

# Synchronisation rights



# Guide

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## A brief explanation of sync

Synchronisation rights mean that the holder of the copyright of a particular composition agrees in advance to unforeseen use of his/her work. He or she may always demand a fee for this or prohibit the use.

Sync occurs in games, theatre, radio ads, film, TV commercials and, by extension, any form of unintentional use of a composition. Synchronisation rights for a certain context, story or commercial message must be arranged in advance.

Do you have a musical work or author/composer in mind?		
✓		✗
Is it an existing work?		We advise you to use production music.  Our publishers are specialised in selecting the appropriate music for your production.
✓	✗	
<a href="#">Request permission from the publisher</a> & record company  Exception: music from the public domain and own recordings.	You commission a work from a composer.  <a href="#">Model agreement between producer and composer.</a>	<a href="#">Discover our list of publishers offering production music</a>

## 1. Is a buyout the same as sync?

Sync involves giving prior consent to use a composition in a context other than that for which it was originally intended. The holder or holders of the copyright must therefore always first give consent to use a musical work (or a part thereof), even if it is only for a few seconds.

Belgian law and the international conventions recognised by Belgium grant the author the exclusive right to authorise the reproduction of his/her work:

***“Only the author of a literary or artistic work has the right to reproduce or have that work reproduced in any way or in any form.”***

This principle is the legal basis of synchronisation rights. These are not defined as such in the law. It is a fee developed through case law for:

- the association of a musical work with an audiovisual work;
- the use of a musical work for a purpose other than that for which it was composed (e.g. when used in advertising or in conjunction with a brand name).

For speeches, and by extension all creative works (architecture, visual arts, choreography, etc.), prior consent is also required if you want to use it for your own purpose.

This is the case with:

- TV series, films and documentaries;
- products of a commercial nature: gadgets, tablets, smartphones, toys, greeting cards, merchandising, etc.;
- productions of an informational and non-commercial nature;
- advertising messages: radio, television, internet, etc.;
- theatre productions;
- games
- etc.

### What happens if I request sync too late or not at all?

In that case, you run the risk of paying a higher fee.

In case of undeclared use, legal action can be taken against the responsible producer, resulting in suspension of use and/or damages.

Specifically for Unisono music, this is specified in the [licence conditions](#).

### Is a buyout the same as sync?

*A buyout is a formulation used in the US. A buyout is a direct arrangement between the producer and the holder of the copyright of the composition. In this agreement, all types of use are registered and bought out. It goes beyond just sync and includes the full package of uses.*

*We do things differently in Europe, where a buyout arrangement is not possible. Synchronisation rights and rights for use are not available as a package in Europe. Sync can usually be arranged directly with the holders of the copyright, while the copyrights for use are arranged via the management companies.*

## 2. How do you arrange synchronisation rights?

Before using a musical work, you must request consent from the relevant holders of the copyright. This often requires a fee to be paid. It is also possible that you are not allowed to use the work. The amount of the fee and the request procedure depend on the type of music.

We distinguish three types:

1. **original music:** commissioned music;
2. **existing music:** general repertoire available from record shops or via online music platforms;
3. **production music** (also called library music or stock music): repertoire specially composed or brought together to provide productions with music.

### 2.1. Original music

The producer asks a composer and possibly a lyricist to compose new music. You pay for this assignment directly. Check the [model contract](#) (in Dutch) between author/composer and producer.

The agreement does not imply a waiver of rights to the producer. The author/composer retains these rights. He/she also registers the work with Sabam.

## 2.2. Existing music

### 2.2.1. General arrangement

To use an existing musical work, you must obtain prior consent from the holders of the copyright.

You negotiate the publishing rights **with the publisher**. He/she represents the composer/author of the work. The publisher's contact details can be found in the [online catalogue](#). If there are multiple publishers, you must contact them all. If there is no publisher, the composer/author must give consent. If you are unable to find any public contact details, Unisono can forward your question to the holders of the copyright or let you know who to contact.

You negotiate the master rights of an existing recording **with the recording producer** (record company, label). This is sometimes referred to as a master use licence. Unisono cannot provide you with the producer's contact details, but the publisher can often help you with this. You can also contact Simim, the umbrella organisation for music producers in Belgium, for further advice.

Both the publisher and the recording producer set their own financial conditions. There is no minimum or maximum fee. In addition, both can prohibit the use of their work if they feel that the purpose infringes their moral rights.

***Tip:** submit your request as early as possible. This gives the holder of the copyright sufficient time to consider it, because the holder is not obliged to respond within a certain amount of time. It is a good idea to include as much specific information as possible in your first contact, such as: title of the composition;*

- *composer and/or performer if known;*
- *version/recording you want to use;*
- *what you want to use the music for;*
- *reason you chose this music;*
- *duration of the music;*
- *total duration of production;*
- *area of distribution;*
- *period of distribution;*
- *forms of distribution (online, TV, radio, etc.);*
- *production budget;*
- *any changes to the musical work;*
- *etc.*

*Often, a 'Most Favoured Nations' principle is used to determine the fee. In concrete terms, this means that the fee for the musical work is the same as the fee for the use of the recording.*

### 2.2.2. Public domain

A musical work becomes public domain 70 years after the last living **author/composer** dies. It is then no longer considered protected and its use is free. These works are no longer represented by Unisono.

This rule does not apply across the board: different rules may apply depending on the origin of the author/composer. In addition, you must also be careful when editing public-domain music. You have to take into account the date of death of the last living **editor**. That is because if an author or composer adapts a musical work in the public domain, the clock restarts: we consider the edit as a new copyrighted work.

### 2.2.3. Royalty-free music

Royalty-free music concerns licences that are granted outside of collective rights management. The authors and composers are not members of a management company. These are works that are not managed by Unisono. Holders of the copyright determine the conditions personally. Different forms/licences with different rules therefore apply to royalty-free music. Check carefully what each type of licence covers before use. The agreement is concluded individually and directly with the holders of the copyright.

### 2.2.4. Personal recording

If you make a recording yourself, you do not need to contact a producer of a previous recording. You are responsible for your own recording and manage your own rights.

However, you still need to obtain publishing rights from the publisher first. If you also intend to change the original musical work (melody, harmony, text, rhythm, tempo, style, etc.) for your own recording, then the publisher must also give explicit consent for this. Be sure to mention any changes when you contact the publisher.

### 2.2.5. Source music

In general, sync must be requested for source music (also called diegetic music). In other words, if you are making a report and the radio is on in one of the scenes, you must also ask consent for the music being played.

## 2.3. Production music

Production music is also called library music or stock music. It concerns a repertoire that was specially composed or compiled with the intention of providing music for audio productions, audiovisual productions, theatre productions and games.

Production music					
What does it cost?				How to?	Advantages?
For the benefit of a product or service?				<a href="#">Discover our list of publishers offering production music</a>  Submit your request via <a href="#">MyUnisono</a> and choose 'Audiovisual Production'.	<ul style="list-style-type: none"><li>• Knowledge and expertise</li><li>• Fair distribution of royalties</li><li>• Fixed rate</li><li>• Easy to manage</li><li>• One-stop shop</li><li>• Unisono licence</li></ul>
✓		✗			
Commercial use? (advertising, product placement, publicity)		Informative?			
✓	✗	✓	✗		
Commercial rate	Non-profit rate	Informative rate	Rates for Film & series and Theatre		

[Various publishers](#) offer and distribute these musical works, where they rely on Unisono to provide the user with custom licences. There are advantages to using Unisono production music. These include excellent recording quality (often with different versions of a song), certainty that your rights are arranged, clear conditions, close contact with the publishers and a custom service.

You do not necessarily have to contact the publisher to use production music: Unisono manages the sync on their behalf. Submit your request directly via [MyUnisono](#) or [sync@unisono.be](mailto:sync@unisono.be).

## 2.4. How much does production music cost?

If you use production music, you pay a fixed amount per piece of music or per 30-second fragment. All rates stated in this document are exclusive of 6% VAT.

Each type of use is based on a basic rate. Discounts and supplements are possible, depending on the area of distribution (regional, national, worldwide) and the period (one month, one year, three years, etc.) for which you want to use the production. These are shown as a percentage of the basic rate.

For example: for regional use, you pay 20% of the basic rate.

Unisono sets the rates in consultation with the publishers. They apply to the following types of use:



- films;
- TV;
- radio;
- podcasts;
- multimedia productions;
- cinema;
- corporate films;
- educational films;
- online productions (commercial and non-commercial);
- games.

### Are subscription packages possible?


Yes, monthly or annual contracts are available. Unisono will then consult with you and the publisher and examine your specific needs. This is a negotiable option, especially with large-scale use of a repertoire.



### 2.4.1. Commercial use

The use of production music for advertising a product, service or brand is covered by the rate for commercial use. In this case, the user aims to increase its own income (for-profit), without social benefit or philanthropic objective.

Examples? We are surrounded by them: ads on the radio, TV, online, etc. It concerns commercial fragments (audio or audiovisual) of up to 30 seconds. The rate is also based on a standard usage of 30 seconds. Discounts and supplements are possible, depending on the channel, area and period of distribution.

Type of use	Media	Rate	Territory	Supplement/ Discount	Duration	Supplement/ Discount
<b>Commercial use</b>  <ul style="list-style-type: none"> <li>• Advertising</li> <li>• Product placement</li> <li>• Publicity</li> </ul> Per 30"	<ul style="list-style-type: none"> <li>• Cinema</li> <li>• TV (1 broadcaster)</li> <li>• Billboard (cinema, TV, radio &amp; online)</li> <li>• Radio (1 broadcaster)</li> <li>• Extra broadcaster (radio and TV)</li> <li>• Online audio (including social media)</li> <li>• Online audiovisual (including social media)</li> <li>• All media</li> </ul>	€200 €600 30% €300 +20% €150 €300 €1,400	<ul style="list-style-type: none"> <li>• National</li> <li>• Regional</li> <li>• Extra country</li> <li>• World</li> </ul>	100% 20% +100% On request	<ul style="list-style-type: none"> <li>• 1 year</li> <li>• 1 month</li> </ul>	100% 50%

#### Billboard?


*Audiovisual message with still image. Often a short repetition (max. 10 seconds) of a previously shown spot.*



## 2.4.2. Non-profit use

Non-profit use (not-for-profit) serves a public benefit or charity. Examples of users are NGOs and public institutions with a public purpose.

The non-profit rate is 50% of the commercial rate. As with the commercial rate, discounts and supplements are possible, depending on the channel, area and period of distribution.

Type of use	Media	Rate	Territory	Supplement/ Discount	Duration	Supplement/ Discount
<b>Non-profit use</b>  Public benefit Not-for-profit	<ul style="list-style-type: none"> <li>• Cinema</li> <li>• TV (1 broadcaster)</li> <li>• Billboard (cinema, TV, radio &amp; online)</li> <li>• Radio (1 broadcaster)</li> <li>• Extra broadcaster (radio and TV)</li> <li>• Online audio (including social media)</li> <li>• Online audiovisual (including social media)</li> <li>• All media</li> </ul>	€200 €600 30% €300 +20% €150 €300 €1,400	<ul style="list-style-type: none"> <li>• National</li> <li>• Regional</li> <li>• Extra country</li> <li>• World</li> </ul>	100% 20% +100% On request	<ul style="list-style-type: none"> <li>• 1 year</li> <li>• 1 month</li> </ul>	100% 50%




## 2.4.3. Informative use

Companies, institutions and associations often make informative productions (such as corporate videos or productions for internal training and education).


We distinguish two types of use for this rate: business use and educational use.

By default, the rate is based on all media use (independent of the medium used), a fee per fragment of 30 seconds, worldwide use and an unlimited distribution period.

Business users can also cover the online distribution of their production with a simple supplement of € 15 per fragment. This frees you from having to apply for an additional licence for this exploitation afterwards.


Type of use	Media	Rate	Territory	Duration
<b>informative use</b>  Per 30"	Corporate, instore & aftermovie	€60 + €15*	All Media & worldwide	Unlimited duration

In addition, some educational productions and training videos also regularly use production music. Production music in podcasts and audio guides also falls under the informative rate, because of their free and educational character. Finally, the audio book is also included here: a paid product with a narrative character.

Type of use	Media	Rate	Territory	Duration
<b>Informative</b>  Per 30"	<ul style="list-style-type: none"> <li>• Education &amp; internal training</li> <li>• Podcast, audio guide &amp; audio book</li> </ul>	€30 €30	All Media & worldwide	Unlimited duration

#### 2.4.4. Films and series

Professional audiovisual entertainment (films, documentaries and series) also uses production music. The basic rate covers use throughout Belgium for thirty years.


Type of use	Media	Rate	Territory	Supplement/ Discount	Duration	Supplement/ Discount
<b>Film &amp; series</b>  Per 30"	<ul style="list-style-type: none"> <li>• Film – commercial</li> <li>• Film – non-commercial and film festival</li> <li>• TV general</li> <li>• TV credits, trailer &amp; teaser</li> <li>• Low budget production (student &amp; amateur – non-commercial)</li> </ul>	€50 €20 €75 €150 €5	<ul style="list-style-type: none"> <li>• National</li> <li>• Extra country</li> <li>• World</li> </ul>	100% +33% On request	30 years	100%

#### 2.4.5. Theatre and dance

Production music in theatre or dance productions? Definitely. The basic rate covers use throughout Belgium for three years. It is calculated per musical work.

The calculation varies according to the type of user. For the professional user, the fee is a percentage of the production budget (the total cost of an entire production.) The minimum rate for the professional user is the rate applicable for non-professional use.

Non-professional users are charged a fixed fee of € 20 per musical work.

Type of use	Media	Rate	Territory	Supplement/ Discount	Duration	Supplement/ Discount
<b>Theatre</b>  Per musical work	<ul style="list-style-type: none"> <li>• Professional</li> <li>• Amateur</li> </ul>	0.2% on production budget €20	<ul style="list-style-type: none"> <li>• National</li> <li>• Extra country</li> <li>• World</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• +33%</li> <li>• Op aanvraag</li> </ul>	• 3 years • 10 years • 30 years	100% 300% 500%

#### 2.4.6. Games

Do you want to use production music in your game? You can!

Contact us at [sync@unisono.be](mailto:sync@unisono.be). In your request, state the production budget, target audience, period, area of distribution and the medium on which you will release the game. We will propose a personalised solution in consultation with the publisher of the production music.

### 2.5. How do you arrange the sync of production music?

Please complete the document '[Licence application for the use of music in an audiovisual production](#)' and return it to [sync@unisono.be](mailto:sync@unisono.be).

You can also report the use to the publisher, who will inform us. We will then create a licence for you.

We aim to process your licence application within 5 working days

### 3. How do you arrange the distribution of your production?

Did you get consent from the holder of the copyright to use the music? Then all you have to do is arrange the copyright for distribution. You can arrange this via [MyUnisono](#), our online declaration module. We would also appreciate receiving the cue sheet of each production in advance. This helps us to pay the rights correctly.

#### **Cue sheet?**

*An overview of all musical works used in an audio(visual) production (see [example](#)).*

If you only post the production online on social media and YouTube, you don't have to do anything as there are already agreements in place with these platforms that cover your use.

## Contact details

If you have any questions, we'll be glad to help you.

### Contact us via:

Address:	Rue des Deux Eglises 41-43, 1000 Brussels (BE)
Website:	<a href="http://www.unisono.be">www.unisono.be</a> & <a href="http://www.sabam.be">www.sabam.be</a>
Phone:	+32 2 286 82 11 Choose the option 'using music in films or commercials'
E-mail:	<a href="mailto:sync@unisono.be">sync@unisono.be</a>
VAT:	BE 0402.989.270 – RPM Brussels
Transfers:	IBAN: BE97 3100 7295 0049 – SWIFT BIC: BBRUBEBB