

GUIDE TO THE CASUAL BLANKET REPRODUCTION LICENCE APPLICATION



BACKGROUND

The Australasian Mechanical Copyright Owners Society Limited (AMCOS) is a copyright collection society and is the exclusive licensee in Australia of the right of reproduction of musical works in the form of records, videos, network television programming, ringtones and other media (Mechanical Right) in copyright works owned or controlled by its members. AMCOS members include the majority of music publishers in Australia and an increasing number of songwriters. AMCOS has approximately 2,400 members of whom approximately 2,100 are songwriters and represents the majority of copyright owners in Australia by value.

AMCOS also represents and licenses in Australia the Mechanical Right in a vast number of musical works of foreign origin, either as a result of representation by its music publisher members (via their sub-publishing deals with overseas based publishers, including parent companies) or through its reciprocal representation agreements with copyright collecting societies around the world.

Accordingly, AMCOS represents, as exclusive licensee, the Mechanical Rights in the vast majority, measured by income, of published musical works used in Australia.

In 1997, the Australasian Performing Right Association (APRA) took over the administration of licences issued by AMCOS, and the two companies operate under the name APRA|AMCOS. The two companies have separate Boards of directors, and separate accounts, but AMCOS is otherwise managed by APRA. Both AMCOS and APRA are non-profit member based organisations, which distribute to their respective members, all royalties, less the costs of administering those licence schemes.

WHY DO I NEED A LICENCE?

When you make a copy of a sound recording, you also make a copy of the underlying musical work – that is, the original tune and lyrics. The reproduction of musical works is one of the exclusive rights – set out in the Copyright Act – that require you obtain permission from the copyright owner and pay the appropriate royalties.

If you are not the copyright owner but intend to make copies of musical work(s) you will generally require a licence from the person or entity that controls the relevant rights in Australia. In the vast majority of cases, this is AMCOS.

In order to make the licensing process as easy as possible, AMCOS has developed a specific licence for people who wish to copy existing musical works where the purpose is not of a retail nature – the Casual Blanket Reproduction Licence (CBRL). The following is a guide to this Licence. It does not have legal effect and cannot be used in any way to limit or define the terms and conditions of the agreement. In any situation where there is an inconsistency between the agreement and this guide, or where something is unclear, the agreement must be referred to.

WHAT TYPES OF REPRODUCTIONS ARE COVERED UNDER THIS LICENCE?

You can use, subject to acceptance of your application, recordings made for the following purposes

Format Shift	Backing up of audio/karaoke recordings onto computer hard drive, for personal use and DJ performances.
Rehearsal	Providing copies to students for the purpose of rehearsal.
Musical Accompaniment	Musical accompaniment for performances.
Background Music	Background Music.

RECORDINGS NOT COVERED BY THE CASUAL BLANKET REPRODUCTION LICENCE

A CBRL, if approved, will cover only the reproduction of music that falls within the categories above. APRA|AMCOS has a range of other licence schemes for different usages of music where it is able to offer a licence. Certain types of reproductions cannot be licensed by AMCOS and you should seek permission directly with the copyright owner PRIOR to reproducing the musical work(s).

LICENCE RESTRICTIONS

A CBRL, if approved, contains a number of licence restrictions. Please do not apply for a CBRL if you wish to exercise any of the usages below.

- 1. NO permission is given under the CBRL to communicate AMCOS Works to the public or perform AMCOS Works in public.**

This licence does not provide permission to communicate (including broadcast and over the internet) musical works, nor does it provide permission to perform those works in public. APRA|AMCOS can provide you with a separate licence if required.
- 2. NO permission can be given by AMCOS to reproduce AMCOS Works into an Advertisement**

AMCOS cannot licence you to copy works for the purpose of advertising or promotion of an event, product, service, line of conduct or an organisation. The use of music in advertisements must be licensed directly by the copyright owner. See Advertisements, We do provide a research service to help you identify the copyright owner. A small fee applies.
- 3. NO permission can be given by AMCOS to reproduce lyrics in graphic form (other than within Karaoke Recordings)**

AMCOS' does not have the right to offer lyric licences other than in very limited circumstances.
- 4. NO permission can be given by AMCOS to reproduce AMCOS Works or associated words to promote any product or service**

The copies created under a CBRL cannot be used as "giveaways" to promote any product, service or organization. This type of music usage is sometimes referred to as "premium" use.
- 5. The licence DOES NOT include the right to reproduce, perform or communicate Sound Recordings**

Under the Copyright Act, the Sound Recording is a separate copyright. Further information can be obtained from ARIA (www.aria.com.au).
- 6. NO permission is given under the CBRL to make copies for commercial sale or distribution**

This usage of music is licensed separately under publicly available licence schemes. AMCOS can provide you with a different licence if you intend to sell the copies you create.
- 7. NO permission can be given by AMCOS to Synchronise AMCOS Works with audiovisual matter**

AMCOS cannot license you to synchronise music with visual images. You will need to contact the copyright owner direct.
- 8. The source AMCOS Works reproduced under your CBRL must be on a recording owned and legitimately purchased by You**

Please ensure that your source recording is a legitimate copy before applying for the Casual Blanket Reproduction licence. The unauthorized copying of music is of major concern to the Music Industry at large, AMCOS appreciates your assistance with this important restriction.
- 9. The Term as specified on your Casual Blanket Reproduction Licence is not automatically renewed. Any extension of the Term will require a new licence.**

This licence is a casual licence, as such it is not automatically renewed. Each CBRL issued includes a termination date, please ensure no further copying is done after that date. You may apply for a new CBRL should this be required.

HOW DOES THE LICENCE PROCESS WORK?

By completing the CBRL application form, you provide us with details about the purpose of the reproductions. This information is used to determine whether the CBRL will cover the type of reproductions you wish to make and the licence fee payable.

Once we have completed processing your application and received payment of the Self-Assessed Licence Fee, AMCOS will either:

- issue you with a Tax Invoice receipt confirming the Licence is now valid; or
- advise that you require a different licence; or
- advise you that AMCOS cannot grant a licence for the purpose you require and refund any payment received.

WHAT FEES APPLY?

Between 1 and 2,000 audio-only tracks = \$0.12 per track	Between 1 and 2,000 karaoke tracks = \$0.175 per track
Between 2,001 and 5,000 audio-only tracks - \$0.12 per track for the first 2,000 and - \$0.10 per track for the balance	Between 2,001 and 5,000 karaoke tracks - \$0.175 per track for the first 2,000; and - \$0.145 per track for the balance
For 5,000 and above audio-only tracks - \$0.12 per track for the first 2,000 - \$0.10 per track for between the 2,001 st and 5,000 th track; and - \$0.08 per track for the balance	For 5,000 and above karaoke tracks - \$0.175 per track for the first 2,000 - \$0.145 per track for between the 2,001 st and 5,000 th track; and - \$0.115 per track for the balance

All rates quoted above are exclusive of GST.

The table above is subject to the following minimum charges

- \$66.00 (including GST) for Audio-only Tracks, and
- \$96.25 (including GST) for Karaoke Tracks

This minimum fee provides for 500 copies of either Audio-only tracks or Karaoke Tracks.

MORE INFORMATION?

For more information, please contact Commercial Recordings on nonretlic@apra.com.au or the following organisations:

Australian Copyright Council - www.copyright.org.au

Arts Law Centre - www.artslaw.com.au

AUSTRALASIAN MECHANICAL COPYRIGHT OWNERS SOCIETY LIMITED ABN 78 001 678 851 (AMCOS)
RIGHTS ADMINISTERED BY AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LIMITED ABN 42 000 016 099 (APRA)

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