Introduction

Here at APRA|AMCOS we understand the importance of music in education. In the cases of many professional musicians, school is where their love of music began and grew, and we strongly believe in fostering the arts from an early age.

To ensure that teachers and students get the most that they possibly can out of music in their school, APRA, AMCOS and ARIA have implemented three blanket licences to cover the main music uses in schools today.

**APRA Schools’ Licence: Public performance of copyright music**

**AMCOS Schools’ Licence: Photocopying and reproduction of copyright music**

**APRA|AMCOS/ARIA Schools’ Licence: Music recordings and access**

This guide is designed to give teachers an overview of these three licences and also outline some potential music uses that fall outside the scope of each licence.

All government schools are covered by these three licences, but independent and Catholic schools have to opt in through their peak governing body. Contact us or your school’s copyright manager if you are not sure whether your school is covered.

What is Copyright?

Copyright law in Australia is federal law, established by the Australian parliament. It protects literary, artistic, dramatic and musical works as well as subject matter such as sound recordings.

Copyright law protects different elements in a song. Lyrics are protected as a literary work, compositions as a musical work and sound recordings as subject matter. Sections 31 and 85 of the *Copyright Act (1968)* give a number of rights to creators of original works and sound recordings respectively. These rights include the right to:

- Reproduce the work or sound recording;
- Publish the work;
- Communicate the work or sound recording;
- Publicly perform the work or sound recording; and
- Adapt the work.

If you want to use a copyright protected work or sound recording in any of these ways, you need to have a relevent licence or be covered by a copyright exception.
How Long Does Copyright Last?

According to the Copyright Act, a work is in copyright from the moment it is written down until 70 years after the death of the creator of that work. Before 2005, the duration of copyright was from the moment it was committed to a physical form until 50 years after the composer’s death.

Works that went out of copyright under this 50 year duration, such as those by Bela Bartok, remained out of copyright, even though he died in 1945. So the general rule is if the creators died before 1955 the work will likely no longer be protected by copyright.

Arrangements of musical works are protected in this same way.

Published editions, however, are protected by their own copyright for 25 years from the date of publication. This means that a recent publication of a work may be protected even though the work it contains is out of copyright (in the public domain).

A sound recording is protected by copyright for 70 years from the end of the year in which it was published.

Copyright doesn’t protect a mere idea. The duration of copyright only applies once an idea is committed to a physical form.
The APRA Schools’ Performance Licence

The APRA Schools’ Performance Licence covers the public performance of copyright musical works whether they are performed in a live or pre-recorded context. These performances can be for educational purposes or at any event connected with the activities of the school.

A few examples that fall within the scope of the licence are:

- Performances by school groups such as the band or choir at assembly;
- Class performances for parents and friends in the school hall;
- Performing arts evenings (if you are using dramatic elements, see Dramatic Context below);
- School musicals (there are a number of restrictions on this though, see Dramatic Context below);
- Participating in events such as the State Schools Spectacular; and
- Using music on the school telephone system when callers are on hold.

No licence is required for the performance of music in a service of worship.

Works in a Dramatic Context

If you are performing a school musical, it is important to determine if it is a Grand Right Work or a work in a Dramatic Context. The difference between the two is:

**Grand Right Works** – Works where the music and lyrics were written expressly for use in that context. For example, *Summer Nights* was written only to be used in the musical *Grease* and no other context.

**Works in a Dramatic Context** – Performances incorporating acting, costumes, sets and dialogue in conjunction with music, such as a school-written show using popular songs as the musical accompaniment.

If you are performing a Grand Right Work, you need to seek a licence to do so from the copyright owner as this is not something APRA has the right to licence and is therefore not covered by the APRA Schools’ Performance Licence.

However, if you are performing a work in a Dramatic Context you may fall within the scope of the licence.

Primary schools that are covered by the APRA Schools’ Performance Licence are able to perform works in a Dramatic Context without further approval from APRA or additional licensing. Secondary schools, however, must satisfy two limitations. The licence will not cover the performance where:

(a) admission fees are charged; and

(b) the performance is advertised or promoted outside of the school community.

A secondary school can do either of these things and still be covered by the licence, but they cannot do both. If you decide you want to charge admission and advertise the performance outside the school community, this is a production held for commercial purposes and you will need to contact our **Theatrical Licensing Department** to license your event.
Limitations on the APRA Schools’ Performance Licence

While the APRA Schools’ Performance Licence endeavours to cover the majority of music uses within a school, there are some circumstances in which you will need to seek further licensing or approvals.

Some of these situations are outlined as follows:

Performing a **Grand Right Work** is not covered by the licence and you will need to contact the copyright owner directly to be able to perform it. If you need help tracking down the correct copyright owner for the Grand Right Work you wish to perform, contact our [Theatrical Licensing Department](#) on 03 9426 5200.

If you want to perform a copyright **choral work that is over 20 minutes** in duration you will need to contact the publisher for permission to do so. You may perform part of a large choral work, as long as you do not exceed this 20 minute limit.

If you are giving a performance for the purpose of **making a profit** which is not going back to the school or to a charitable cause, you will need to get an Event Licence from our [Licensing Services Department](#). Email [licence@apra.com.au](mailto:licence@apra.com.au) for more information.

The AMCOS Schools’ Print Music Licence

Schools are lucky in that they are the only institutions that can obtain a blanket photocopying licence. In all other cases, AMCOS has no mandate to license photocopying on behalf of copyright owners and permission needs to be sought directly from the publisher or composer representing the print rights in that work.

The AMCOS Schools’ Print Music Licence was developed by the AMCOS Board of Directors in conjunction with a number of publishers to cover the use of print music in the school environment. This licence essentially ‘tops-up’ the limited statutory provisions provided for in the [Copyright Act](#) by allowing copying by teachers for educational purposes.

**Making Photocopies**

Under this licence, teachers are able to make a limited number of photocopies of a musical work for each original score they own.

The following table outlines how many copies you can make per original by type of music.
An Example

If you have an orchestra of 45 students and you want to make a performance folder copy of Aaron Copland's *Hoe-Down* from *Rodeo* for each student, you would need to purchase two original orchestral sets. This would cover you to make 60 copies overall, meaning you would still be able to provide each student with a copy and still make another 15 if you needed to, without buying another original.

If you then wanted to make another 45 copies of the parts for the students to take home as practice copies, you would need to purchase one more original orchestral set which would cover you for another 30 copies, in addition to the 15 left over from the last two purchased originals, bringing the total copies allowable to 90.

Dealing with Copies

Under this licence, each copy made is the property of the licensed school that made the copy.

Lost copies

Schools can replace copies that have been lost, stolen or destroyed as long as the number of copies still does not exceed the number allowed per original.

Lending Copies

Copies should not be lent to anyone except students or staff members of the school. It is important to remember that copies are the property and responsibility of the school that makes them, so be sure to keep track of who you have lent them to! Copies cannot be used by parents.

Making Transcriptions and Transpositions

The AMCOS Schools’ Print Music Licence allows you to make both transcriptions of the lyrics and melody line, and transpositions of the score as long as you own the original. So you cannot transcribe a song by ear and notate it. You must buy the original score first and transcribe from that. You can do this by hand or using computer software. The same copy number limitations apply to copying transcriptions and transpositions as to photocopying (i.e. a limited number per original).
Marking Requirements

As part of the conditions of the AMCOS Schools’ Print Music Licence Agreement, all originals and copies must be marked. This can be handwritten or stamped.

Each copy must be marked with the following:

- AMCOS Licensed Copy
- Name of school
- Date copied
- Where the owner of the original is not the school the name of the member of staff who owns the original from which the copies were made.

Each original must be marked with the following:

- AMCOS Licence – [Number] copies made
- Name of school
- Date when copies were made

Out of Print Works

If a musical work is out of print you need to seek written advice from the publisher notifying you that it is no longer commercially available. Once you have this you can copy up to 30 copies for a primary school and 15 for a secondary school.

Limitations on the AMCOS Schools’ Print Music Licence

There are some limitations to the AMCOS licence that are important to note. These limitations are outlined below:

If you are making arrangements, adaptations, debasements or varying copyright works in any way, you need to have permission and licensing from the copyright owner. This also applies if you are changing or adding lyrics to a work.

This licence does not cover photocopying for external exams or by private music teachers or tutors who operate out of the school. These kinds of photocopying are not covered by any blanket licence and need to be licensed directly through the copyright owner.

You cannot copy entire Grand Right Works (although up to three songs may be copied, as discussed above) under this licence and should use scores provided to you from the Grand Right owner on purchasing the right to perform the work.

If your use doesn’t fall under the AMCOS Schools’ Print Music Licence, or any statutory exceptions (see www.smartcopying.edu.au for more information on exceptions) we can help put you in touch with the copyright owner. Email a list of composer/arranger/lyricist and title details to schools@apra.com.au for more information.
The APRA|AMCOS/ARIA Schools’ Music Recordings and Access Licence was developed by APRA|AMCOS and ARIA (the Australian Recording Industry Association) to cover the use of audio and audio-visual resources in schools. It gives teachers the right to make audio and video recordings which they can then copy and distribute or upload to the school’s Intranet system.

**Audio Recordings**

Schools are permitted to make audio recordings of music that are intended to be played at a school event, are of a school event, are for students to analyse as part of a course of instruction, or for inclusion in an electronic presentation.

Recordings in this circumstance can mean ARIA Sound Recordings (a list of the participating record labels and companies can be found at [www.aria.com.au](http://www.aria.com.au)) or recordings of performances made by the school, for example recording the school choir at the Performing Arts Showcase night.
Video Recordings

Schools can make video recordings of school events, recordings of music that are to be played at school events and recordings of music for educational purposes in a course of study.

The APRA|AMCOS/ARIA Schools’ Music Recordings and Access Licence also allows parents of students or other members of the school community to make video recordings of school events for their own private and domestic use, for example a memento of a Year 12 Graduation Ceremony.

Students are able to use music in films for educational purposes, such as multi-media courses and also for use at school events, such as an anti-bullying presentation to be shown in an assembly. This licence does not, however, permit students, teachers or schools to upload these recordings to the Internet, or enter them in festivals, competitions or any other public screenings. To be able to do this, a synchronisation right would be needed from the copyright owners of the works and sound recordings.

To get permission to use copyright music in a publicly screened or accessible manner you need licensing for the synchronisation right from the copyright owner. Email mechres@apra.com.au for assistance in getting in touch with the copyright owner of the works, and licensing.mail@aria.com.au for the use of the commercial sound recordings.

Selling Recordings

Under the licence, schools are permitted to supply recordings either to the school community for their own private and domestic use or to other schools covered by this licence for their educational purposes. They can supply these recordings to students or other schools either for no charge or at the direct cost of reproduction and supply or to the school community to recover costs of staging the event. If you are providing the recordings for profit, further licensing and copyright permission will be required.

Any copy of a recording that you make needs to have the following notice on it:

- This recording has been made under a licence from APRA|AMCOS and ARIA for educational purposes only; and
  - (i) [the title of the musical work];
  - (ii) [the name of the composer and arranger of the musical work];
  - (iii) [if the recording contains an ARIA Sound Recording, the artist/group name and the record company label].

Please note that no advertising or promotional material may be on the recording or its packaging.

Schools may retain a copy of their recordings for archival purposes.

The School Intranet and Website

If your school has a password and login protected intranet server (content repository), the APRA|AMCOS/ARIA Licence will cover you to upload both audio and audio-visual recordings made under the stipulations above to that server for remote access by staff, students and distance education students.

Schools may also make live communications – streaming only – of school events from their website. For example, streaming the Performing Arts Showcase for parents unable to attend in person.
Limitations on the APRA|AMCOS/ARIA Schools’ Music Recording and Access Licence

With the rapid manner in which technology is advancing today, it can be difficult when implementing an agreement to predict the ways schools will be using new technologies in the future. Therefore there are a number of limitations on the APRA|AMCOS/ARIA Schools’ Music Recording and Access Licence that were put in place to give the licence a definite and clear scope.

These limitations are outlined below:

You will need to contact the APRA|AMCOS Broadcast and Online department and PPCA if you plan to **publicly broadcast** any recording, for example, on a publicly accessible school radio station, an online radio or video portal, or any other similar means. Email bcast@apra.com.au and business.affairs@ppca.com.au for more information.

If you plan on uploading any recordings to the **internet for download**, you will need further licensing to do so. Contact digital@apra.com.au for more information. To upload commerically available sound recordings requires the permission of the copyright owner as well.

If you want to **record a Grand Right Work**, you need to have permission from the copyright owner to do so. It is best to talk to the company from which you purchased the performance rights as they will likely be the ones licensing any recordings of the show.

**Remixing, sampling and segueing** requires publisher permission as it is considered to be similar to arranging or adapting musical works. Email schools@apra.com.au for assistance. Permission from the copyright owner of the sound recording is also required.

**Recording a ballet**, or part of a ballet where the music has been expressly written for use in a ballet, or a large choral work of more than 20 minutes’ duration will require permission from the copyright owner as this is not something AMCOS or ARIA are able to license.

Contacting Us

If you have any questions about your licences, or whether your music use falls within the scope of the above licences you can contact the APRA|AMCOS Educational Licensing Department at schools@apra.com.au or 02 9935 7900.

*Please note that not all Catholic and independent schools are covered by the above licences, or may have one licence, but not all three. If you are not sure if your school is covered or not, do not assume you are. Contact your peak governing body, your local school copyright manager (see smartcopying.edu.au for details), or APRA|AMCOS to find out.*

If you need publisher details, fill out our Publisher Request form online, or email schools@apra.com.au
Other Useful Contacts

APRA|AMCOS State Offices

NSW/ACT
16 Mountain Street
Ultimo NSW 2007
Tel 02 9935 7900
Fax 02 9935 7999
apra@apra.com.au

VIC/TAS
3 & 5 Sanders Place
Richmond VIC 3121
Tel 03 9426 5200
Fax 03 9426 5211
victas@apra.com.au

QLD
3 Winn Street
Fortitude Valley QLD 4006
Tel 07 3257 1007
Fax 07 3257 1113
qld@apra.com.au

SA
Suite 29, 8-20 O’Connell Street
North Adelaide SA 5006
Tel 08 8239 2222
Fax 08 8239 0744
sa@apra.com.au

NT
Level 1 Chin Arcade, Cavenagh Street
Darwin NT 0800
Tel (08) 8941 0988
nt@apra.com.au

WA
Suite 1, 12-20 Railway Road
Subiaco WA 6008
Tel 08 9382 8299
Fax 08 9382 8224
wa@apra.com.au

New Zealand
Unit 113, Zone 23, 21 - 23 Edwin Street
Mt Eden, Auckland
Tel 09 623 2173
Fax 09 623 2174
nz@apra.com.au

Copyright Agency
Level 15, 233 Castlereagh Street
Sydney, NSW 2000
Tel 02 9394 7600
Fax 02 9394 7601
www.copyright.com.au

Screenrights
Level 3, 156 Military Road
Neutral Bay, NSW 2089
Tel 02 9904 0133
Fax 02 9904 0498
www.screen.org

Phonographic Performance Company of Australia (PPCA)
Level 4, 11 - 17 Buckingham Street
Surry Hills, NSW 2010
Tel 02 8569 1100
Fax 02 8569 1183
www.pppca.com.au

Australian Recording Industry Association (ARIA)
Level 4, 11 - 17 Buckingham Street
Surry Hills, NSW 2010
Tel 02 8569 1144
Fax 02 8569 1181
www.aria.com.au

Australian Copyright Council
3/245 Chalmers Street
Redfern, NSW 2016
Tel 02 8815 9777
www.copyright.org.au

National Copyright Unit for Schools and TAFEs
Level 5, 35 Bridge Street
Sydney NSW 2011
Tel 02 9561 8876
www.smartcopying.edu.au