

8. MUSIC & USAGE RIGHTS

8.1 OVERVIEW & INTRODUCTION

Music is a crucial element in most productions, with three primary types of music usage:

- 1. Original Music:** Composed specifically for the commercial or content based on a brief
- 2. Existing Track:** A pre-existing song purchased for use in the commercial or content
- 3. Library or Stock Music:** Pre-recorded tracks available for use in commercials or branded content.

The choice of music should be discussed and agreed upon with the Advertiser and/or the creative team of its Communication Agency and the director of the independent Production Company.

As with usage rights or buyouts for talent, music rights are negotiated by the Production Company. The cost of music rights must be included in the final production budget. Although negotiations—particularly for existing tracks—can be especially time-consuming, it may not be entirely clear during the bidding or even pre-production phase what the final cost will be; this will therefore be provided as a separate quote.

Before production begins, the Production Company must be fully briefed by the Advertiser or its Communication Agency on the planned music usage, including the release date, usage duration, media types, and territories where the commercial will be used. It is strongly recommended to negotiate all usage rights as early as possible to avoid reopening negotiations once the initial agreement is finalized. Buyouts must be negotiated and paid prior to any use.

Any future renewals If an extension of the music rights is required, the Advertiser or its Communication Agency must notify the Production Company at least one month before the current agreement expires to allow sufficient time for renegotiation.

The independent Production Company holds no responsibility for any breaches of the agreed media plan by the Advertiser or its Communication Agency, or any third party regarding music rights.

Important: The usage rights or copyrights for the above-mentioned music rights are entirely separate from the copyrights managed and collected by collecting societies (e.g. Sabam, Unisono). Collecting societies handle the collection of royalties from distributors, such as broadcasters, streaming platforms, or public venues.

8.2 COMPOSED TRACKS (ORIGINAL MUSIC)

The Advertiser or its Communication Agency must provide the Production Company with a brief, which will then be passed on to a music composer. The director, Advertiser, and its Communication Agency must all agree on the brief before it is given to the composer.

The Advertiser or its Communication Agency may request one or more demo tracks to help establish the final form of the music composition. If so, this request must be specified in the BCP Production Briefing Tool to ensure that the costs of producing demos are included in the final offer. If the demo request is made at a later stage, the associated costs will be added as an additional expense.

Once the demo track and associated costs are approved, the Production Company will provide the composer with a copy of the final film edit to compose the finished music track.

If the final music is not approved by the Advertiser or its Communication Agency, the Production Company will arrange a new music composition schedule and provide an estimate of additional costs.

The Production Company cannot be held responsible for delivering new compositions without additional costs, nor for delays in delivering the final music within the original timeframe.

8.3 EXISTING TRACKS

The creative team from the Advertiser's Communication Agency or the director from the Production Company will propose an existing music track for approval by the Advertiser.

Once the track is approved, the Production Company—or possibly an intermediary subcontracted by the Production Company—will inquire with the record company and music publisher about the costs for usage in line with the media plan specifications. Please note that these inquiries may incur fees and require additional time, which should be considered in the planning process.

All necessary usage rights must be secured, with fixed compensation paid to both the publisher for publishing rights and the record company for reproduction/master rights.

Before entering negotiations with rights holders, it must be determined whether the track will be used in its original form or if a new version will be created for the film. This decision affects the rights holders and executive artist involved, as well as the financial compensation required for the track's release.

8.4 STOCK MUSIC

If a track from a stock music library is chosen, the Production Company will negotiate the terms and costs related to the use with the organisation holding the rights.

