of parts which, that having been marked up, should be kept for professional use only.

For standard works, sets of parts should be reserved for particular orchestras, if specifically requested and stamped by the orchestra, subject to the number of sets available in the publisher's hire library.

Alternatively, publishers should designate such sets of parts as *professional sets*. These should **not** be split up and should be retained for the exclusive use of ABO members.

Every endeavour should be made **not** to supply such materials to non-ABO members. It is understood, however, that the above practice may not be possible with rarely performed works or works in heavy demand.
3. Materials beyond repair should be replaced but, in the case of *professional sets*, publishers should **first** endeavour to consult the orchestras who have marked up the material in the past. Publishers should automatically keep old bowing masters when replacing sets.
4. In certain circumstances, publishers may, at their discretion, provide a facility for the *indefinite loan* of materials where practicable. Indefinite loan material will only be supplied subject to a signed agreement.
5. Where *indefinite loan* is impracticable, publishers should be prepared to consider granting a licence to the orchestra to produce, at its own expense, a set of string parts for the work in question. Such material, as produced by the orchestra, shall be deemed to be the property of the publisher and part of future hire transactions. Publishers should not consider this set as recallable stock for loan to a third party.
6. Where printing/copying errors occur in the music and orchestras have advised publishers of these, publishers should make the necessary corrections in the material for future use. When reprinting works from their catalogues, publishers should ensure that the masters used for reproduction are cleaned of all extraneous markings, such as bowings, so that only the musical text is present.

7. Timings should ideally be printed on invoices and publishers' individual hire tariffs shall be made available to ABO members upon request.

Note: with regard to foreign catalogues that they may represent, UK publishers cannot guarantee acceptance of these Guidelines by their overseas principals. UK publishers will, however, undertake to issue copies of these Guidelines to their principals and to encourage them to follow these practices.

### **Guidelines to be noted by Orchestras**

1. Written orders to be delivered 6 weeks before material is required to be supplied. Longer notice is advisable for foreign works.

For material on *indefinite loan*, written orders detailing each proposed use to be submitted to publisher prior to such use in accordance with the associated *indefinite loan* agreement.

Publishers recognise that short notice orders will occasionally be unavoidable (eg. in the case of last minute programme changes) and they will still endeavour to supply materials in good condition.

Details required on orders:

- Dates and venues of all concert performances;
  - Name of conductor and soloist;
  - Confirmation of string numbers and parts required;
  - Full details of any proposed broadcast or recording of the work and the uses to which any such recording will be put, including online (NB: orchestras must inform the publisher if they plan to make an audio or audio visual recording for any purpose, including archive or staging purposes);
  - Name and address of organisation responsible for payment of hire fees;
  - Delivery address and phone number.
2. For the use of hire material in commercial recordings, orchestras should advise publishers of recording dates, the record company involved and addresses for issuing recording contracts and invoices. Publishers will require a signed contract to be in their possession before supplying material.  
  
If at any point before the recording session the publisher notifies the orchestra in writing that no signed agreement is in place, it shall be clearly understood that in proceeding to record the work the orchestra shall be liable for all hire fees (in the absence of any subsequent agreement or payment by the record producer/company concerned).
  3. No hire material (whether supplied on a one-off basis or *indefinite loan*, or copies made by an orchestra under licence) may be transferred from one orchestra to another without the publisher's written prior agreement.
  4. Marks made in materials other than bowings (eg. cuts) should not deface the music and should be removed before materials are returned to the publisher's library.
  5. Materials (except those on *indefinite loan*) should be returned within the period specified in the publisher's hire contract/delivery note. NB: If this is not possible, due to an orchestra's schedule, the publisher must be advised. Longer retention may incur additional hire fees.
  6. Orchestras must keep publishers advised of material that does not meet the recommended standards, in order to enable publishers to correct, repair or replace it as necessary.

7. If required under the terms of the hire contract, orchestras will endeavour to supply one copy of each concert programme to the publisher when the hire material is returned. *(This programme return is entirely separate from the contractual undertaking given by venues/promoters to furnish PRS with a copy of each programme under the terms of their licence.)*
8. It is an infringement of copyright to reproduce music by photocopying or any other means without the permission of the copyright owner.

The MPA **Code of Fair Practice** does however grant special dispensation to orchestras, allowing one of each string part of a work to be photocopied for the purpose of preserving bowings and other markings and also permitting limited photocopying in order to facilitate page turns.

9. It is an infringement of copyright to import a protected work into the United Kingdom for any commercial purpose (eg. public performance, recording etc) even though such material may be lawfully acquired outside the UK (eg. USA). Such action is described in the Copyright Act as *secondary infringement* and the material in question as *infringing copies*.
10. Even when performed “in concert” (ie with no element of dramatic presentation<sup>1</sup>) **Grand Right<sup>2</sup> works (eg complete operas, musicals, dance theatre works or extracts thereof) are not necessarily covered by a PRS for Music licence.** Similarly, dramatic presentations of concert works are also not covered under any PRS for Music licence. In such cases, **a performing fee is payable directly to the publisher**, in addition to hire charges. For further clarification, please contact the publisher concerned

### **Production Standards**

Presentation of Parts: pages to be securely bound (unless otherwise required by composer). Where bound, binding should allow parts to lie flat on music stands. Comb, wire and spiral binding, whilst acceptable for scores, should ideally be avoided for parts. For stability and clarity, paper should be matt and of minimum weight 90 g/m<sup>2</sup>. There should be no show-through of music from the reverse side. Covers, where used, should be the same tri size as the music pages; plastic covers should be avoided.

Paper and Image Size: The recommended page dimensions are 250mm x 353mm (ISO B4). However, attention should be given to the height of the page as it appears on the stand; therefore a maximum height of 330mm is recommended. Parts larger than ISO B4 are inconvenient and unwieldy, and their use should be avoided. Publishers should avoid presenting a cramped image on the page and should particularly avoid reducing image size when new parts are reproduced from older publications. [cf. British Standards Institution, publication BS 45754 section 5.2].

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<sup>1</sup> Any theatrical production, concert or event that portrays a story is regarded as a dramatic presentation. This can be done through using one or more of the following:

- Dramatic Action
- Costume
- Scenic accessories
- Scripted narrative, monologue and dialogue or other dramatic effects

Examples include performances of musicals, compilation shows, plays, operas and dance theatre\*. A concert with scripted narrative, monologue or dialogue could also be construed as a dramatic presentation in some instances by virtue of the story being narrated.

\*Dance theatre: a choreographic work having a story, plot or abstract idea, devised or used for the purpose of interpretation by dancing and/or miming, but does not substantially comprise country or folk dancing, tap dancing or precision dance sequences.

<sup>2</sup> The right in a work originally written for a dramatic presentation, or the right in a work being used within a dramatic presentation.

*“The size of a page should normally be not more than 350mm x 270mm and not less than 297mm x 210mm (A4). Although A4 paper size, specified in BS 4000, can be used satisfactorily for music that has been specially prepared for it, music that has been prepared for a larger size of paper should not be reduced to A4 if the reduced copy would fail to comply with the recommendation of this standard.”*

Identification of Parts: parts should be clearly identified on the front cover with the composer's name, title of work and the instrument (indicating doublings where necessary and for percussion parts listing the instruments required). For works titled in other alphabets (eg. Cyrillic) the title should also be given in English to aid identification.

Users of the Guidelines are also referred to:

*Recommendations for Presentation of Music Scores and Parts* (British Standards Institution, BS 4754, 1982)

*The Essentials of Music Copying* by Susan Homewood and Colin Matthews (published by the Music Publishers Association)

*Music Preparation Guidelines for Orchestral Music* (published by MOLA)