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26.09.20

Temporary Fitness and Dance Home Streaming Guidance for ukactive members

Following the social distancing measures introduced by the government during the current Covid-19 pandemic, PPL PRS appreciates that many of its licensing customers who are fitness and dance instructors and fitness centres, and whose premises are currently closed, have been (or may be considering) delivering their existing classes online as an alternative. Use of music in online classes in this way still requires a licence, and PPL PRS has therefore been working with PPL and PRS for Music to develop a simple solution to assist these PPL PRS licensees in these difficult and exceptional times.

The following table outlines how fitness and dance instructors and fitness centres who hold TheMusicLicence can use music in online classes streamed live to clients' homes.

	PPL	PRS for Music
Measure	Temporary Fitness and Dance Home Streaming Policy	Limited Online Music Licence ('LOML')
What it will cover	<p>Fitness instructors, dance instructors and fitness centres who hold TheMusicLicence covering the relevant PPL tariffs for playing music in classes at their licensed premises, will be able to include recorded music controlled by PPL in classes streamed live to their clients' homes. The online classes will be treated as if they were classes physically taking place at their licensed premises.</p> <p><u>See the FAQs below for full details of the PPL Policy</u></p>	<p>Fitness instructors, dance instructors and fitness centres can obtain a LOML directly from PRS for Music which grants certain rights to stream classes live to their clients' homes.</p> <p><u>See the FAQs below for full details of the scope of LOML and how to apply for it.</u></p>
Fees	<p>Each online class will be charged at the same rate as a physical class.</p> <p>Therefore if an instructor has been unable to provide a physical class due to enforced closure under the COVID-19 lockdown measures, but instead has provided that class online, there will be no additional fee for that class under TheMusicLicence.</p>	<p>Details of the licence, including pricing and how to apply can be found at:</p> <p>https://www.prsformusic.com/licences/using-music-online/limited-online-music-licence</p>
What fitness instructors, dance instructors and fitness centres will need to do	<p>This will be dealt with at your next review.</p> <p>You should keep a note of all the classes conducted online (as well as standard classes held before and after lockdown) and declare them when we contact you at your next annual review (either directly under their own licence or through the gym where they work). A supplementary invoice or credit note will be raised at that point based on the total number of classes delivered.</p>	<p>(1) You should apply for the LOML here: https://www.prsformusic.com/licences/using-music-online/limited-online-music-licence</p> <p>(2) You can then apply for a credit from PPL PRS when we contact you at your next annual review. This will cover any fitness classes or dance lessons that you paid for in advance under the relevant PRS for Music tariff as part of TheMusicLicence, but which did not take place within the licensed venues due to enforced closure under the COVID-19 lockdown measures.</p>

FAQ's

The following FAQ's are broken down into two sections to cover PPL's Temporary Fitness and Dance Home Streaming Policy and the PRS Limited Online Music Licence ('LOML').

	PPL Temporary Fitness and Dance Home Streaming Policy ("PPL Policy")	PRS for Music - Limited Online Music Licence ('LOML')
How long will I be able to stream fitness classes online under the measures that PPL and PRS for Music have put in place?	<p>The PPL Temporary Fitness and Dance Home streaming policy will initially be applied to the period from 23 March 2020 to 31 December 2020. PPL will continue to monitor the situation and may (as a matter of discretion) extend this further while relevant social distancing measures remain in place.</p> <p>This is a strictly temporary and non-precedential policy, adopted by PPL in response to the exceptional circumstances of the COVID-19 pandemic.</p>	<p>As the LOML is a licence that was offered to instructors to provide online classes before the Covid-19 pandemic there is no end date. It is a separate licence to cover online classes.</p>
Who does the PPL Policy/PRS for Music LOML apply to?	<p>This policy only applies to individual fitness and dance instructors, dance schools, gyms or fitness centre operators that hold TheMusicLicence covering the relevant PPL tariff(s).</p> <p>Where instructors are conducting live online classes <i>on behalf of</i> a gym, fitness centre, or dance studio operator, the operator will remain responsible for declaring the correct number of classes to ukactive</p> <p>If you are unsure about whether the PPL Policy will apply to you, please contact ukactive on licensing@ukactive.org.uk and we will be happy to help with any questions you may have.</p>	<p>The <i>PRS for Music</i> element of TheMusicLicence does not cover instructors who provide classes online.</p> <p>Subject to certain criteria, the instructor or gym, fitness centre or dance class operator will need to obtain a Limited Online Music Licence ('LOML') and can contact <i>PRS for Music</i> for more information on this.</p> <p>Details of the licence, including pricing and how to apply can be found at: https://www.prsformusic.com/licences/using-music-online/limited-online-music-licence</p> <p>Instructors or gym, fitness centre or dance class operators requiring assistance on applying for a LOML can contact the <i>PRS for Music</i> Licensing hotline directly on +44 (0)20 3741 3888, or via email at applications@prsformusic.com.</p> <p>Where the instructor or gym, fitness centre or dance class operator is not currently licensed under one of <i>PRS for Music's</i> public performance tariffs, they can still obtain the LOML directly from <i>PRS for Music</i> in the usual way. Where the instructor or gym, fitness centre or dance class operator wants to start providing physical classes, they can apply for TheMusicLicence in the usual way.</p>
What is the scope of the PPL Policy/PRS for Music LOML?	<p><u>What is included:</u></p> <p>The PPL Temporary Fitness and Dance Home Streaming Policy covers classes streamed live to a closed group of clients either via:</p> <ul style="list-style-type: none"> • a dedicated online platform operated by the business / instructor (such as their own website) where the classes can only be accessed by their clients, or • private live feeds on one of the following platforms: <ul style="list-style-type: none"> ○ Facebook Messenger; ○ FaceTime; ○ Google hangouts; ○ Microsoft Teams; ○ Skype; ○ WhatsApp; or ○ Zoom. <p>In order to be covered by PPL's policy, the classes must also fall within the below criteria.</p>	<p>The Limited Online Music Licence will cover the communication to the public and associated mechanical rights (excluding synchronisation rights) of its members' repertoire through digital services. A separate licence in respect of synchronisation rights may be needed and further details around this can be found on the website described above or by speaking to the <i>PRS for Music</i> licensing hotline directly on +44 (0)20 3741 3888.</p> <p><u>What is included?</u></p> <p>The rights covered by the LOML include the rights to offer live streaming to a UK audience. Through LOML, instructors will be able to provide classes through communication services such as the following platforms:</p> <ul style="list-style-type: none"> ○ Videos hosted on their own website; ○ FaceTime; ○ Google hangouts; ○ Microsoft Teams; ○ Skype; ○ WhatsApp ○ Zoom; or ○ Vimeo

	<p>The online classes must be:</p> <ul style="list-style-type: none"> • up to a maximum of 60 minutes in duration; • streamed to closed groups with a maximum class size of 60 persons. Where classes are over 60 persons in size, each additional 60 persons (or part of) should be charged as an additional class; • streamed live to clients with no option to download or view the class on demand; and • run by individual instructors, dance schools, gyms or fitness centre operators that already hold TheMusicLicence covering the relevant PPL tariff(s) OR instructors at currently licensed gyms and fitness centres wishing to continue their classes independently from the gym/centre <p><u>What is excluded:</u></p> <p>This policy is intended to cover the live streaming of classes to private/domestic locations.</p> <p>The policy will not cover:</p> <ul style="list-style-type: none"> • Classes uploaded for on-demand streaming via user-generated content services and social media services and platforms such as Facebook, YouTube, Twitch, Twitter or Instagram. • Classes conducted via Facebook Live or streamed live over YouTube • Downloadable classes. • Other online platforms and apps that are not listed in the inclusions above. <p>Please note that we can take no responsibility for the blocking of audio by third party streaming platforms/services.</p>	<p><u>What is excluded?</u></p> <p>This licence does not cover content on platforms such as YouTube, Twitter or Facebook (inc. Instagram). This is because these services already may already be licensed to cover content hosted on their platforms, including content uploaded by their users. Any potential licensee should ensure they follow the terms of use and copyright requirements of these respective platforms.</p>
<p>What if I am an Instructor who normally teach classes in gyms licensed by PPL PRS but wish to stream classes independently to clients' homes during the Covid-19 outbreak?</p>	<p>If you are an instructor who previously taught classes in a gym, fitness centre or dance studio that is already licensed by PPL PRS and now wish to be covered for streaming classes to clients' homes independently (i.e. not on behalf of the gym, centre or studio), you will need to take out TheMusicLicence yourself before you can benefit from the PPL home streaming policy.</p> <p>You can contact PPL PRS on 0800 0720 808 and a new licence can then be issued under the relevant PPL tariff(s) for the fitness or dance classes you wish to provide. Once you have obtained this, PPL will treat you as eligible to benefit from the home streaming policy (subject to the other terms of that policy as set out in this document).</p> <p>Please note: you will also need to contact <i>PRS for Music</i> separately to obtain the LOML, in order to be fully covered for streaming classes to clients' homes.</p>	<p>You will need to contact <i>PRS for Music</i> separately to obtain the LOML.</p>

What are the fees for classes under the PPL Policy/PRS for Music LOML and what will it mean to the cost of TheMusicLicence?	<p>While the PPL Temporary Home Fitness and Dance Streaming Policy is in place, the fee for each class streamed will be charged at the same rate as a class under PPL's standard Fitness and Dance tariffs (i.e. the online class is treated as if it had been a class physically taking place at the licensed premises).</p> <p>A full list of fees can be found at https://pplprs.co.uk/business/other/</p>	<p>The Limited Online Music Licence is an annual blanket licence. Fees start from £146 + VAT for a 12-month licence. The application process can be completed online through the <i>PRS for Music</i> website.</p> <p>Further details on the pricing of LOML and how to apply can be found at https://www.prsformusic.com/licences/using-music-online/limited-online-music-licence</p> <p>When contacted by us as part of TheMusicLicence next annual review, the instructor <u>or</u> the gym, fitness centre or dance studio should declare which classes were taught physically under the terms of the licence. The annual licence invoice will be amended to reflect the actual number of classes held in the preceding licence year and an adjustment credit or invoice will be provided as required. If the instructor taught classes in a Community Building, the Community Building would not be charged for the period of closure and therefore no additional action is required.</p>
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