

FIRST EDITION 2006



# Music copyright for **Eisteddfods**

For music, speech, drama & dance competitions



# COPYRIGHT GUIDELINES FOR EISTEDDFOD ORGANISATIONS & COMPETITORS

FOR MUSIC, SPEECH, DRAMA & DANCE COMPETITIONS

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Cover Design and Layout – creativehq



## INTRODUCTION

This document has been written by APRA (Australasian Performing Right Association) and AMCOS (Australasian Mechanical Copyright Owners Society) and on behalf of and in consultation with CAL (Copyright Agency Limited), ARIA (Australian Record Industry Association) and PPCA (Phonographic Performance Company of Australia.) This guide was prepared at the request of the National Association of Eisteddfod Societies for its members & competitors.

Information in this guide about print music corresponds to the guideline “A Practical Copyright Guide to the Use of Print Music in Australia”, Third Edition 2006.

### *Eisteddfods & copyright*

There are several hundred eisteddfod organisations throughout Australia and they provide valuable opportunities for competitors to gain experience publicly performing music, speech, drama, ballet and dance.

It is important however, for both competitors and the eisteddfod organisations to keep in mind their copyright obligations.

The main copyright issues for eisteddfods and their competitors include:

- Photocopying, printing or reproducing print material in some other way (R);
- Performing music and/or sound recordings (PP);
- Making recordings in audio or audio/visual format (R); and
- Adapting works, for example arranging a musical work or changing the words or lyrics of a song or literary/dramatic work (A).

R = reproducing copyright material

PP = publicly performing

A= adapting, arranging, transcribing<sup>1</sup>

This guide attempts to clarify in which circumstances copyright is the responsibility of the eisteddfod organisation and which other circumstances it is the individual or group competitor(s) responsibility. This guide is intended to cover the most common situations encountered by eisteddfods and their competitors, but if any specific issues are not dealt with in this guide, please seek further legal or copyright advice. (See the list of contact details at the back of this guide for further information.)

<sup>1</sup> These relate to some of the exclusive rights of a copyright owner under Section 31 of the Australian Copyright Act (1968) - see overleaf “What is copyright?”



## ***What is copyright?***

Copyright is a legal system designed to create a balance between protecting the rights of copyright owners and creators of original works and allowing public access to these works, usually for the payment of a licence fee.

In Australia, literary, dramatic and musical works are protected under the Copyright Act (1968), as well as other material such as films, sound recordings, published editions and broadcasts.

The creator of an original work is given a 'bundle of rights' in relation to the original work that they have created to control the work in certain ways or to license its use, usually for a fee. The exclusive rights of a copyright owner allow them to control the work in the following ways<sup>2</sup>:

- To reproduce the work (R);
- To publish the work (P);
- To communicate the work (including transmit or broadcast) (C);
- To publicly perform the work (PP); and
- To adapt the work (A).

This means that if you wish to use a copyright protected work in any of the above ways, you will need permission or a licence.

## ***How long does copyright protection last?***

Copyright in an original literary, artistic, dramatic or musical work is protected under the Australian Copyright Act from the moment it is written down or recorded until 70 years after the death of the creator of that work.<sup>3</sup> Works whose copyright had expired prior to 1 January 2005 remain in the public domain. Prior to 1 January 2005, the period of copyright protection was 50 years. Therefore, a musical work by Bela Bartok would remain in the public domain in Australia, as he died in 1945.

Arrangements of works are also protected until 70 years after the death of the arranger, separately to the underlying work itself.<sup>4</sup> Sound recordings are protected in Australia for 70 years from the time of first release. Published editions of books are protected from the time of publication for 25 years. This means that a recent publication or recording of a work may still be protected even though the work it contains may be out of copyright (in the public domain.)

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<sup>2</sup> Section 31 of the Copyright Act.

<sup>3</sup> This change came about largely as a result of Australia signing the Free Trade Agreement with the US.

<sup>4</sup> Arrangements of musical works whose copyright had expired prior to 1 January 2005 also remain in the public domain.

# PART B:

## COPYRIGHT OBLIGATIONS OF EISTEDDFOD ORGANISATIONS

### *Reducing the potential liability of eisteddfod organisations*

Eisteddfod organisations have to be careful about potential copyright breaches in two ways:

- (i) direct breaches – eg; reproducing copyright material themselves without the relevant licence or permission, or
- (ii) authorising copyright infringements by others

Many uses of copyright by eisteddfod organisations may be easily covered by taking out the appropriate blanket licences from the copyright societies for their activities.

Eisteddfod organisations must also be aware that if they *authorise* any activity, they may also be liable for any resulting breach of copyright. For example, if an eisteddfod organisation allowed competitors to perform from unauthorised photocopies of copyright material and did not warn them in any way about their copyright obligations, they could be found liable for authorising any infringements by the competitors if they condoned or encouraged this behaviour.

Obviously eisteddfod organisations will want to reduce their potential liability, so the ways that this can be done include:

- Placing copyright warnings in competition literature, syllabuses and forms;
- Making competitors aware that it is their individual responsibility to seek permission if they need to copy a protected work, publication or sound recording; and
- In relation to music – making sure that competitors sign FORM 1, in which they declare that they are performing from originals or authorised copies.

*By taking the above steps, eisteddfod organisations considerably reduce the likelihood of being found liable for authorising any infringements by competitors.*

### *What licences does an eisteddfod organisation need to take out?*

It is usually the responsibility of the eisteddfod organisation to ensure that licences are in place for the public performance of any copyright music (APRA) and the public performance (playing) of sound recordings (PPCA).<sup>5</sup> This is because even if the eisteddfod organisation themselves are not performing or playing a protected sound recording, they are *authorising* the performance of such copyright works and recordings by organising and promoting the eisteddfod or competition.

In any musical recording there are at least two separate copyrights:

1. Copyright in the musical works themselves; and
2. Copyright in the sound recording of the music.

Playing a sound recording of music in public – for example, a CD, usually requires both an APRA (musical works) and a PPCA (sound recordings) licence. This is because both the musical works and the sound recordings are being played.

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<sup>5</sup> Please note that in some cases, the management of the venue will have taken out the appropriate licence from PPCA for the public performance of the sound recordings, for example, playing CDs within the competition.

### ***Playing copyright music (APRA licence)***

The Australasian Performing Right Association (APRA) represents composers, lyricists and music publishers and licenses the public performance and communication of musical works on their behalf.

APRA offers an annual licence agreement for eisteddfod organisers which permits the playing or public performance of copyright music (either live or embodied in a recording) used in the competition (with the exception of the performance of 'grand right' works, for example, performing an entire musical). The responsibility for obtaining an APRA licence agreement rests with the event organiser. If you are organising an eisteddfod or other competition or event where music is being publicly performed, then it is your responsibility to obtain the necessary APRA licence. The annual licence fee (2006) for the APRA Eisteddfod Licence for musical performances occurring during competitions is \$66.29 (including GST). A copy of the licence application may be downloaded from:

[http://www.apra.com.au/music-users/events/other\\_licences.asp](http://www.apra.com.au/music-users/events/other_licences.asp)

The APRA Eisteddfod Licence does not cover the performance of musical works performed in a dramatic context. For further advice about this, please contact APRA's Theatrical Licensing Representative.

Please also note that the APRA Eisteddfod Licence is limited to performances which occur during the competition process and any "showcase" concerts where admission fees are charged would need to be licensed under APRA's Casual Licence (licence fees for Casual Licences vary depending on the size of the event, but are subject to a minimum annual fee of \$55.00 inclusive of GST).

### ***Playing protected sound recordings (PPCA licence)***

PPCA is the Phonographic Performance Company of Australia. They license the public performance of sound recordings on behalf of their licensors and registered artists.

If the venue is currently unlicensed by PPCA, then the eisteddfod organisers need to take out an Events and Festivals Licence (Tariff B) from PPCA. There is a sliding scale of licence fees payable based on the size of the venue. Therefore obviously larger scale eisteddfod organisations will need to pay more than smaller ones.

This licence application may be downloaded from [www.pcca.com.au/licences](http://www.pcca.com.au/licences)

### ***Photocopying or reproducing literary, dramatic or artistic works (CAL licence)***

Eisteddfods sometimes reproduce copyright material in syllabuses or competition rule booklets. This could include excerpts from literary or dramatic works, or sometimes copies of artistic works including copies of photos, cartoons or drawings. In these situations, the eisteddfod organisation would most probably require a licence from CAL (the Copyright Agency Limited) to reproduce any copyright print material of its members (as outlined in CAL's directory of authors and publishers).

CAL offers an Association Licence for eisteddfods and competition organisers to photocopy or reprint copyright literary, dramatic or artistic works. This licence is offered to non profit organisations.

CAL's Association Licence covers paper-based copying, eg; photocopying, but does not cover digital copying for the purpose of data storage or retrieval. Copies may be made under this licence of works in newspapers or magazines (of CAL's members works) and up to 10% of a journal article or book.

In 2005, the minimum licence fee is \$50.00.

CAL may also require the eisteddfod organisation to keep records of copied works for a short period as part of a survey, in order to be able to distribute royalties to copyright owners of copied works from licence fees collected.

If an eisteddfod organisation wishes to copy a literary, dramatic or artistic work which is not represented by CAL for the purpose of this licence, then the eisteddfod organisation will have to seek direct permission from the copyright owner (publisher or author) of the work.

### *Supplying photocopies of set works to competitors*

Eisteddfod organisers sometimes choose set works to be performed in speech, drama, dance or musical sections of the competition. Usually it is the responsibility of the individual competitor to locate a legal copy to be performed at the eisteddfod or competition, but sometimes eisteddfod organisations themselves supply copies to the competitors.

Where the eisteddfod supplies copies of literary, dramatic or artistic works to competitors for this purpose to competitors, it will be covered under the CAL Association Licence held by the eisteddfod (assuming it is within CAL's repertoire).

In the case of the eisteddfod supplying photocopies of **musical works** to competitors – this is not covered by the CAL licence and permission must be obtained from the relevant copyright owner of the musical work or edition. (Contact APRA for advice.)

It is always advisable for eisteddfod organisations to check the availability of set works prior to the publication of syllabuses, in case there are problems of availability. This is particularly so with regard to print music.

### *Making recordings of performances at eisteddfods - audio or video*

Eisteddfod organisations make recordings (in audio or video format) of performances for the following possible purposes:

- archive recordings;
- sale/supply to individual competitors and/or the general public;
- for critical review by adjudicators, where the report is given to the competitor after having listened to the recording; and
- publicity recordings.

Some eisteddfod organisations contract a professional video operator to make recordings of some or all of the performances.

The first copyright issue to recognise is that the performer(s) consent must be given prior to the making of a recording. This need not be done on an individual basis if competitors are sufficiently made aware that their performances may be recorded. (For this to apply, warning should be made in all eisteddfod documents such as the syllabus and application forms.)

Secondly, whoever makes or authorises the making of the recording is responsible for taking out the relevant licence. Usually professional video operators take out an annual AMCOS/ARIA video licence to cover such recordings.

If you are making a recording you will need to take out an AMCOS manufacture licence if the recording contains one or more copyright musical works within AMCOS' repertoire. AMCOS represents the vast majority of music copyright owners for mechanical rights, however, if it is a work that AMCOS does not represent, you will need to obtain permission for this separately.

Sound recordings of music may not be copied without the permission of the record company that owns the copyright in the sound recording, and an AMCOS manufacture licence, although in the majority of cases, permission to copy the sound recording will not be granted if the recording is commercially available.

# PART C: COPYRIGHT ISSUES FOR COMPETITORS

## **PRINT MUSIC**

### **(i) Photocopying**

To put it quite simply - competitors are responsible for clearing copyright where necessary or performing from original published editions of music. This is NOT the responsibility of the eisteddfod organisation, but it remains the responsibility of the **individual competitor**.

It is illegal (unless an exception to copyright applies) to make a photocopy of a piece of music that is in copyright, without obtaining prior permission from the copyright owner. If it is necessary to make a copy, for instance, in the case of an out of print work, then plenty of time must be allowed to obtain permission from the copyright owner. Just because something may be *out of print* it does not mean that it is necessarily *out of copyright*, so permission may still be required.

Competitors in an eisteddfod or other music competition must complete *Form No.1* from the *Appendix*. This must be completed and handed in to the eisteddfod organisers prior to performing. This form is like a statutory declaration, where the competitor declares that they are either performing from original published editions of music or in the case of a photocopy, that the photocopy has been authorised by the copyright owner, or is out of copyright. Eisteddfod organisers have a right to refuse competitors who do not comply with the completion of this form.

For competitors under the age of 18, their parent/guardian or even teacher may complete the form on their behalf.

Schools that are covered by the AMCOS licence may use their licensed copies in eisteddfod performances, as long as they have been made in accordance with the limits of the licence from originals owned by the school or teacher and are properly marked.

### ***Out of print/unavailable works***

Firstly, allow plenty of time to select and learn appropriate repertoire for the eisteddfod competition. If someone tries to get permission to make a photocopy the day before an eisteddfod performance it is pretty obvious that in most cases like this they have been practising from an illegal photocopy.

If you do find that a piece of music is out of print or unavailable, either choose something else to learn and perform or contact the copyright owner for permission to make a copy. If the publisher agrees to allow you to make a copy, they may charge for this right to make it a legal copy. This would then allow you to use the licensed copy in the eisteddfod and it would be treated in exactly the same way as an original piece of published print music. Please make sure that you take the letter authorising the copy to the eisteddfod performance for verification.

### **(ii) Arranging**

If a competitor wishes to arrange an existing copyright work, they will need to obtain prior permission from the copyright owner of this work. That is because it is an exercise of the adaptation right (one of the exclusive rights of a copyright owner.) Any competitors wishing to make their own arrangement must seek permission and provide a letter of authorisation to the eisteddfod organisation if necessary.



Obviously making an arrangement of a non copyright work will not require permission, for example, if you wanted to make an arrangement of "Advance Australia Fair" by McCormick, which is in the public domain, you will not need permission, unless you wish to base your arrangement on an existing copyright arrangement.

### **(iii) Changing lyrics**

Any change of lyrics of a copyright song will require permission from the copyright owner. Do not assume that this will be agreed to by the publisher, so allow plenty of time prior to the eisteddfod performance to contact the copyright owner.

In all instances where permission must be obtained from the copyright owner, contact APRA's print music department if you need further advice or contact details of music publishers.

### **(iv) Adjudicator copies**

The music publishers listed in the *Appendix* have agreed that it is reasonable for competitors to make a single photocopy of a piece of print music to be handed to the adjudicator so that they can follow the music during the performance if and only if the competitor is performing from the print music. If the competitor is performing from memory, there is no need to make the photocopy and the original music should be handed in to the adjudicator and afterwards returned to the competitor.

*Form No. 2* from the *Appendix* must be completed and handed in with the photocopy to the adjudicator.

*Please note that eisteddfod organisations must destroy the copies afterwards and not return them to the competitors.*

### **(v) Accompanist copies**

The *Appendix* lists the music publishers that have agreed in principle that competitors in eisteddfods are permitted to make a free copy of an accompaniment to be used by the accompanist in the eisteddfod performance, if the accompanying part is printed on the same page as the solo or ensemble part that they are accompanying. This means that if the accompaniment is published in a separate booklet to the solo part, then there is no need to make a photocopy and no such copy should be made.

*Form No. 5* from the *Appendix* must be completed.

## **SPEECH AND DRAMA**

*(Also see section in Part B: Photocopying or reproducing literary, dramatic or artistic works – CAL licence)*

### **(i) Making a photocopy for use in an eisteddfod**

If a competitor makes a photocopy of a work or edition that is still protected by copyright, they will need to check to see if their eisteddfod organisation has a CAL Association's Licence. If it does, then a competitor may make a copy of a literary, dramatic or artistic work if it is part of CAL's repertoire. To find out if it is covered, you would need to consult CAL's Directory of Authors and Publishers.

If the work or edition is not covered by the licence, or if the eisteddfod organisation does not have a CAL Association's Licence, the competitor will need to seek direct permission from the copyright owner of the material. In most cases this will be the publisher of the work. Contact CAL for further advice.

### **(ii) Performing extracts of literary or dramatic works in an eisteddfod or competition**

If a competitor 'performs' an extract of a reasonable length of a literary or dramatic work, such as an excerpt from a poem, novel or play, then the performance of this extract will not require the permission of the copyright owner, and is covered by an exception in the Copyright Act.<sup>6</sup>

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<sup>6</sup> Section 45 of the Copyright Act.

## **MAKING & USING RECORDINGS IN EISTEDDFOD PERFORMANCES**

The playing of sound recordings has already been covered under the topic of the obligations of eisteddfod organisations. However, the actual making of recordings in either audio or video format will require a licence if copyright material is being recorded.

### **(i) Are recordings permitted to be made?**

The prior permission of the performer(s) must also be obtained before making an audio or video recording of the performance.

Many eisteddfod organisations forbid the making of audio or video recordings of performances at competitions. That is their prerogative. If the rules do not allow the making of recordings, you must follow these rules.

#### *Audio recordings*

The Australasian Mechanical Copyright Owners' Society (AMCOS) licenses the making of recordings of copyright music on behalf of its composer and music publisher members. Audio reproductions may be made under the AMCOS Audio Manufacture Licence, and royalties are payable according to a formula. (This licence application may be downloaded from [www.apra.com.au/licences](http://www.apra.com.au/licences).)

Anyone wishing to make a copy of a sound recording of music, eg. copying tracks from a CD, will definitely need prior permission from the record company that owns the copyright in the sound recording (which is unlikely to be given, especially if the recording is commercially available) - [contact ARIA for advice] - in addition to a Manufacture Licence for the copying of the musical works from AMCOS.

### **(ii) Video recordings made by eisteddfod organisations or participant's families**

The making of a video recording of a performance in an eisteddfod may involve the copying of a copyright protected work and/or sound recording. For example, if your daughter was performing "Hey Jude" by Lennon/McCartney on recorder at the eisteddfod and you wanted to make a video recording of her performance, this would involve the reproduction of the copyright protected musical work and would require an AMCOS/ARIA video licence.

The reproduction of AMCOS musical works and ARIA sound recordings by eisteddfod members (or families of eisteddfod participants) can currently be covered by the AMCOS/ARIA Domestic Use Video Licence (Single Event), providing videos are made for supply to the students and their families for their private, domestic viewing only. Likewise this licence could cover any eisteddfod videos made by the eisteddfod members for archival purposes.

*PLEASE NOTE: any video recordings of works in a dramatic context or of 'grand right' works (eg; musicals) would be subject to the approval of the individual copyright owners (ie; the publishers). AMCOS does not have the mandate to license the video recording of 'grand right' works. Furthermore, AMCOS' (video) licence may be subject to recording restrictions imposed by the venue at which the event occurs, and over which AMCOS has no control.*

## **BALLET & DANCE**

Dance schools may have a joint AMCOS/ARIA licence which permits the making of audio recordings or the copying of existing recordings for ease of cuing purposes, for example, to be used as backing tracks for a performance. Dance schools that have made a recording under the AMCOS/ARIA dance school licence may need to quote their licence number to the eisteddfod to prove that their recordings have been made legitimately under this licence.

## APPENDIX: FORMS AND FURTHER INFORMATION

### *(i) Checklist for eisteddfod organisations*

Please check the following in relation to your eisteddfod's activities:

- Photocopies, prints or in another way reproduces excerpts from literary, dramatic or artist works (CAL licence)
- Publicly performs music (APRA licence)
- Publicly plays sound recordings of music, eg; CDs (PPCA & APRA licences)
- Photocopies print music (contact AMCOS)
- Makes audio recordings (AMCOS)
- Makes video recordings (AMCOS/ARIA - contact AMCOS)



**(ii) Forms for competitors**

The following are standard forms to be used in conjunction with photocopies to show that they have been made under this guide.

These forms may be photocopied, or downloaded from [www.apra.com.au](http://www.apra.com.au) (the guide forms will be made available on our website as pdf files).

**FORM NO. 1**



**Performer's Declaration Form for Eisteddfods and Music Competitions**

This is to certify that I, ....., will be performing in the .....  
(name of Competition)  
..... eisteddfod/music competition/music festival in section(s) number(s) from: .....

- (a) an original published edition of music; or
- (b) a photocopy, transcription or arrangement of music accompanied by a letter from the music publisher either:
  - (i) authorising the photocopy, transcription or arrangement; or
  - (ii) stating that the work and edition are no longer protected by copyright (that is they are in the public domain).

in accordance with Clauses 2 and 10 of APRA | AMCOS' "A Practical Copyright Guide to the Use of Print Music in Australia" Third Edition 2006.

.....  
Signature Date

If you have any queries regarding this form please contact the Educational Licensing Department on (02) 9935 7900.  
This form is also available from [www.apra.com.au](http://www.apra.com.au)

**FORM NO. 2**



**Temporary Copy for the Use by an Adjudicator in an Eisteddfod/Music Competition**

This is to certify that this photocopy has been made by  
.....  
from their own published edition of the musical work, in reliance on Clauses 10.8 and 18 of APRA | AMCOS' "A Practical Copyright Guide to the Use of Print Music in Australia" Third Edition 2006.

.....  
Signature Date

The photocopy is to be destroyed by the Eisteddfod/Music Competition committee at the conclusion of the section and may not be handed back to the competitor.  
If you have any queries regarding this form please contact the Educational Licensing Department on (02) 9935 7900.  
This form is also available from [www.apra.com.au](http://www.apra.com.au)





## FORM NO. 3

### Temporary Copy for the Use by an Examiner

This is to certify that this photocopy has been made by

.....  
from their own published edition of the musical work, in reliance on Clause 12 and 21 of APRA | AMCOS' "A Practical Copyright Guide to the Use of Print Music in Australia" Third Edition 2006.

.....  
Signature

.....  
Date

The photocopy is to be destroyed by the Examiner at the conclusion of the examination and may not be handed back to the candidate.

If you have any queries regarding this form please contact the Educational Licensing Department on (02) 9935 7900.

This form is also available from [www.apra.com.au](http://www.apra.com.au)



## FORM NO. 4

### Orchestral and Band Auditions

This is to certify that the attached photocopies of orchestral parts have been made from original published editions of the musical works owned and copied by

..... / ....  
(name/auditioning body)

in reliance on Clauses 10.10, 10.11 and 20 of APRA | AMCOS' "A Practical Copyright Guide to the Use of Print Music in Australia" Third Edition 2006, for use in the preparation for an audition and in the course of the audition. These excerpts must be handed back to the audition panel at the conclusion of the audition process and this form should remain attached.

.....  
Signature

.....  
Date

No copies are to be made from published books of orchestral excerpts, without permission from the relevant publishers.

If you have any queries regarding this form please contact the Educational Licensing Department on (02) 9935 7900.



**FORM NO. 5**

**Temporary Copy for the Use by an Accompanist in an Eisteddfod/Music Competition**

This is to certify that this photocopy has been made by:

.....  
(the competitor)

from their own published edition of the musical work, in reliance on Clauses 10.2 and 19 of APRA I AMCOS' "A Practical Copyright Guide to the use of Print Music in Australia" Third Edition 2006.

.....  
Signature

.....  
Date

This form is to be attached to the music during the music competition performance.

The photocopy is to be handed back to the competitor by the accompanist at the conclusion of the competition and destroyed by them.

If you have any queries regarding this form please contact the Educational Licensing Department on (02) 9935 7900.

This form is also available from [www.apra.com.au](http://www.apra.com.au)

### (iii) List of music publishers that agree to the principles in this guide

The music publishers listed below agree to the terms contained in this guide.

1. Alfred Publishing Australia	Cherry Lane	5	Lenono Music	4
2. AMPD	Cherry River	5	Magnetic Publishing Ltd	4
3. Brolga Music	Chrysalis Music	11	Margaret Brandman Music	11
4. EMI Music Publishing Australia	Colgems-EMI Music Inc.	4	Universal/MCA Publishing	11
5. Hal Leonard Australia	CCP Belwin Inc.	2	Modern Music Craft	10
6. Fable Music	D. Davis & Co.	4	Morton Music	10
7. J. Albert & Son	Disney Publications	5	MPL Communications	4
8. Neil A. Kjos Music	Dorsey Bros Music	11	Mushroom Music	11
9. Modern Music Craft	Hal Leonard/Editio Musica Budapest	5	Music Sales Pty Ltd	11
10. Morton Music	Edward B. Marks	7	Neil A. Kjos Music	11
11. Music Sales Pty Ltd	Edwin H. Morris & Co.	11	Nightlight Music	11
12. Origin Network	EMI April Music	4	Novello	11
13. Peer Music	EMI Blackwood Music	4	Orpheus Publications	1
14. Universal Music	EMI Catalogue Partnership	4	Paul Simon Music	11
	EMI Music Publishing	4	Pink Floyd Music Publisher	4
	EMI Songs	4	Queen Music Ltd	4
	EMI Virgin Music Publishing	4	Queenwood Publications	11
	Essex Music	14	Realsongs	4
	Estate of Irving Berlin	11	Rodgers & Hammerstein	5
	Faber Music Ltd	1	Rondor Music	5
	Fable Music	4	Rubank Publications	5
	Famous Music	5	Screen Gems-EMI Music Inc.	4
	Festival Music	11	Shapiro Bernstein & Co.	1
	Frankdon Music	13	Shawnee Press Inc.	11
	Hal Leonard/G. Ricordi & Co.	5	Sony Music	11
	G. Schirmer Inc	11	Southern Music Publishing	11
	Gibb Bros Music	11	The Integrated Copyright Group	12
	Gladys Music (Elvis Presley)	4	Universal Music Publishing	11
	Hal Leonard/Glocken Verlag	5	W. H. Paling	4
	Gordon V. Thompson	1	Wallaby Music	1
	Hal Leonard Publishing Corp	5	Walton Music	5
	Highland Etling	1	Warner Bros Music	1
	Hit and Run Music	4	Warner Chappell Music	1
	Impulsive Music	4	Wise Publications	11
	Intersong Pty Ltd	1	Yorktown Music Press	11
	Jenson Publications	5		
	Jobete Music/Stone Diamond	4		
	Joel Songs	4		
	Hal Leonard/Josef Weinberger	5		
	Kevin Mayhew	5		
	Larrikin Music	11		
	Lawson Gould	1		
	Leiber Stoller Music	11		

*Note: Cross reference the number with the sub-publishers below.*

#### Sub-publishers

Abkco Music	4
Alain Boubil Music	11
Alfred Publishing Australia	1
Allans Educational	2
EMI Allans Music	4
AMEB Publications	2
AMPD	2
AMSCO	11
Hal Leonard/Anglo-Soviet Music Press Ltd	5
Bacalunga Music	1
Belinda Music	4
Blackbull Music	4
BMG Music	11
Bob Dylan Press	11
Boosey & Hawkes Pty Ltd	5
Bosworth	11
Brolga	3
Bourne Inc./Ltd	11
Campbell Connelly	11
Carl Fischer	4
Castle Music	4
Charisma Music	4

**(iv) Music societies and the rights that they license**

<b>MUSIC SOCIETIES &amp; RIGHTS</b>	<b>MUSICAL WORK</b>	<b>SOUND RECORDING</b>
<b>PERFORMANCE RIGHT</b> – performance in public – communication	<b>APRA</b> (Australian Performing Right Association)	<b>PPCA</b> (Phonographic Performance Company of Australia)
<b>MECHANICAL RIGHT</b> – CD manufacture – downloads – synchronisation rights – general reproductions	<b>AMCOS</b> (Australian Mechanical Copyright Owners' Society) or music publisher	<b>ARIA</b> (Australian Record Industry Association) or record company

**(v) Licensing rates for 2006****APRA***Eisteddfod Licence*

The GST inclusive rate from 1 December 2005 is \$66.29.

**AMCOS***Audio Manufactures Licence*

Fee is based on a formula (Licence application may be downloaded from [http://www.apra.com.au/music-users/making\\_records/audio\\_manufacture\\_licence\\_application.asp](http://www.apra.com.au/music-users/making_records/audio_manufacture_licence_application.asp)).

*Domestic Use Licence – Single Event (Video)*

<b>Standard format (any format)</b>	
1 to 5 copies:	\$47.30
6 to 20 copies:	\$47.30 for the first five copies, plus \$6.00 for each extra copy up to and including 20 copies.
21 + copies:	\$137.30 for the first 20 copies, plus \$5.00 for each extra copy.

Each event must be licensed under a separate licence agreement. If you video multiple events each year, the annual licence (see below) may be more appropriate.

*Audio Licence (Video)*

Standard format (video and DVD only). . . . . Annual licence fee: \$401.50  
Standard plus CD-ROM (video, DVD and CD-ROM). . . . Annual licence fee: \$590.70

*AMCOS/ARIA Dance Schools Licence*

The calendar year fee for 2006 is \$3.57 per student with a minimum fee of \$42.90.

**CAL**

<b>Number of Competitors, per Annum, for each AESA Member</b>	<b>Annual CAL Licence Fee (excluding GST)</b>
0 – 200	\$53.50
201 – 500	\$107.00
501 – 1,000	\$160.50
Over 1,000	\$535.00



## PPCA

PPCA licences and rates are all GST inclusive applicable from 1 July 2006

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### Tariff "A"

#### Licenses

- Open air events (including carnivals, fetes, garden parties and similar events);
- School or church concerts
- Dance academy concerts
- Motivational speakers

Annual Fee – \$113.63

#### Single event licences/Permits

Licenses are granted to cover a single event in the categories as stated above.

Annual Fee \$49.39 per event

*(dependent upon usage and audience)*

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### Tariff "X"

#### Concert Venues

Where protected sound recordings are used as a means of entertainment of patrons, including breaks in live performances.

Calculated at \$2.75 per event (ie; number of days/nights of operation) for each 1,000 persons (or part thereof - up to the next 1,000) for the room or venue's capacity.

Minimum fee – \$49.39

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### Tariff "DD"

To cover the use of protected sound recordings for

- **Live Performance Groups;**
- **Dance Companies; and**
- **Live Performance Promoters.**

Live Performance Groups, Dance Companies – \$107.14 (per group)

Live Performance Promoters

Calculated at \$1.034 (ie; 103.4 cents) per 100 persons (or part thereof - up to the next 100) per event or (estimated attendance).

Minimum Fee – \$69.52

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### Tariff "C"

To cover the use of protected sound recordings in:

- **Cinemas and Legitimate Theatres; and**
- **Cinemas / Film Exhibitors**  
*(to cover the public exhibition of films containing protected sound recordings, regardless of premises or format)*

Fee – \$250.25

#### Legitimate Theatres\*

(i) Legitimate Theatres – \$64.13

(ii) Legitimate Theatres (for performances up to twice per week) – \$49.39

\* A separate fee is payable for each theatre/cinema in a multi-theatre/cinema complex.

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## ***(vi) Contact details for further information***

### **Licensing Organisation:**

- **Australian Record Industry Association (ARIA)**  
*Email: [licensing.mail@aria.com.au](mailto:licensing.mail@aria.com.au)*
- **Australasian Performing Right Association (APRA)**  
APRA General Licensing  
*Email: [licence@apra.com.au](mailto:licence@apra.com.au)*
- or contact the representative in your regional area.

#### **APRA Head Office contact details:**

Tel: 02 9935 7900 *For client services 1300 852 388*

Fax: 02 9935 7790

Post: Locked Bag 3665 St Leonards NSW 1590

*web: [www.apra.com.au](http://www.apra.com.au)*

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### **Copyright Agency Limited ( CAL )**

*Client Relations Department*  
Level 15, 233 Castlereagh Street  
Sydney NSW 2000 Australia

Tel: +61 2 9394 7600 Fax: +61 2 9394 7601

*Email: [services@copyright.com.au](mailto:services@copyright.com.au)*

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### **Phonographic Performance Company of Australia Ltd (PPCA)**

ACN 000 680 704

19 Harris St Pyrmont NSW 2009  
Box Q20 QVB PO Sydney NSW 1230

Tel: (02) 8569 1111 Fax: (02) 8569 1183

*Email: [Licensing.mail@ppca.com.au](mailto:Licensing.mail@ppca.com.au)*

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### **Legal & copyright advice:**

#### ***Australian Copyright Council***

For free legal and copyright advice, the Copyright Council has a wide range of information sheets which may be downloaded from their website [www.copyright.org.au](http://www.copyright.org.au), as well as more detailed booklets available for purchase.

#### *Postal address:*

PO Box 1986  
Strawberry Hills NSW 2012 Australia

#### *Street Address:*

245 Chalmers Street  
Redfern NSW 2016 Australia

Tel: +61 2 9318 1788 (*copyright information*)  
+61 2 9699 3247 (*admin & sales*)

Fax: +61 2 9698 3536

#### ***Arts Law Centre of Australia***

The Arts Law Centre is the national community legal centre for the arts. It provides legal services such as free advice and sample contracts.

Arts Law Centre of Australia  
The Gunnery, 43-51 Cowper Wharf Road  
Woolloomooloo NSW 2011

Tel: (02) 9356 2566 Toll Free: 1800 221 457

Fax: (02) 9358 6475

*Email: [artslaw@artslaw.com.au](mailto:artslaw@artslaw.com.au)*

*Website: [www.artslaw.com.au](http://www.artslaw.com.au)*

***(vi) Contact details for further information (continued)***

**Playing copyright music (APRA licence)**

The Australasian Performing Right Association (APRA) represents composers, lyricists and music publishers and licenses the public performance and communication of musical works on their behalf.

APRA offers an annual licence agreement for eisteddfod organisers which permits the playing or public performance of copyright music (either live or embodied in a recording) used in the competition (with the exception of the performance of 'grand right' works, for example, performing an entire musical). The responsibility for obtaining an APRA licence agreement rests with the event organiser. If you are organising an eisteddfod or other competition or event where music is being publicly performed, then it is your responsibility to obtain the necessary APRA licence. The annual licence fee (2006) for the APRA Eisteddfod Licence for musical performances occurring during competitions is \$66.29 (including GST). A copy of the licence application may be downloaded from:

[http://www.apra.com.au/music-users/events/other\\_licences.asp](http://www.apra.com.au/music-users/events/other_licences.asp)

The APRA Eisteddfod Licence does not cover the performance of musical works performed in a dramatic context. For further advice about this, please contact APRA's Theatrical Licensing Representative.

Please also note that the APRA Eisteddfod Licence is limited to performances which occur during the competition process, and any "showcase" concerts where admission fees are charged would need to be licensed under one of APRA's casual licence agreements (licence fees for Casual Licences vary depending on the size of the event, but are subjected to a minimum annual fee of \$55.00, inclusive of GST).

