

ADVISORY NOTE FROM THE MUSIC PUBLISHERS ASSOCIATION (UK) REGARDING ARRANGEMENTS

Advisory note from the Music Publishers Association (UK) regarding arrangements

Arrangements of copyright musical works are restricted acts, meaning that they require the prior approval of the copyright owner (generally the music publisher). Most music publishers have an obligation to clear arrangements with their clients (generally the authors/composers or their representative). Therefore, where approval is required and sought, the approval process will go right back to the composer and/or their representative for their permission.

It is not always easy to tell what constitutes an arrangement, but examples would include arrangements for different instruments, the addition of new melody/harmony/lyric lines and the change of style or tempo which changes the “feel” of a work. Often this is a subjective evaluation which is unlikely to be tested except very rarely in a court of law. Most arrangers, therefore, ensure that they clear arrangements in advance and this is something that the MPA advises of all entities seeking to arrange works.

The process for this is generally to ask for permission from the music publisher who owns/controls the work *before* the arrangement is made, although final permission may not be granted until the publisher has seen the new arrangement. Where arrangers are not sure as to the copyright owner they can contact the MPA on info@mpagroup.com with the header “Arrangement approval request” and we will forward the request onto the relevant publisher. It is recommended that the arrangement is provided plenty of time in advance given the approval process set out above.

Often the publisher will ask for an assignment of the copyright in the arrangement so that the ownership of the arrangement in the work is the same as the ownership of the underlying work, and therefore within the control of the copyright owner. On occasion, the publisher may agree to pay some income to the arranger where the exploitation is likely to be significant, or for example a share of rental income when the parts for the new arrangement are lent to future orchestras and performers. That is a question for negotiation between the arranger and the copyright owner in each case and will depend on the individual circumstances.

There are some organisations who offer to clear arrangements for you. Some warn about copyright infringement action for uncleared arrangements. Please note that those organisations will go through the same process set out above. Although those organisations may have mandates from some publishers those mandates are (likely to be) non-exclusive and they do not represent all publishers. For the works of publishers represented (non-exclusively) by such organisations, arrangers should feel free to clear arrangements EITHER via those organisations OR via the process set out above.

Many British publishers will not threaten legal action for unauthorised arrangements so long as they are cleared before they are commercially exploited, performed in public or otherwise made available to the public. Further information can be checked against the MPA website.

<https://mpaonline.org.uk/wp-content/uploads/2016/09/MPA-Code-of-Fair-Practice.pdf>