

24 April 2013

Attn: The Proprietor

Premise Name
Premise Address
Premise Address 2
Suburb State Postcode

Dear Sir/Madam,

MUSIC IN YOUR BUSINESS: DO YOU HAVE AN APRA LICENCE?

The Australasian Performing Right Association (APRA) is writing to inform you of your responsibilities regarding the use of music within your business.

Using music in a retail environment has long been considered a cost-effective, yet extremely powerful business tool. The public performance of background music is a key component of the marketing and promotional strategy that effectively creates an image or brand awareness. *Research conducted by APRA also indicates that music has the power to impact on customer spend, whilst also shaping their overall shopping experience and brand perception.

Under Australian Copyright laws, you must ensure you have permission to use copyright music that falls within APRA's repertoire on your premises.

An APRA licence facilitates this permission and ensures that royalties are paid to music creators for this use of their copyright works.

APRA is a non-profit association which administers the public performance rights of over 60,000 composers, songwriters and music publishers who own the copyright in the musical works that are most commonly performed in the community today. Through our agreements with similar societies around the world, we represent most of the world's repertoire of musical works.

The APRA music licence solution

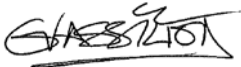
APRA's Background Music licence scheme was developed in consultation with business and offers a practical, cost-efficient approach that causes minimal disruption to business. The licence is based on an annual fee linked to the number of devices used. The licence allows a business to perform music as often as it likes during the licence period.

How to obtain a licence

If you are playing music within APRA's repertoire in your business you need to complete the enclosed licence application and return it to APRA. When your licence application is accepted, APRA will send you a tax invoice for payment. You will also receive a sticker for display in your window confirming that you have an APRA licence. Annual licence fees vary according to your music usage.

If you have any questions, or need any help in completing the licence application, please contact me on (02) 9935 7740. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for independent advice or more information about your copyright obligations.

Yours faithfully,



George Vassiliou
Business Licensing Representative | Licensing Services
PHONE: 02 9935 7740
FAX: 02 9935 7790
EMAIL: gvassiliou@apra.com.au

** TO OBTAIN A COPY OF THIS RESEARCH - PLEASE CONTACT CLIENT SERVICES ON 1300 852 388.*

24 April 2013

Attn: *Contact*
Premise Name
Premise Address
Suburb State Postcode

Dear [insert],

MUSIC IN YOUR BUSINESS - YOUR LEGAL OBLIGATIONS

We refer to the previous letter sent to you regarding your legal obligations when using music in your business.

Using music in a retail environment has long been considered a cost-effective, yet extremely powerful business tool. The public performance of background music is a key component of the marketing and promotional strategy that effectively creates an image or brand awareness. *Research conducted by APRA also indicates that music has the power to impact on customer spend, whilst also shaping their overall shopping experience and brand perception.

Under Australian Copyright laws, you must ensure you have permission to use copyright music that falls within APRA's repertoire on your premises.


APRA is a non-profit association which administers the public performance rights of over 60,000 composers, songwriters and music publishers who own the copyright in the musical works that are most commonly performed in the community today. Through our agreements with similar societies around the world, we represent most of the world's repertoire of musical works.

If you are playing music within APRA's repertoire in your business you need to complete the enclosed licence application and return it to APRA.

If you believe that your business does not require an APRA licence, please advise us of this as soon as possible to ensure no further action is taken.

If you have any questions, or need any help in completing the licence application, please contact me on (02) 9935 7740. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for independent advice or more information about your copyright obligations.

Yours faithfully,



George Vassiliou
Business Licensing Representative | Licensing Services
PHONE: 02 9935 7740
FAX: 02 9935 7790
EMAIL: gvassiliou@apra.com.au

** TO OBTAIN A COPY OF THIS RESEARCH - PLEASE CONTACT CLIENT SERVICES ON 1300 852 388.*

ANH1/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

LICENCE FOR MUSIC ON HOLD

We are writing to outline your obligations in relation to the communication of copyright music on your telephone system as music on hold.

Whenever music is performed in public, communicated or reproduced the songwriter may be entitled to a payment or royalty. This is because the Australian Copyright Act gives writers what are known as 'economic rights' that cover certain uses of their music. By licensing and allowing the public performance, communication or reproduction of their music, songwriters may generate income known as royalties.

Public performances of music include music used in pubs, clubs, fitness centres, dance classes, retail outlets, cinemas and festivals. Performances can be in many different forms for example: live artists, DJs, karaoke, CD players or playing the radio or television. **Communications** of music include music broadcast by television or radio broadcasters, used for music on hold, or music accessed over the internet. **Reproductions** of music include making a copy of the work, such as a CD recording, using music in a video or DVD, a mobile phone ringtone, digital download, as production music or in the making of audiovisual and broadcast material.

Since 1926 APRA (the Australasian Performing Right Association) has administered certain rights on behalf of songwriters, composers and music users. Australian copyright law makes songwriters and composers the exclusive owners of their original music and lyrics. The use of their work requires permission and if necessary, paying a royalty for this use. This is where APRA steps in. APRA is a not-for-profit organisation that collects royalties on behalf of its 55,000 members, and by reciprocal agreement, for copyright owners around the world.

Since 1997, APRA has also been able to offer a number of reproduction licences through AMCOS (Australasian Mechanical Copyright Owners' Society), a music copyright collection society that represents music publishers and writers from around the world for the rights in the reproduction (copying) of their music. Like APRA, AMCOS represents literally millions of works from all around the world. The two companies now trade under the APRA|AMCOS name.

All businesses, organisations or individuals that choose to publicly perform, communicate or reproduce copyright music in their business need permission from the copyright owners. In most instances, the appropriate licence from APRA|AMCOS provides a simple solution. This is because APRA|AMCOS collectively administers the public performance and communication rights on behalf of the majority of Australian and overseas copyright owners. APRA|AMCOS simplifies the legal process for business proprietors who would otherwise need to obtain a licence from each copyright owner whose music they wish to play.

We have enclosed further information, along with a Music on Hold Licence application. Should you have any questions, or would like assistance in completing the form, please do not hesitate to contact our office toll free on 1300 852 388. For independent information on your copyright obligations you can contact the Australian Copyright Council (www.copyright.org.au).

Yours sincerely

«Staff»

Licensing Representative

Enc: GMH

ANH2//«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

MUSIC ON HOLD LICENCE

We refer to our previous correspondence concerning an APRA licence for the communication of copyright music on hold by your business.

As we have not received a completed licence application, we would like to remind you that the playing of copyright music on hold requires the permission of the copyright owner or the relevant licence. This includes playing music on your telephone system via the radio or CDs, or playing pre-recorded messages and music (regardless of whether commercial or production music is used) on your telephone system. Failing to obtain the appropriate licence for playing APRA music on a music on hold system may constitute an infringement of copyright.

APRA is a non-profit organisation that represents the interests of composers, authors and music publishers. Through direct agreements with its members and reciprocal agreements with more than 70 performing right societies around the world, APRA is able to license the vast majority of the world's musical compositions on behalf of the copyright owners we represent. APRA's Music on Hold Licence provides an administratively simple and cost effective copyright system for businesses which use music on hold.

If you continue to play APRA's music on your telephone system to callers on hold you will need to complete the enclosed licence application and return it to our office.

Should you have any questions, or require assistance in completing the licence application, please do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for information concerning your copyright obligations.

We look forward to your reply within the next 14 days.

Yours faithfully

«Staff»

Licensing Representative

Enc: GMH

ANP1/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

MUSIC IN YOUR BUSINESS - WHAT YOU NEED TO KNOW

We are writing to outline your legal obligations in relation to the playing of music in your business and to explain why you may require an APRA licence.

The benefits of music and the role of copyright

Many businesses today play background music or use music on hold. Yours may be one. Research shows that music provides important benefits to a wide range of businesses. Playing music on your premises or on your telephone system as Music on Hold can help to set the style or tone of your establishment, as well as influence customer behaviour and improve turnover.

You may also be aware that music is protected under the Australian Copyright Act (1968). Copyright protection enables composers to earn their living from their music and it does this by giving them the right to control and to be paid for certain uses of their musical works. These include the right to play or perform music outside the domestic environment (for example, playing music via radio, CD, TV, karaoke, live music and/or DJs in your business), and the right to play music via a radio, CD or tape player over the telephone on a music on hold system. If your business plays music in any of these ways, you need permission from the copyright owners or a relevant licence.

APRA

APRA was established in 1926 to provide a simple and cost effective way of ensuring that you comply with your copyright obligations and that copyright owners are paid for the public performance or communication of their music. APRA is a non-profit association of composers, authors and publishers of music. Rather than license businesses individually, composers join APRA which collects licence fees on their behalf and distributes them as royalties. Through direct agreements with its members and reciprocal arrangements with foreign performing right societies, APRA represents more than two million copyright owners from around the world, covering a vast array of musical styles. This means that businesses like yours do not need to deal directly with composers in order to use their music. This saves you time and money.

The licence fees that you pay form an important part of a composer's income. Licence fees may also be a tax deductible expense for your business.

What should I do?

If you are playing music within APRA's repertoire in your business or on your telephone as music on hold, you need to complete the enclosed licence application(s) and return it to APRA. When your licence application is accepted, APRA will send you a Certificate of Licence (upon request) and a tax invoice for payment. You will also receive a sticker for display in your window confirming that you have an APRA licence. Annual licence fees vary according to your music usage. It is important to remember that playing APRA music in the ways outlined above may constitute an infringement of copyright unless you have an APRA licence.

Should you have any questions, or require any assistance in completing the licence application, do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for further information concerning your copyright obligations.

Yours sincerely

«Staff»

Licensing Representative

ANP2/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

APRA LICENCE FOR PLAYING MUSIC IN YOUR BUSINESS

We refer to our previous letter outlining your legal obligations in relation to the playing of copyright music in your business and on your telephone system as music on hold.

If you play APRA music in your business, you will need to obtain an APRA licence in order to comply with the Australian Copyright Act 1968. As mentioned in our previous correspondence, music is protected by copyright and the copyright owners have the right to control (and be paid for) the performance or communication of their works in your business premises or through your telephone as Music on Hold, for example playing music via radio, CD, TV, karaoke or as live music.

APRA was set up to provide a simple and cost-effective way of ensuring that you comply with your copyright obligations and that copyright owners are paid for the use of their music. APRA licenses the public performance and communication of the vast majority of copyright music on behalf of more than two million composers, authors and music publishers from around the world. APRA distributes the money it collects to copyright owners. The APRA licence fees that you pay form an important part of a composer's income and may be a tax deductible expense.

We have enclosed further detailed information about APRA and another copy of our licence application(s). This form(s) should be completed to reflect your music usage and returned to our office as soon as possible. When your licence is received by APRA you will be sent a Certificate of Licence (upon request) and a tax invoice for payment. Continued playing of APRA music in your business without an APRA licence may constitute an infringement of copyright.

Should you have any questions, or require assistance in completing the licence application(s), please do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for further information concerning your copyright obligations.

Yours faithfully

«Staff»

Licensing Representative

AN1/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

MUSIC IN YOUR BUSINESS - YOUR LEGAL OBLIGATIONS

We understand that music is being played at your premises «New_tariffs».

We are writing to advise you that music is protected under the Australian Copyright Act 1968. This legislation imposes certain obligations on the use of copyright material. Any public performance or communication of copyright music requires the permission of the copyright owner, or the relevant licence. Copyright owners have the right to control (and be paid for) the playing or communication of their works via radio, CD, TV, karaoke, live music etc, in the business environment and music on hold through your telephone system.

APRA (Australasian Performing Right Association) was established in 1926 as a non-profit association of composers, authors and publishers of music. Rather than license businesses individually, composers join APRA, which collects licence fees on their behalf and distributes them in the form of royalties. APRA also licenses music written by overseas composers through its reciprocal agreements with foreign copyright collecting societies.

Continued playing of APRA's music by your business without an APRA licence may constitute an infringement of copyright.

We have enclosed the necessary application form(s) along with further information about our Association. Your licence application(s) should be completed to reflect the use of music by your business, and returned to APRA as soon as possible.

Should you have any questions, or require assistance in completing the licence application, do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for further information concerning your copyright obligations.

We look forward to your reply within the next 14 days.

Yours sincerely

Licensing Representative

Enc:

AN2/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

We refer to our letter of «First_letter» which noted your use of copyright music from within APRA's repertoire, and which advised you of your obligations under Australian copyright legislation.

As we have not received a reply, we would like to remind you that:

- 1 The authority of the copyright owner must be obtained when copyright music is either performed in public or communicated through a telecommunications system to callers on hold.
- 2 Performances can occur by any means (whether "live", recorded or by radio or television sets), and are considered to be given in "public" when they occur outside the domestic/family circle.
- 3 A communication can occur by any means including radio, CD, tape or other storage mechanism when operated by way of audio device on a telecommunication system as music on hold.
- 4 Copyright is a form of property, and when copyright musical works are performed in public or communicated without the owners' permission, an infringement of copyright occurs.
- 5 APRA owns and controls the exclusive right of public performance and communication in the vast majority of copyright musical works in use, irrespective of their country of origin.
- 6 APRA is able to grant blanket licences which authorise the public performance and communication of any and all of the works within its worldwide repertoire.

If you wish to continue to use music from within APRA's repertoire in your business, **then you must apply for the appropriate licence(s)**. While APRA is obliged to take suitable action when its property is used by others without permission, we are pleased to grant licences under our standard terms and conditions. We have enclosed another licence application which should be completed to reflect your music usage, signed and returned to this office. Details of the licence fees are listed on the forms.

Should you require any assistance in completing your licence application please contact our office. We look forward to your response within the next 14 days.

Yours sincerely

«Staff»

Licensing Representative

ANC1/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

We are writing to outline your legal obligations in relation to the playing of copyright music by your business and to explain why you may require an APRA licence.

Music and copyright

Many businesses play music in their everyday operations, yours may be one. The playing of music via a radio or CD in an employee's work area, the playing of background music in training videos, or the playing of music to customers while they are on hold are just some of the more common uses of music in business. Research shows that music provides important benefits to your business. It can help set the style and tone of your workplace environment as well as influence customer behaviour and improve turnover.

Music is protected under the Australian Copyright Act 1968. Copyright is the means by which composers earn a living from their music and it does this by giving them the right to control and to be paid for certain uses of their musical works. These include the right to communicate music over a telephone on hold system and the right to perform or play music in public. The public performance right not only covers playing music in areas that are open to the public, but also the playing of music within more 'closed' commercial environments for the benefit of employees (such as the showing of a training video to staff only). The courts have said that any performance outside the domestic sphere should be regarded as public and that the copyright owners are entitled to payment for this use of their work.

APRA

APRA (Australasian Performing Right Association Ltd) was established in 1926 to provide a simple and cost effective way of ensuring that you comply with your copyright obligations and that music copyright owners are paid for the use of their work. APRA is a non-profit association of composers, authors and publishers of music. Rather than license businesses individually, composers join APRA which collects licence fees on their behalf and distributes them as royalties. Through direct agreements with members and reciprocal agreements with foreign collecting societies, APRA represents more than two million copyright owners, covering a vast array of musical styles.

The licence fees that you pay form an important part of a composer's income. They may also be a tax deductible expense for your business.

What should I do?

If your organisation is using copyright music, you need to obtain the permission of the copyright owner. In the vast majority of cases an APRA licence provides the solution. We have enclosed a licence application which should be returned to APRA. When your licence is accepted, APRA will send you a Licence Certificate (upon request) and a tax invoice for payment. The annual licence fee for music used in the workplace is based on the number of full time employees (or equivalents), and for music on hold, the number of external phone lines.

Continued playing of APRA music in your business without the necessary licence may constitute an infringement of copyright.

If you have any questions or would like assistance in completing the licence application, please do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for further information concerning your copyright obligations.

We look forward to hearing from you.

Yours sincerely

Licensing Representative

ANC2/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

Further to our previous correspondence and telephone conversation(s), we are writing to advise you that we have not yet received your completed APRA licence application for the playing of copyright music in your business.

We would like to remind you that the playing of copyright music in the workplace, or on a telephone system as music on hold, is protected by copyright legislation. Accordingly, the permission of the copyright owner is required and in most instances this is provided in the form of an APRA licence.

Continued playing of APRA music in your business without an APRA licence may constitute an infringement of copyright.

If you are in any doubt about your obligations, please contact the Australian Copyright Council (www.copyright.org.au). The Council provides free legal advice on copyright law by phone, by fax and by post.

More information about APRA can be obtained from our website at www.apra-amcos.com.au.

Should you require any further information, please do not hesitate to contact our office. As this matter has been outstanding for some time, we ask that you give it your urgent attention.

We look forward to receiving your completed application.

Yours sincerely,

LICENSING REPRESENTATIVE

Enc:

ANO1/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

We understand that you have recently taken over «Premises_name».

As you may be aware, the previous owner had a licence with APRA authorising the use of copyright music by this business. We are writing to outline your obligations in relation to taking out a new APRA licence to cover the continued playing of music within «Premises_name», «Locality1».

The benefits of music and the role of copyright

Research shows that music provides important benefits to a wide range of businesses. Playing music on your premises, or on your telephone system as music on hold, can help to set the style or tone of your establishment as well as influence customer behaviour and improve turnover.

You may also be aware that music is protected under the Australian Copyright Act 1968. Copyright protection enables composers to earn their living from their music and it does this by giving them the right to control and to be paid for certain uses of their musical works. These include the right to play or perform music outside the domestic environment (for example, playing music via radio, CD, TV, karaoke, live music and/or DJs in your business), and the right to play music via a radio, CD or tape player through a music on hold system. If your business plays music in any of these ways, you need permission from the copyright owners or a relevant licence.

Why deal with APRA?

APRA (Australasian Performing Right Association) is a non-profit association of composers, authors and publishers of music. APRA provides businesses with a licence to use copyright music on behalf of its composer members; including the music of foreign composer members. This means that businesses like yours do not need to deal directly with composers in order to use their music.

APRA

APRA was established in 1926 to provide a simple and effective way of ensuring that you comply with your copyright obligations and that music copyright owners are paid for the public performance or communication of their musical works. APRA is a non-profit association of composers, authors and publishers of music. Rather than license businesses individually, composers join APRA which collects licence fees on their behalf and distributes them as royalties. Through direct agreements with its members and reciprocal arrangements with foreign performing right societies APRA represents more than two million copyright owners from around the world, covering a vast array of musical styles. This means that businesses like yours do not need to deal directly with composers in order to use their music. This saves you time and money.

The licence fees that you pay form an important part of a composer's income. They are also a tax deductible expense for your business.

The next step

If you wish to continue to play APRA's music in your business, you need to complete the enclosed licence application(s) and return these to APRA as soon as possible. Should you have any questions, or require assistance in completing the licence application, please do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for information concerning your copyright obligations.

We look forward to hearing from you within 14 days.

Yours faithfully

«Staff»

Licensing Representative

ANO2/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/A «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

«Premises_name»

We refer to our letter of «First_letter» concerning the change of ownership at the above premises, and your obligations under Australian copyright legislation in relation to the use of copyright music by your business.

If you are continuing to play music, we would like to remind you that:

1. Music is protected under the Australian Copyright Act 1968.
2. The copyright owner's permission or the relevant licence must be obtained when copyright music is either performed in public or communicated through a telecommunication system to callers on hold.
3. Performances can occur by any means (whether "live", recorded or by radio or television sets), and are considered to be given in "public" when they occur outside the domestic/family circle.
4. A communication of music can occur by radio, CD, tape or other storage mechanism when operated by way of audio device on a telecommunication system such as music on hold.
5. Through direct agreements with its members and reciprocal agreements with more than 70 performing right societies from around the world, APRA represents more than two million music copyright owners, and can grant blanket licences for the public performance and communication of any works within its worldwide repertoire.

If you are not using copyright music in your business please disregard this letter. If you are continuing to either perform or communicate copyright music to the public without an APRA licence you should be aware that this may constitute an infringement of copyright. While APRA is entitled to take legal action if the copyright in its repertoire is infringed, we would prefer to resolve this matter by granting your business the appropriate licence as soon as possible. We have enclosed another licence application(s), which should be completed to reflect your music usage, signed and returned to this office. Details of the licence fees are listed on the forms.

Should you have any questions, or require assistance in completing the licence application, please do not hesitate to contact our office. You may also wish to contact the Australian Copyright Council (www.copyright.org.au) for information concerning your copyright obligations. We look forward to your response within the next 14 days.

Yours faithfully

Licensing Representative

ALG1/«Client_No»

«Date»

«Title» «Other_names» «Surname»
«Position»
«Client_name» T/A «Trading_name»
«Client_address_1»
«Address_2»
«Address_3»
«Locality» «State» «Postcode»

«GreetingLine»

We refer to our previous correspondence and telephone calls advising you of your legal obligations regarding the use of copyright music from APRA's repertoire by your business.

As we have **not** received a satisfactory response, we would like to remind you that:

1. Music is protected under the Australian Copyright Act.
2. The copyright owners' permission must be obtained when copyright music is either performed in public or communicated through a telecommunication system to callers on hold.
3. Performances of music can be "live", or they can be given by playing a recording, or by playing radio or television sets, and are considered to be in "public" when they occur outside the domestic or family circle.
4. A communication of music can occur by radio, CD, tape or other storage mechanism when operated by way of audio device on a telecommunications system as music on hold.
5. Through direct agreements with its members and reciprocal agreements with over 70 performing right societies around the world, APRA owns and controls the exclusive right of public performance and communication in the vast majority of copyright musical works in use, and can grant blanket licenses for the public performance and communication of any works within its worldwide repertoire.

We would also like to remind you that performing or communicating copyright music in public without an APRA licence may constitute an infringement of copyright. APRA is entitled to take legal action if the copyright in its repertoire is infringed. We would prefer to resolve this matter by granting your business the appropriate licence as soon as possible.

If there has been a misunderstanding, or you are finding it difficult to complete the form, please contact us immediately to rectify the problem.

We genuinely wish to avoid referring the matter to APRA's legal department but unless you comply with this final request within **14 days**, we will have no other option.

We look forward to your prompt response.

Yours faithfully

«Staff»
LICENSING REPRESENTATIVE

ALG2/«Client_No»

«Date»

«GreetingLine»

«Position»

«Client_name» T/As «Trading_name»

«Client_address_1»

«Address_2»

«Address_3»

«Locality» «State» «Postcode»

«GreetingLine»

APRA licence

We refer to previous correspondence dated <insert dates> and telephone calls on <insert dates> advising you of your legal obligations regarding the public performance and/or communication of APRA's copyright music at your business premises.

APRA has been extremely patient in this matter and has supplied all relevant information explaining the need for you to hold an APRA licence.

As we have not received a satisfactory response, we are writing to advise that this ongoing infringement is now being referred to APRA's legal department. Please contact us immediately if you wish to resolve this matter.

Yours sincerely

«Staff»

Licensing Representative

Enc:

Our Ref: [insert]/AS/pre_legal

«Date»

«Title» «Other_names» «Surname»
«Position»
«Client_name» T/A «Trading_name»
«Client_address_1»
«Address_2»
«Address_3»
«Locality» «State» «Postcode»

«GreetingLine»

RE: APRA LICENCES FOR THE USE OF COPYRIGHT MUSIC AT [PREMISE]

Thank you for speaking with me earlier today, [Date], regarding the use of music at [Premise] without the appropriate APRA licence.

During our telephone conversation, you confirmed that music continues to be performed at [Premise] by way of [Tariff].

1. Music Users' Obligations under the Copyright Act 1968

As has previously been explained to you, section 31(1)(a)(iii) of the Copyright Act 1968 (the Act) provides that public performance of musical works is included in the copyright of each work. Under section 36 of the Act, copyright is infringed by a person who either does, or authorises the doing of, an act comprised in the copyright without the licence of the owner of the copyright. The use of [Tariff] at [Premise] are performances in public for the purposes of the Act.

Unlicensed performances of music in APRA's repertoire at the [Premise] may constitute an infringement of copyright. APRA is entitled to take legal action if the copyright in its repertoire is infringed. APRA's remedies for infringement of copyright are set out in section 115 of the Act.

2. APRA Licences

As we discussed, APRA is again willing to offer you a [Tariff] licences, the acceptance of which will ensure that performances of musical works in APRA's repertoire at [Premise] no longer constitute an infringement of APRA's copyright.

We **enclose** the relevant licence applications for your completion and return within **7 days** of the date of this letter. Please return the signed licence application via:

- Fax on: (03) 9426 5211; or
- Email to: legaladmin@apra.com.au; or
- Post to: 3 & 5 Sanders Place, Richmond Victoria 3121.

Once the licence application has been received at our office, a tax invoice for the applicable licence fees will be sent. Please note that licence fees are a tax deduction.

APRA has been extremely patient with this matter. We always prefer to resolve licensing matters amicably and expeditious. However, if you fail to comply with your copyright obligations we will have no other option than to refer this matter to our external solicitors.

If you dispute APRA's claims, you are able to refer the matter to the Copyright Tribunal. All of APRA's licences are subject to jurisdiction of the Copyright Tribunal. A process of alternative dispute resolution is also available to you. This process is known as Expert Determination. Please let us know if you would like more information about APRA's Expert Determination process.

If you require any assistance in understanding this letter or the enclosed licences, please don't hesitate to contact me on (03) 9426 5230. I am also able to meet with you to answer any questions relating to your obligations under the Act. Alternatively, if you wish to obtain independent legal advice in relation to your music use, we suggest you contact your solicitor immediately.

Yours sincerely

AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LTD

Ariel Slavin
Senior Legal Liaison
APRA|AMCOS
3 & 5 Sanders Place Richmond VIC 3121

Privacy note- The information you are providing may be personal information under the Privacy Act, is collected for the business purposes only of APRA, and will not be disclosed to any third parties except in accordance with the privacy policy of APRA. The privacy policy can be obtained from APRA or from our website at www.apra-amcos.com.au

MUSIC LICENCES AT-A-GLANCE:

licences you may need to use music in your business

How do you plan to use music?	Licences you need:		
	APRA AMCOS	PPCA	ARIA
Play radio/TV (including Pay TV services)	✓	✗	✗
Copy or reproduce music in a different format for example, CD to MP3	✓	✓	✓
Play recorded music	✓	✓	✗
Stream music from a website, internet radio station, podcasts	✓	✓	✗
Use music on hold on your phone system	✓	✓	✗
Have DJs / music for dancing	✓	✓	✗
Have live bands / performers	✓	✗	✗
Use production music in an AV production	✓	✗	✗
Use audio and audio-visual recordings for dance schools	✓	✓	✓
None of the above – you have a special use in mind?	Contact APRA AMCOS. We'll help you figure out a solution.		

WHY YOU MAY NEED MORE THAN ONE LICENCE:

The person who writes a song doesn't always record or perform the song that they wrote. This means that one song can have various copyright owners. For example, in 1959 Australian songwriter Geoff Mack wrote the lyrics and music to 'I've Been Everywhere.' He is an **APRA|AMCOS*** member, because we license the lyrics and music of songs. Johnny Cash and Hank Snow, among others, have since recorded their version of 'I've Been Everywhere.' Even Rihanna used the lyrics and melody from Geoff Mack's original song in her hit single 'Where Have You Been?'

All these artists (and their record labels) own the copyright of their particular sound recording of 'I've Been Everywhere' and are represented by **PPCA**** and **ARIA*****, who license the use of individual sound recordings.

***APRA|AMCOS**: The Australasian Performing Right Association (APRA) | The Australasian Mechanical Copyright Owners Society (AMCOS)

****PPCA**: The Phonographic Performance Company of Australia

*****ARIA**: The Australian Recording Industry Association

MORE INFO? PLEASE CONTACT:

APRA|AMCOS P: 1300 852 388 W: www.apra-amcos.com.au

PPCA P: 02 8569 1111 W: www.pcca.com.au

ARIA P: 02 8569 1144 W: www.aria.com.au

Independent information on all these organisations is also available from the **Australian Copyright Council** website at www.copyright.org.au



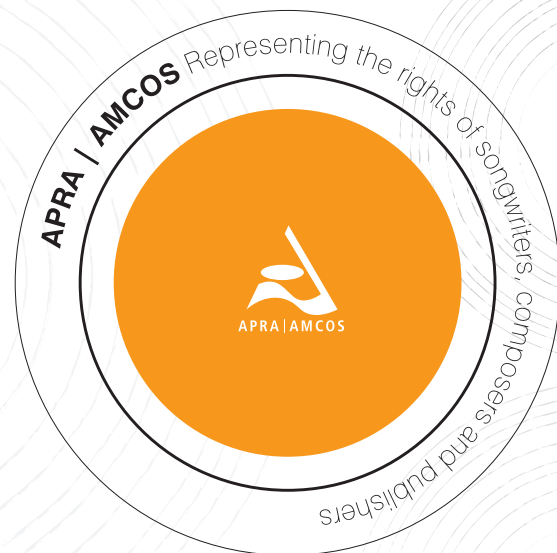
APRA|AMCOS MUSIC ESSENTIALS

BRING MUSIC CREATORS & CONSUMERS TOGETHER

Music can make a difference in your business – it creates an ambience, helps build a stronger brand, motivates your customers to stay longer and energises your staff. For hotels, pub and clubs it proactively helps define the feel of your venue and the crowd you want to attract. However, it is important that you seek permission from the copyright owners and pay for the right to use their music, if required. This document is to help you better understand your music licensing requirements and explain where your licence fees go.

HOW DO YOU USE MUSIC IN YOUR BUSINESS?

If you intend to use music in your business you may require more than just your APRA licence. Please refer to the guide below for examples of various circumstances in which music can be used and which society(s) to refer to for obtaining licences.



	Public Performance				Communication		Reproduction*		
	Radio / TV # (incl. digital/ analogue channels, pay and free-to-air TV services)	Recorded Music (i.e. CD, DVD, MP3, LP, tape, jukebox etc.)	DJs / music for dancing	Live Bands / Performers	Music On Hold	Streaming from a website, internet radio, podcasts	Production music	Dubbing to be used for public performances	Audio and audiovisual for dance schools
APRA AMCOS	✓	✓	✓	✓	✓	✓	✓	✓	✓
PPCA	✗	✓	✓	✗	✓	✓	✗	✗	✗
ARIA	✗	✗	✗	✗	✗	✗	✗	✓	✓

* PPCA are also able to offer a limited reproduction licence for reproductions used as background music only.
PPCA does license the public performance of communications such as internet radio and TV only in this respect.

Should your intended music use fall outside the examples listed above or should you require additional information about the various licences you may need, please contact:

APRA|AMCOS administers the rights of songwriters, composers and publishers

PPCA administers the rights of record companies and recording artists

ARIA administers the rights of record companies and recording artists

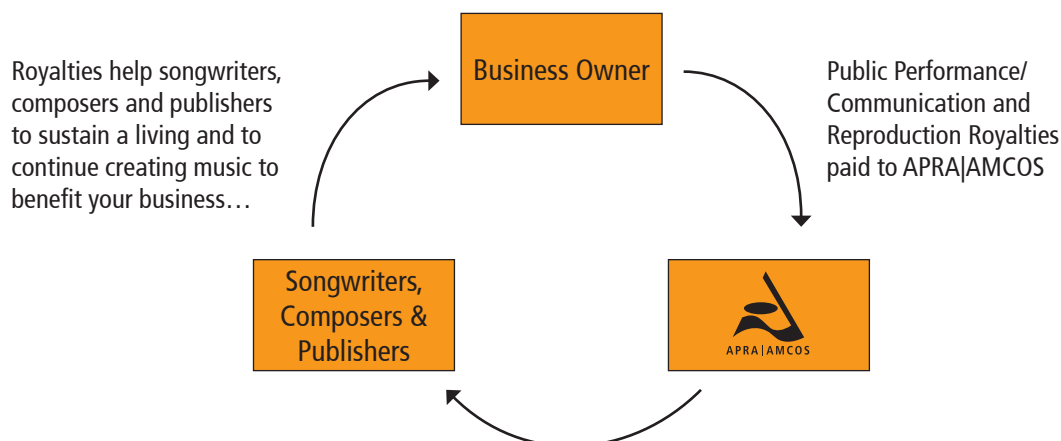
P: 1300 852 388 **W:** www.apra-amcos.com.au

P: 02 8569 1111 **W:** www.ppca.com.au

P: 02 8569 1144 **W:** www.aria.com.au

Independent information on all these organisations and on copyright legislation generally, is available from the **Australian Copyright Council** website at www.copyright.org.au.

WHERE DO YOUR APRA|AMCOS ROYALTIES GO?



APRA distributes 87%* of all royalties received directly to its members or affiliated performing right societies overseas.

*APRA is a Not for Profit Organisation and all royalties received are paid to members less administration costs

LICENSING ENQUIRIES

PHONE 1300 852 388

LICENCE@APRA.COM.AU

WWW.APRA-AMCOS.COM.AU

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P: 61 3 9426 5200

QLD

3 Winn St
Fortitude Valley QLD 4006
P: 61 7 3257 1007

SA/NT

Suite 54 /55 Melbourne St
North Adelaide SA 5006
P: 61 8 8239 2222

WA

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Subiaco WA 6008
P: 61 8 9382 8299

APRA|AMCOS MUSIC ESSENTIALS

DRAMATIC CONTEXT GUIDELINES

APRA normally licenses concerts and other non-dramatic performances of musical works. In the theatrical context music can be used in a number of different ways; some performances can be licensed by APRA, while others cannot.

APRA does not license “**grand rights**” performances. These are theatrical performances where the music has been expressly written for the production - operas, operettas, musical plays, revues and ballets (not including country or folk dancing, tap dancing or precision dancing sequences) oratorios, and large (exceeding 20 minutes) choral works. If you are performing an opera, choral work or musical play as described above (that is, where the music was written as part of the production), you must contact the publisher of the musical works for permission to perform.

Where APRA may be involved in licensing theatrical performances is in the area of performances occurring in a **Dramatic Context**. Dramatic context means

- (a) in conjunction with:
 - (i) acting;
 - (ii) costumes;
 - (iii) scenic accessories; and
 - (iv) scripted dialogue or other dramatic effects; or
- (b) as a ballet*

*A ballet is defined as a choreographic work having a story, plot or abstract idea devised or used for the purpose of interpretation by dancing and/or miming, but does not include country or folk dancing or precision dancing sequences.

While APRA does not own the rights for music performed in a dramatic context, music publishers will frequently allow APRA to issue licences, acting as an agent on their behalf. The publisher retains the right, however, to approve or deny a licence. The music publishers advise APRA of works and catalogues that have restricted use, and all requests must be cleared by the publishers before a licence is granted. This list may be amended from time to time after consultation with the publishers. When determining whether a production is dramatic context, APRA examines each of the elements of dramatic context as they appear in the production.

ACTING – the performers must be assuming some sort of a role. Impersonation may constitute acting. APRA does not make judgments about the quality of the acting.

COSTUMES – in APRA's view, a costume must be intended to convey that the person wearing it is playing the part of a person other than himself or herself. Whether clothing is a costume may depend on other aspects of the performance.

SCENIC ACCESSORIES – scenic accessories are things that belong on a stage, which set a scene. Although full scenery would fall within the definition of scenic accessories, scenic accessories can be less than a full stage set. For example, a painted backdrop, individual items of scenery, props or projection of images would be considered “scenic accessories”.

SCRIPTED DIALOGUE – scripted dialogue must be written down somewhere (although not necessarily published), and must be an exchange between at least two people – a monologue could not, by definition, be scripted “dialogue”; **however**

OTHER DRAMATIC EFFECTS – even if there is no scripted dialogue, a performance can still be in a dramatic context if it contains “other dramatic effects”. These would be any devices that assist in relaying the story that is being told, or that add to the drama in some way. So a monologue or the presence of a narrator would be dramatic effects as would (in most contexts) sound effects or smoke.

In summary, APRA will examine the production (including the script and the stage manager's copy of the script) for evidence of characters (acting), costume, scenic accessories, and either scripted dialogue or other dramatic effects. If one of these elements is absent, the production will be able to be licensed under a general performance tariff. So, a performance in costume by a person assuming a character, on a stage with some scenery will not be dramatic context if there is no scripted dialogue or any other dramatic effects. Similarly, a performance in a concert setting (with no scenery) by a person assuming a character and wearing a costume, with some dialogue or narration, will not be dramatic context because of the absence of scenery.



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APRA|AMCOS MUSIC ESSENTIALS

FREQUENTLY ASKED QUESTIONS

Q: I WANT TO SING "PHANTOM OF THE OPERA" AS PART OF A CABARET SHOW AND I WANT TO WEAR THE PHANTOM MASK AND CAPE. IS THIS OK?

A: Probably not. A grand right may be infringed if you perform a song from a grand right musical, with the same visual and dramatic representation as in the original grand right musical. This applies even if you are doing only one song. If in doubt, contact the copyright owner of the grand right. This will usually be a publisher and they will advise how far you can go before the grand right is infringed.

Q: I'VE GOT A DRAMATIC CONTEXT LICENCE, WHAT ELSE DO I NEED?

A: If you want to change the lyrics of a musical work, are intending to play sound recordings (eg CDs), or want to reproduce the musical works in any way (eg videotape, photocopy or make an arrangement) you will need to obtain permission from the relevant copyright owners. APRA can provide you with their contact details. Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and their recording artists. So in addition to your APRA licence, you may be required to take out a PPCA licence where CDs, tapes or video clips are used in your production. Further information is available from PPCA on 02 8569 1100.

Q: I WANT TO VIDEO MY DRAMATIC CONTEXT PRODUCTION. AM I ABLE TO DO THIS?

A: APRA cannot grant licences for the videoing of the performance. You will need to obtain permission from each of the music publishers that owns any work being used in the show. APRA will provide publisher details as part of your Dramatic Context licence.

Q: HOW MANY SONGS FROM ANY ONE MUSICAL AM I ABLE TO DO?

A: Show tunes are a popular addition to many stage plays. Most show-tunes require permission from local and overseas publishers before they can be included in a stage production. Theoretically, there is no limit to the number of show tunes that can be included in a production, as long as they are not performed with the same visual and dramatic representation as in the original grand right musical. In practice, however, publishers are reluctant to allow more than three songs from any one musical.

Q: WHEN SHOULD I LET APRA KNOW THAT I AM USING MUSIC IN MY STAGE PRODUCTION?

A: The sooner the better. APRA recommends that music selections be submitted around six to eight weeks prior to opening night. Most songs can be cleared and licensed in much less time. However, some songs require overseas clearance. The eight-week "buffer" also means that if any song is denied usage there is plenty of time to select an alternative. There's nothing worse than trying to teach a song to a cast the night before opening!

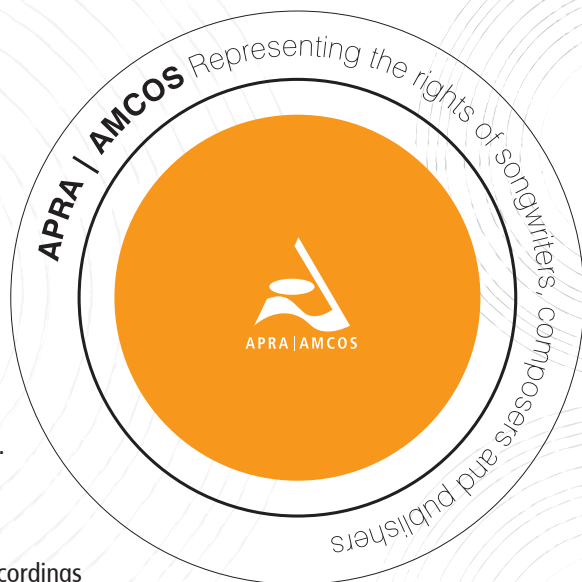
Q: ONE OF THE SONGS I'VE REQUESTED HAS BEEN DENIED USAGE. WHY?

A: There are many reasons why a song is denied usage. The most common reason is that the composer has requested that his/her work not be performed in certain contexts (e.g. excessive swearing, drug use etc) as it may demean the work in question. APRA will let you know if a work is not available as soon as an application form is received, in order to provide maximum time to select a replacement. A work may also not be available if it is in ownership dispute.

HOW DO I OBTAIN A LICENCE?

Simple...Call us on 03 9426 5200 or email theatre@apra.com.au. We'll advise you on what is required and send you a licence application.

For more information, visit our website www.apra-amcos.com.au.



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APRA|AMCOS MUSIC ESSENTIALS

FREQUENTLY ASKED QUESTIONS

IS APRA|AMCOS A GOVERNMENT BODY?

No. APRA|AMCOS is a non-profit organisation collecting on behalf of those who create the music – composers, songwriters and their publishers. Founded in 1926 (when radio first started in Australia), APRA is Australia's oldest copyright collection agency. AMCOS was founded in 1979 and since 1997 APRA has also managed the day to day operations of the reproduction side of the business.

HOW IS APRA|AMCOS GOING TO LICENSE ALL SMALL BUSINESSES PLAYING MUSIC?

APRA|AMCOS has a mandate to educate small businesses about copyright and license those playing music. Our approach is to provide relevant information to individual businesses, industry associations and small business groups. APRA is also developing curriculum material for educational courses ranging from hospitality to business management. Our aim is to simplify the areas of public performance and communication copyright for those who use music.

I'VE ALREADY PAID FOR THE CD/ LP/ DOWNLOAD. WHY DO I NEED A LICENCE?

When you buy a CD/LP/download etc., there is usually a disclaimer either on the product or in the terms of the download agreement advising that you aren't purchasing the right to give a public performance, broadcast, communication or make any reproduction of the works. If you want to play music in your business, or on your telephone to callers on hold, or copy music for your business you must get the copyright owner's permission. In most cases this takes the form of an annual APRA|AMCOS licence.

I CAN COPY AND/OR PLAY MUSIC AT HOME WITHOUT A LICENCE. HOW IS MUSIC USED IN MY BUSINESS DIFFERENT?

Music played at home, in personal transport, in a hotel/hospital room or any place where people reside/sleep is considered to be a domestic use of music and as such not considered a public performance. Businesses playing copyright music for the benefit of clients and/or staff are giving a public performance which requires the copyright owners permission be sought which in most cases takes the form of an annual APRA|AMCOS licence.

Any reproduction (i.e. copying) of copyright works in a commercial context - including format shifting from one device to another - requires the appropriate licence from copyright holders. In most cases APRA|AMCOS can issue the required reproduction licence on behalf of our membership through the various licenses we offer. Recent amendments to the Copyright Act made it legal to make copies of music for personal use, however this does not extend to copying in any commercial context.

I ONLY PLAY MUSIC FROM A FOREIGN COUNTRY. DO I NEED A LICENCE FROM APRA|AMCOS?

Yes. APRA is part of a worldwide network of collecting societies, all of which have reciprocal licensing agreements. This allows APRA|AMCOS's members rights to be administered all over the world and the rights of overseas composers to be represented in Australia and New Zealand.

APRA ALREADY CHARGE RADIO STATIONS A LICENCE FEE TO BROADCAST MUSIC. WHY IS ANOTHER FEE PAYABLE?

Composers have a number of separate rights under the Copyright Act to enable them to make a fair financial return on their work. They have the right to authorise the broadcast of their music – hence the APRA|AMCOS licence for radio stations to broadcast copyright material – and, quite separately, the right to control the public performance and communication of their work by radio, TV or any other means. Businesses playing copyright music by radio or TV are giving a public performance and those who use music on hold are authorising a communication to the public. Both uses of music require an APRA|AMCOS licence.

HOW IS USING A TV IN MY BUSINESS CONSIDERED A PERFORMANCE OF MUSIC?

All TV programming in Australia including free-to-air and subscription services (i.e. Foxtel, Austar, Sky, ABC, SBS, 7, 9, 10 etc.) contains copyright music. If your business uses a TV to play television broadcasts or DVD's then you are authorising any music contained in the programming to be performed in your business. Businesses need not account to APRA for screens used only for TABtext, Keno or internal advertising where there is no sound apparent, as there is inherently no public performance of music occurring. If your TV is used for anything outside of the examples given please contact your local Licensing Representative to discuss further whether an APRA|AMCOS licence is applicable.

WHERE DOES THE MONEY GO?

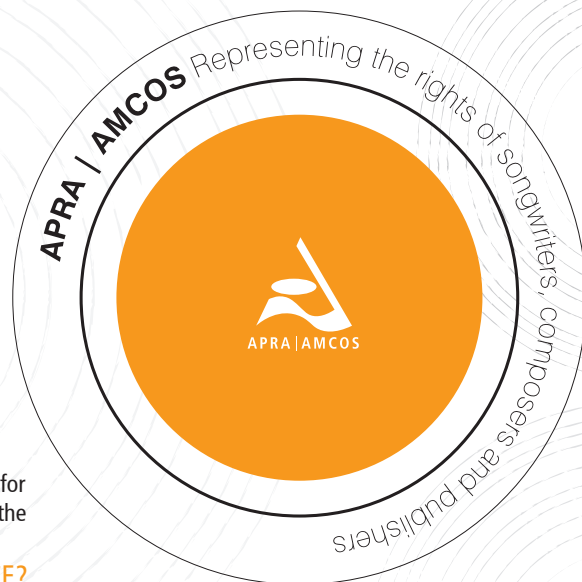
APRA|AMCOS royalties are an important source of income for composers and songwriters. Approximately 87 cents in every dollar collected in licence fees is returned to the music copyright owners. This payment is referred to as a royalty. The remaining amount covers APRA|AMCOS's administration costs - which are among the lowest of any copyright collecting society in the world. The most common licence fees, those paid by businesses for the use of radio and background music systems, are distributed according to our analysis of radio playlists. Commercial radio stations in Australia provide APRA|AMCOS with a full census of works broadcast, while community radio is sampled at intervals throughout the year and we regard these playlists as representative of background music performed in small businesses, restaurants and hotels. APRA|AMCOS also receives regular music logs from television stations which are analysed for distribution purposes. A full copy of APRA and AMCOS's Distribution Rules & Practices are available on our website.

ARE THERE OTHER COPYRIGHT ASSOCIATIONS I SHOULD KNOW ABOUT?

There are various collecting societies in Australia that look after different copyrights, organisations you may need to contact depending on your business operations. For further information on how these organisations might relate to your business operations please refer to our Music At A Glance guide.

WHERE CAN I GET MORE INFORMATION?

Further information can be obtained from our website at www.apra-amcos.com.au or independently from the Australian Copyright Council website at www.copyright.org.au or the Attorney Generals Office website <http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright>



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC AT YOUR ARTS CENTRE

Music is protected by copyright law and you require a licence from the APRA to publicly perform either live or recorded music at your venue.

ABOUT APRA

Established in 1926, APRA is a non-profit organisation which collects and distributes copyright royalties for composers, lyricists and music publishers. We have approximately 70,000 members in Australia and New Zealand representing all musical styles. Through reciprocal agreements with similar collecting societies around the world, we also represent the interests of at least two million overseas copyright owners. Rather than license businesses themselves, composers join APRA which collects licence fees on their behalf and distributes them as royalties.

COPYRIGHT

Australia, along with most other countries, protects and fosters the arts through copyright legislation. Under the Australian Copyright Act 1968 (Cth), an Australian composer enjoys a bundle of exclusive rights from the time he or she commits an original work to a material form such as a manuscript, audio or video tape recording or any electronic or digital format. These are the rights to:

- reproduce the work in a material form
- publish the work
- perform the work in public
- communicate the work to the public
- make an adaptation or an arrangement of the work such as arranging the music or altering the lyrics or do any of the above in relation to the adaptation.

In most instances in Australia, copyright in a musical work lasts for the life of the composer plus 70 years. If, before the composer's death, a work has not been published, communicated or performed in public and recordings have not been offered for sale, then copyright lasts for 70 years from the date on which the first of these events takes place.

WHO OWNS COPYRIGHT?

The composer is usually the first owner of copyright in a musical work and the lyricist the first owner of copyright in the lyrics in a musical work. Copyright protects the intangible products of composers' creativity. It encourages the reproduction of musical works by enabling composers to receive a fair financial reward for the use of those works.

COMPLYING WITH COPYRIGHT

The permission of the copyright owner is required to use a musical work in any of the ways detailed in the list of rights above, including public performances and communications by radio, television, film, CD player, live artists, music on hold, or any other means. APRA acts as a copyright collection agency on behalf of the vast majority of composers, authors and publishers, licensing the use of their music. APRA's licences cover the public performance and communication of music by both Australian and overseas composers who are members of APRA or an affiliated collecting society.

SCENARIOS FOR EVENTS IN ARTS CENTRES

1. Theatrical Productions where music has been commissioned by the producer and is specifically written for that production:

The music rights are one part of the bundle of rights held by the producer/event company, and any royalty payable for music rights are usually packaged along with the staging, literary and dramatic rights. The buyer of the show would therefore purchase the 'grand right' show in its entirety.

2. Theatrical Productions where existing music - either recorded or live, is interpolated into the production:

Just as you need permission to perform the dramatic work, you also need permission to use the music in the production. Music that is not specifically written for a production may be licensed as a Dramatic Context performance. This is a performance in conjunction with acting, costumes, scenic accessories, scripted dialogue or other dramatic effects. This also includes a ballet when you are using music other than that originally written for the piece. APRA often acts as agent for a copyright owner when works are performed in a dramatic context, and the performance is subject to a different licence scheme and royalty rates. Approval for works to be used in this format is sought directly from the copyright owner. Accordingly, a new application must be submitted.

In this instance, whilst staging, literary and dramatic rights may be bundled together, the music rights are not. APRA will look to the promoter of the show as the authorising party, and therefore it is the promoter's responsibility to enter into the APRA licence.

*Please note that not all works are able to be licensed through the dramatic context licensing process, so it is advisable to contact APRA at least 8 weeks prior to the production's commencement.

3. Concerts and Events:

APRA controls these rights on behalf of songwriters and publishers by way of direct assignment. These events are licensed as one-off events on a standard concert promoters tariff set at 1.5% of gross box office. The promoter of the show can be:

1. the Arts Centre - if they purchase the show;
2. the Promoter - if they hire the venue and have control of the box office;
3. the Arts Centre and Promoter, if a joint co-promotion is entered into.

In each instance, the Arts Centre should ensure that it is clear in the contract who is responsible for payment of the APRA fee. In Scenario 3, one party usually opts to pay the licence fee, so that one payment can be made to APRA.

4. Music played in Foyers, and other areas of Arts Centres:

Where background music is played in foyer areas, or in the auditorium prior to a performance (including TV's), APRA's annual Background Music Licence applies.

There may also be performances by live artists in areas such as the foyer, where the artists are paid directly by the Arts Centre. APRA licenses these under its Live Performance licence at 2.2% of gross expenditure on the artist.

Arts Centres often hire out their function rooms to third parties for conferences, or training sessions, where live or recorded music may be performed. If your business operates in this way please contact our office to discuss further as separate licence fees are often payable for these functions.

Free Events:

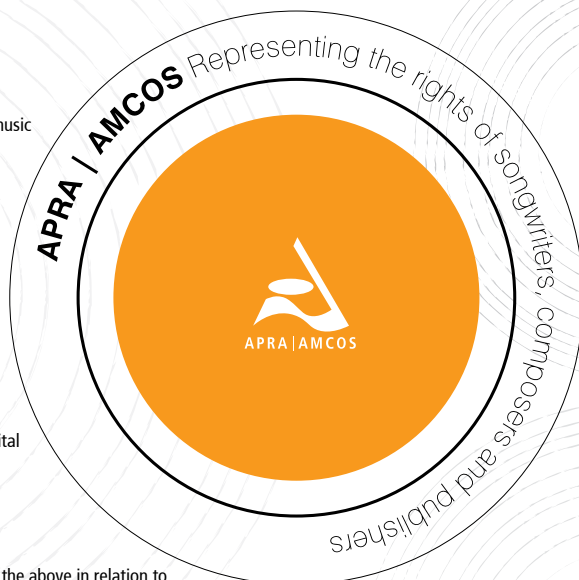
If your concert, festival or event is free to the public, you will still require an APRA licence to play copyright music. The licence fee can vary depending on the scale of the event, and will have a minimum fee of \$55.00.

WHERE CAN I GET MORE INFORMATION?

Additional information on APRA can be obtained from our website at www.apra.com.au. Independent information on APRA is available from the Australian Copyright Council's website at www.copyright.org.au

HOW DO I APPLY FOR A LICENCE?

For events simply complete the on-line application form located on the APRA website www.apra-amcos.com.au. Alternatively contact the APRA office in your state to discuss your business or events licensing requirements and to obtain an application form.



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC AT YOUR CONCERT OR EVENT

Once you have finalised the concert line up, or decided on the entertainment for your event, there's one organisation you still need to contact before the music begins: APRA (Australasian Performing Right Association). Music is protected by copyright law and you require a licence from APRA to publicly perform either live or recorded music at your event.

ABOUT APRA

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- publish the work
- perform the work in public
- communicate the work to the public
- make an adaptation or an arrangement of the work such as arranging the music or altering the lyrics or do any of the above in relation to the adaptation.

In most instances in Australia, copyright in a musical work lasts for the life of the composer plus 70 years. If, before the composer's death, a work has not been published, communicated or performed in public and recordings have not been offered for sale, then copyright lasts for 70 years from the date on which the first of these events takes place.

WHO OWNS COPYRIGHT?

The composer is usually the first owner of copyright in a musical work and the lyricist the first owner of copyright in the lyrics in a musical work. Copyright protects the intangible products of composers' creativity. It encourages the reproduction of musical works by enabling composers to receive a fair financial reward for the use of those works.

COMPLYING WITH COPYRIGHT

The permission of the copyright owner is required to use a musical work in any of the ways detailed in the list of rights above, including public performances and communications by radio, television, film, CD player, live artists, music on hold, or any other means. APRA acts as a copyright collection agency on behalf of the vast majority of composers, authors and publishers, licensing the use of their music. APRA's licences cover the public performance and communication of music by both Australian and overseas composers who are members of APRA or an affiliated collecting society.

WHO IS RESPONSIBLE FOR OBTAINING A LICENCE?

The person authorising a public performance of music is the one who should complete an APRA licence agreement. As an event promoter it is your responsibility to contact APRA prior to the commencement of your event to ensure that you have the appropriate APRA licence in place.

BOX OFFICE EVENTS

Licence fees for concerts, festivals or events which generate a box office (ie. ticket sales) are generally based on a percentage of gross box office receipts. Licence fees for dance parties are a rate per person attending the event. In all cases a minimum licence fee of \$55.00 applies.

As part of administering this licence, you must ensure that all performers provide lists of the works they perform and return these to APRA within 30 days of the event. The song lists are important because they allow APRA to identify the composers who should receive royalty payments.

SPORTING EVENTS

Recorded music and live entertainment used during the course of a sporting event will also require a licence from APRA. Licence fees vary depending on the nature of performances that occur during the event and are subject to a minimum fee of \$55.00.

CORPORATE AND INDUSTRY FUNCTIONS

If your event or dinner function is mainly for invited guests, you still need to take out an APRA licence to play copyright music. The licence issued for these type of events may involve collection of performers' song lists depending on the scale of the event, and are subject to a minimum fee of \$55.00

FREE EVENTS

If your concert, festival or event is free to the public, you will still require an APRA licence to play copyright music. The licence fee can vary depending on the scale of the event, and will have a minimum fee of \$55.00.

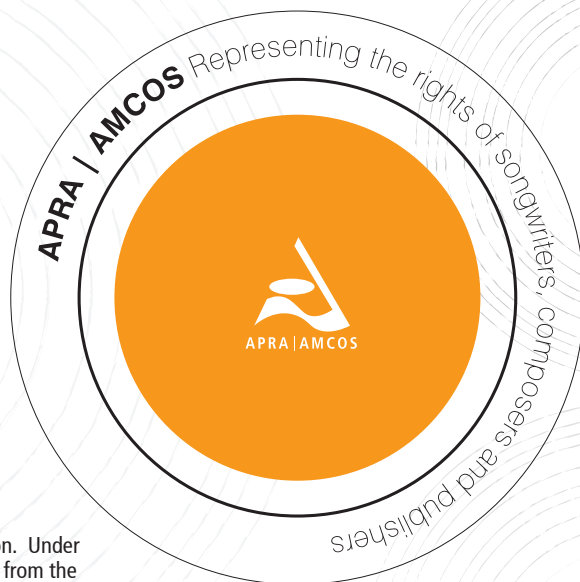
WHERE CAN I GET MORE INFORMATION?

Additional information on APRA can be obtained from our website at www.apra-amcos.com.au.

Independent information on APRA is available from the Australian Copyright Council's website at www.copyright.org.au

HOW DO I APPLY FOR A LICENCE?

Simply complete the on-line application form located on the APRA website at www.apra-amcos.com.au or contact the APRA office in your state. Once we have received the details of your event the appropriate licence will be forwarded to you for signature.



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APRA|AMCOS MUSIC ESSENTIALS

FREQUENTLY ASKED QUESTIONS

IS APRA|AMCOS A GOVERNMENT BODY?

No. APRA|AMCOS is a non-profit organisation collecting on behalf of those who create the music – composers, songwriters and their publishers. Founded in 1926 (when radio first started in Australia), APRA is Australia's oldest copyright collection agency. AMCOS was founded in 1979 and since 1997 APRA has also managed the day to day operations of the reproduction side of the business.

HOW IS APRA|AMCOS GOING TO LICENSE ALL SMALL BUSINESSES PLAYING MUSIC?

APRA|AMCOS has a mandate to educate small businesses about copyright and license those playing music. Our approach is to provide relevant information to individual businesses, industry associations and small business groups. APRA is also developing curriculum material for educational courses ranging from hospitality to business management. Our aim is to simplify the areas of public performance and communication copyright for those who use music.

I'VE ALREADY PAID FOR THE CD/ LP/ DOWNLOAD. WHY DO I NEED A LICENCE?

When you buy a CD/LP/download etc., there is usually a disclaimer either on the product or in the terms of the download agreement advising that you aren't purchasing the right to give a public performance, broadcast, communication or make any reproduction of the works. If you want to play music in your business, on your telephone to callers on hold, or copy music for your business you must get the copyright owner's permission. In most cases this takes the form of an annual APRA|AMCOS licence.

I CAN COPY AND/OR PLAY MUSIC AT HOME WITHOUT A LICENCE. HOW IS MUSIC USED IN MY BUSINESS DIFFERENT?

Music played at home, in personal transport, in a hotel/hospital room or any place where people reside/sleep is considered to be a domestic use of music and as such not considered a public performance. Businesses playing copyright music for the benefit of clients and/or staff are giving a public performance which requires the copyright owners permission be sought which in most cases takes the form of an annual APRA|AMCOS licence.

Any reproduction (i.e. copying) of copyright works in a commercial context - including format shifting from one device to another - requires the appropriate licence from copyright holders. In most cases APRA|AMCOS can issue the required reproduction licence on behalf of our membership through the various licenses we offer. Recent amendments to the Copyright Act made it legal to make copies of music for personal use, however this does not extend to copying in any commercial context.

I ONLY PLAY MUSIC FROM A FOREIGN COUNTRY. DO I NEED A LICENCE FROM APRA|AMCOS?

Yes. APRA is part of a worldwide network of collecting societies, all of which have reciprocal licensing agreements. This allows APRA|AMCOS's members rights to be administered all over the world and the rights of overseas composers to be represented in Australia and New Zealand.

APRA ALREADY CHARGE RADIO STATIONS A LICENCE FEE TO BROADCAST MUSIC. WHY IS ANOTHER FEE PAYABLE?

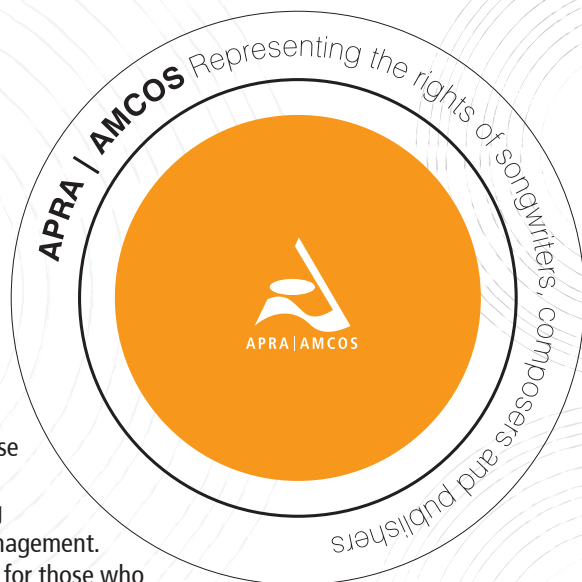
Composers have a number of separate rights under the Copyright Act to enable them to make a fair financial return on their work. They have the right to authorise the broadcast of their music – hence the APRA|AMCOS licence for radio stations to broadcast copyright material – and, quite separately, the right to control the public performance and communication of their work by radio, TV or any other means. Businesses playing copyright music by radio or TV are giving a public performance and those who use music on hold are authorising a communication to the public. Both uses of music require an APRA|AMCOS licence.

HOW IS USING A TV IN MY BUSINESS CONSIDERED A PERFORMANCE OF MUSIC?

All TV programming in Australia including free-to-air and subscription services (i.e. Foxtel, Austar, Sky, ABC, SBS, 7, 9, 10 etc.) contains copyright music. If your business uses a TV to play television broadcasts or DVD's then you are authorising any music contained in the programming to be performed in your business. Businesses need not account to APRA for screens used only for TABtext, Keno or internal advertising where there is no sound apparent, as there is inherently no public performance of music occurring. If your TV is used for anything outside of the examples given please contact your local Licensing Representative to discuss further whether an APRA|AMCOS licence is applicable.

WHERE DOES THE MONEY GO?

APRA|AMCOS royalties are an important source of income for composers and songwriters. Approximately 87 cents in every dollar collected in licence fees is returned to the music copyright owners. This payment is referred to as a royalty. The remaining amount covers APRA|AMCOS's administration costs - which are among the lowest of any copyright collecting society in the world. The most common licence fees, those paid by businesses for the use of radio and background music systems, are distributed according to our analysis of radio playlists. Commercial radio stations in Australia provide APRA|AMCOS with a full census of works broadcast, while community



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC AT YOUR CONCERT OR EVENT

Once you have finalised the concert line up, or decided on the entertainment for your event, there's one organisation you still need to contact before the music begins: APRA (Australasian Performing Right Association). Music is protected by copyright law and you require a licence from APRA to publicly perform either live or recorded music at your event.

ABOUT APRA

Established in 1926, APRA is a non-profit organisation which collects and distributes copyright royalties for composers, lyricists and music publishers. We have over 70,000 members in Australia and New Zealand representing all musical styles. Through reciprocal agreements with similar collecting societies around the world, we also represent the interests of at least two million overseas copyright owners. Rather than license businesses themselves, composers join APRA which collects licence fees on their behalf and distributes them as royalties.

COPYRIGHT

Australia, along with most other countries, protects and fosters the arts through copyright legislation. Under the Australian Copyright Act 1968 (Cth), an Australian composer enjoys a bundle of exclusive rights from the time he or she commits an original work to a material form such as a manuscript, audio or video tape recording or any electronic or digital format. These are the rights to:

- reproduce the work in a material form
- publish the work
- perform the work in public
- communicate the work to the public
- make an adaptation or an arrangement of the work such as arranging the music or altering the lyrics or do any of the above in relation to the adaptation.

In most instances in Australia, copyright in a musical work lasts for the life of the composer plus 70 years. If, before the composer's death, a work has not been published, communicated or performed in public and recordings have not been offered for sale, then copyright lasts for 70 years from the date on which the first of these events takes place.

WHO OWNS COPYRIGHT?

The composer is usually the first owner of copyright in a musical work and the lyricist the first owner of copyright in the lyrics in a musical work. Copyright protects the intangible products of composers' creativity. It encourages the reproduction of musical works by enabling composers to receive a fair financial reward for the use of those works.

COMPLYING WITH COPYRIGHT

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WHO IS RESPONSIBLE FOR OBTAINING A LICENCE?

The person authorising a public performance of music is the one who should complete an APRA licence agreement. As an event promoter it is your responsibility to contact APRA prior to the commencement of your event to ensure that you have the appropriate APRA licence in place.

BOX OFFICE EVENTS

Licence fees for concerts, festivals or events which generate a box office (ie. ticket sales) are generally based on a percentage of gross box office receipts. Licence fees for dance parties are a rate per person attending the event. In all cases a minimum licence fee of \$55.00 applies.

As part of administering this licence, you must ensure that all performers provide lists of the works they perform and return these to APRA within 30 days of the event. The song lists are important because they allow APRA to identify the composers who should receive royalty payments.

SPORTING EVENTS

Recorded music and live entertainment used during the course of a sporting event will also require a licence from APRA. Licence fees vary depending on the nature of performances that occur during the event and are subject to a minimum fee of \$55.00.

CORPORATE AND INDUSTRY FUNCTIONS

If your event or dinner function is mainly for invited guests, you still need to take out an APRA licence to play copyright music. The licence issued for these type of events may involve collection of performers' song lists depending on the scale of the event, and are subject to a minimum fee of \$55.00

FREE EVENTS

If your concert, festival or event is free to the public, you will still require an APRA licence to play copyright music. The licence fee can vary depending on the scale of the event, and will have a minimum fee of \$55.00.

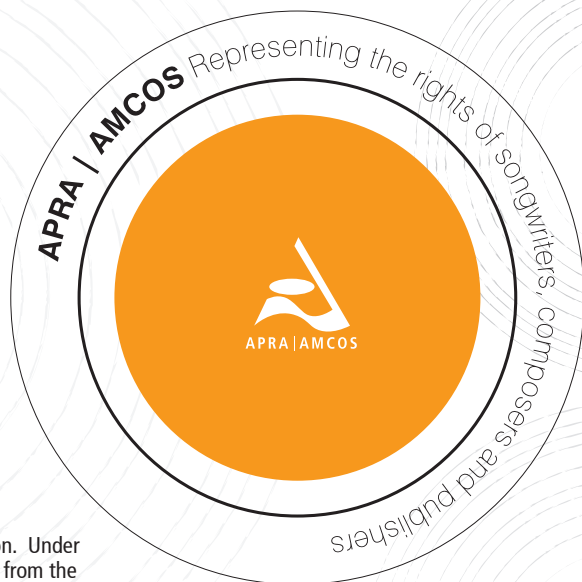
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APRA|AMCOS MUSIC ESSENTIALS

MUSIC AT YOUR FILM FESTIVAL

Once you have finalised the film line up for your festival, there's one organisation you still need to contact before the music begins: APRA (Australasian Performing Right Association).

Music is protected by copyright law and you require a licence from the APRA to publicly perform either live or recorded music, including musical works contained within a film soundtrack.

ABOUT APRA

Established in 1926, APRA is a non-profit organisation which collects and distributes copyright royalties for composers, lyricists and music publishers. We have over 70,000 members in Australia and New Zealand representing all musical styles. Through reciprocal agreements with similar collecting societies around the world, we also represent the interests of at least two million overseas copyright owners. Rather than license businesses themselves, composers join APRA which collects licence fees on their behalf and distributes them as royalties.

COPYRIGHT

Australia, along with most other countries, protects and fosters the arts through copyright legislation. Under the Australian Copyright Act 1968 (Cth), an Australian composer enjoys a bundle of exclusive rights from the time he or she commits an original work to a material form such as a manuscript, audio or video tape recording or any electronic or digital format. These are the rights to:

- reproduce the work in a material form
- publish the work
- perform the work in public
- communicate the work to the public
- make an adaptation or an arrangement of the work such as arranging the music or altering the lyrics or do any of the above in relation to the adaptation.

In most instances in Australia, copyright in a musical work lasts for the life of the composer plus 70 years. If, before the composer's death, a work has not been published, communicated or performed in public and recordings have not been offered for sale, then copyright lasts for 70 years from the date on which the first of these events takes place.

WHO OWNS COPYRIGHT?

The composer is usually the first owner of copyright in a musical work and the lyricist the first owner of copyright in the lyrics in a musical work. Copyright protects the intangible products of composers' creativity. It encourages the reproduction of musical works by enabling composers to receive a fair financial reward for the use of those works.

COMPLYING WITH COPYRIGHT

The permission of the copyright owner is required to use a musical work in any of the ways detailed in the adjacent list of rights, including public performances and communications by radio, television, film, CD player, live artists, music on hold, or any other means. APRA acts as a copyright collection agency on behalf of the vast majority of composers, authors and publishers, licensing the use of their music. APRA's licences cover the public performance and communication of music by both Australian and overseas composers who are members of APRA or an affiliated collecting society.

WHO IS RESPONSIBLE FOR OBTAINING A LICENCE?

The person authorising a public performance of music is the one who should complete an APRA licence agreement. Many venues have licences that will authorise some performances of copyright music, however if you are promoting a film festival or any other event that uses music, it is your responsibility to contact APRA prior to the event to ensure the appropriate APRA licence is in place.

HOW MUCH DO I HAVE TO PAY?

Film festivals or events with a box office (ie. ticket sales) are generally licensed on a percentage of gross box office receipts. A condition of the APRA licence is that the festival must provide a statement of box office takings along with a list of films screened at the event so that APRA can identify the composers who should receive royalty payments.

FREE EVENTS

If your film festival is free to the public and does not charge an admission fee, you will still require an APRA licence to play copyright music. The licence fee can vary depending on the event, and will have a minimum fee of \$63.64.

WHO GETS THE MONEY?

Composers represent some of Australia's smallest businesses and they rely on APRA to provide a significant part of their income. APRA distributes the licence fees collected back to the copyright owners whose works have been used, employing a number of different procedures to analyse music usage. The only deduction is for administrative costs of approximately 13% per annum.

ARE THERE ANY OTHER COPYRIGHT ASSOCIATIONS I SHOULD KNOW ABOUT?

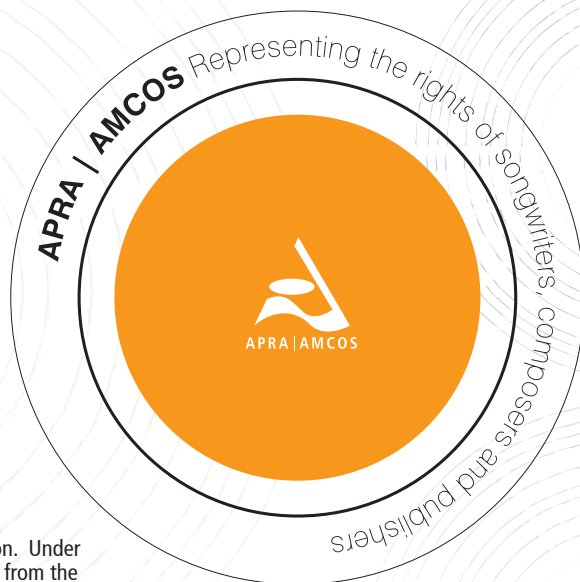
APRA licenses the public performance and communication rights for copyright owners of musical works. Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and their recording artists. In addition to your APRA licence, a licence may be required from PPCA if you have music on hold or if CDs, tapes or video clips are played at your film festival. For further information, contact the PPCA on 02 8569 1111.

WHERE CAN I GET MORE INFORMATION?

Additional information on APRA can be obtained from our website at www.apra-amcos.com.au. Independent information on APRA is available from the Australian Copyright Council website at www.copyright.org.au

HOW DO I APPLY FOR A LICENCE?

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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN THE WORKPLACE/ MUSIC ON HOLD

Many organisations use music in their everyday operations for the benefit of their employees. Others have made the decision to use music on their telephone system while their customers are on hold or to have background music in areas accessible by the public.

MUSIC IN THE WORKPLACE

The benefits of using music in the workplace have been widely researched and documented. Studies highlight the fact that music provided for staff to listen to during their working day helps create a relaxed and productive atmosphere. Music can also have a significant impact on the success of training videos, corporate presentations, conferences and function.

MUSIC ON HOLD

The decision to use music on hold is equally important to businesses operation in today's market place. A telephone call is often the first point of contact a potential customer has with your business. Recent research proves that callers prefer music to silence and are likely to hold for 20% longer when music is played. As such, music on hold is a powerful sales tool.

However there is more to music than just keeping your customers on the line. Music can help project a positive image of your company. Deciding what music to play on hold is as important as the decisions you make about the way your business looks and the services or products you sell. First impressions are everything!

If your company uses copyright music in either or both of the above examples you will need to obtain permission from the copyright owner. This is where APRA can help.

ABOUT APRA

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HOW MUCH DO YOU HAVE TO PAY?

MUSIC IN THE WORKPLACE.

The purchase price of a CD or tape, does not always include the right to publicly perform music in your organisation. You must obtain the copyright owner's permission for any public performance of copyright music. In most cases this takes the form of an annual APRA licence. APRA's licence permits musical works to be publicly performed in the areas of your business where the general public are not admitted. Performances may include (but are not limited to):

- training/presentations/corporate promotion videos
- as background music caused by means of tape or CD players
- the usage of television sets or radio receivers, whether at a work station, in staff recreation areas or other rooms within a business premises
- during conferences, staff parties such as Christmas parties by means of DJ, jukebox or live band



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- during gym or aerobic classes provided by an employer for the benefit of employees

Licence fees are calculated by multiplying the company's total number of full-time employee equivalents by 86 cents, subject to a minimum fee of \$58.55 per annum. Licence fees are tax deductible as a business expense.

MUSIC ON HOLD

Licence fees for the APRA|AMCOS licence authorising this communication of copyright works is calculated per group of external telephone lines starting as low as \$145.23 for up to 5 lines.

USE OF MUSIC IN PUBLIC AREAS

APRA|AMCOS Corporate Music Use application includes a section for businesses using background music devices in public areas with fees starting as low as \$72.77 for the use of a TV or Radio used in a space up to 150sqm. Any other use of Copyright music in the public area of your organisation may require separate licensing through APRA|AMCOS.

Please contact us if you would like further information on the various licences APRA|AMCOS offers for these uses.

WHO GETS THE MONEY?

Small businesses - composers represent some of Australia's smallest businesses and they rely on APRA to provide a significant part of their income. APRA distributes the licence fees collected back to the copyright owners whose works have been used, employing a number of different procedures to analyse music usage. The only deduction is for administrative costs of approximately 13% per annum.



ADDITIONAL LICENCES

RECORDING COMMERCIAL MUSIC ON AUDIO AND AUDIO-VISUAL FORMATS

If you wish to record commercial music on to training or corporate videos, CD-ROMS, or other audio-visual formats, for internal or external use, you will need to seek a licence directly from the copyright owner in the musical work. A licence is also required to make audio recordings of commercial music, whether for the purpose of music on hold or for background music to a presentation.

For further advice please contact the AMCOS Mechanical Rights Licensing Department on 02 9935 7900.

MUSIC ON WEBSITES

Australian Copyright Law grants certain exclusive rights to copyright owners, including the right to communicate to the public and the right to reproduce the work. If you have music available on your website you must obtain a licence from the copyright owner or their representative.

A licence from APRA|AMCOS allows you to efficiently and effectively use all of our music for a relatively low fee. Even if the primary purpose of your website is not music related, the use of music can enhance the user's experience, and keep them at your site for longer periods.

Please note some uses of music on a website must be licensed directly with the relevant publisher (eg. advertisements). However you should still contact APRA in the first instance.

OTHER COPYRIGHT ASSOCIATIONS

You may require a licence from the owners of copyright in the sound recordings of musical works you wish to communicate to the public. For further advice, contact the Phonographic Performance Company of Australia (PPCA) on 02 8569 1111.

WHERE CAN I GET MORE INFORMATION?

Additional information on APRA|AMCOS can be obtained from our website at www.apra-amcos.com.au. Independent information on APRA|AMCOS is available from the Australian Copyright Council at www.copyright.org.au.

For more information on relevant legal cases:

APRA v Commonwealth Bank (1992) 25 IPR 157) - http://www.austlii.edu.au/au/cases/cth/federal_ct/unrep5879.html

APRA v Telstra (1995) 31 IPR 289

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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR BUSINESS

Music can be used by a business as a marketing tool much like any other aspect such as product range, theme, décor or furniture. Successful business owners will agree that music is one of the elements that help define the style and ambience of a business. More than that, recent research indicates that music can affect your customer mix, attract customers, influence their behaviour, entertain employees and increase turnover.

Since 1926 APRA (the Australasian Performing Right Association) has been making life a little easier for songwriters, composers and music users. Australian copyright law makes songwriters and composers the exclusive owners of their original music and lyrics. Nobody else can use their work without getting their permission first, and if necessary, paying a royalty for this use. This is where APRA steps in. APRA is a not-for-profit organisation that collects royalties on behalf of its 70,000+ members, and by agreement, for all the copyright owners around the world.

Since 1997, APRA has also been able to offer a number of reproduction licences through AMCOS (Australasian Mechanical Copyright Owners' Society), a music copyright collection society that represents music publishers and writers from around the world for the rights in the reproduction (copying) of their music. Like APRA, AMCOS represents literally millions of works from all around the world. The two companies now trade under the APRA|AMCOS name.



COPYRIGHT AND ROYALTIES

Whenever music is performed in public, communicated or reproduced the songwriter may be entitled to a payment or royalty. This is because the Australian Copyright Act gives writers what are known as 'economic rights' that cover certain uses of their music. By licensing and allowing the public performance, communication or reproduction of their music, songwriters may generate income known as royalties.

Public performances of music include music used in pubs, clubs, fitness centres, dance classes, retail outlets, cinemas and festivals. Performances can be in many different forms for example: live artists, DJs, karaoke, CD players or playing the radio or television (including free to air, Sky Channel, Fox Sports and Austar). Communications of music include music played by radio or recorded music for music on hold or music accessed over the internet. Reproductions of music include making a copy of the work, such as a CD recording, using music in a video or DVD, a mobile phone ringtone, digital download, as production music or in the making of audiovisual and broadcast material.

PLAYING/COPYING MUSIC IN YOUR BUSINESS

When you purchase devices such as TVs, DVD players, hi-fi systems and telephone systems for your business or products such as a CD or DVD, you don't purchase the right to give a public performance/communication or to copy the music. If you want to play music in your business through these devices or make copies of music for your business you must obtain the copyright owner's permission.

In the majority of cases this takes the form of an annual APRA|AMCOS licence. This is because APRA|AMCOS collectively administers the public performance, communication and reproduction rights on behalf of the majority of Australian and overseas copyright owners. APRA|AMCOS simplifies the legal process for business proprietors who would otherwise need to obtain a licence from each copyright owner whose music they wish to play.

MUSIC – A USER PAYS SYSTEM

APRA|AMCOS has devised a number of different licence schemes to cover the different ways in which a business uses music. This is to ensure that your business only pays for the music it uses. Below we have detailed the main licences required by retail & general businesses.

BACKGROUND MUSIC

Almost all businesses use copyright music through a background music system, radio or television. Public performance licence fees are based on the type and number of devices you have in your business and the area they can be heard. APRA|AMCOS distributes the Background Music licence fees back to songwriters according to our analysis of radio/television playlists. This is because APRA regards radio/television playlists as representative of background music performed in small businesses, restaurants and hotels. We are able to do this comprehensively as commercial radio and television stations in Australia provide APRA with a full census of works broadcast, while community stations are sampled at intervals throughout the year. Fees start at \$72.77 for the use of a radio or TV as background music.

MUSIC ON HOLD

The decision to use music on hold is equally important to business operations in today's market place. A telephone call is often the first point of contact a potential customer has with your business. Recent research proves that callers prefer music to silence and are likely to hold for 20% longer when music is played. As such, music on hold is a powerful sales tool.

Fees for the APRA|AMCOS licence authorising this communication of copyright works is calculated per group of external telephone lines starting as low as \$145.23 for up to 5 lines.

REPRODUCTIONS (COPYING)

Businesses copying CD's or transferring music to a digital device (e.g. a computer hard drive, MP3 player, iPod etc.) for the purposes of giving a public performance or communication in the business are required to obtain the appropriate APRA|AMCOS reproductions licence. Fees for this right in association with background music are calculated based on the annual number of tracks being reproduced in groups of 500, starting at \$145.54 for up to 500 tracks. For reproductions associated with Music On Hold the fee is calculated based on the number of lines the reproduction can be heard, in line with the communications licence, starting as low as \$36.31 for up to 5 lines. Please note that this licence does not authorise any reproductions in an audio visual format or any alteration of the work(s).

MUSIC ON WEBSITES

Australian Copyright Law grants certain exclusive rights to copyright owners, including the right to communicate to the public and the right to reproduce the work. If you have music available on your website you must obtain a licence from the copyright owner or their representative.

A licence from APRA|AMCOS allows you to efficiently and effectively use all of our music for a relatively low fee. Even if the primary purpose of your website is not music related, the use of music can enhance the user's experience, and keep them at your site for longer periods.

Please note some uses of music on a website must be licensed directly with the relevant publisher (eg. advertisements). However you should still contact APRA in the first instance.

WHO GETS THE MONEY?

Composers represent some of Australia's smallest businesses and they rely on APRA to provide a significant part of their income. APRA distributes the licence fees collected back to the copyright owners whose works have been used, employing a number of different procedures to analyse music usage. The only deduction is for administrative costs of approximately 13% per annum.

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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR CHURCH

Music has been part of church worship services for many centuries. Apart from religious services, music is also played at many church related functions and at activities organised by community groups on church premises. Music is the intellectual property of composers who, like other suppliers in the marketplace, are entitled to be paid for the use of their product. It is APRA's responsibility to bring music users and creators together, simplifying delivery of a popular product and payment to the creators.

COPYRIGHT

Australia, along with most other countries, protects and fosters the arts through copyright legislation. Under the Australian Copyright Act 1968 (Cth), an Australian composer enjoys a bundle of exclusive rights from the time he or she commits an original work to a material form such as a manuscript, audio or video tape recording or any electronic or digital format. These are the rights to:

- reproduce the work in a material form
- publish the work
- perform the work in public
- communicate the work to the public
- make an adaptation or an arrangement of the work such as arranging the music or altering the lyrics or do any of the above in relation to the adaptation.

In most instances in Australia, copyright in a musical work lasts for the life of the composer plus 70 years. If, before the composer's death, a work has not been published, communicated or performed in public and recordings have not been offered for sale, then copyright lasts for 70 years from the date on which the first of these events takes place.

WHO OWNS COPYRIGHT?

The composer is usually the first owner of copyright in a musical work and the lyricist the first owner of copyright in the lyrics in a musical work. Copyright protects the intangible products of composers' creativity. It encourages the production of musical works by enabling composers to receive a fair financial reward for the use of those works.

COMPLYING WITH COPYRIGHT

The permission of the copyright owner is required to use a musical work in any of the ways detailed in the adjacent list of rights, including public performances and communications by radio, television, film, CD player, live artists, music on hold or any other means. APRA acts as a copyright collection agency on behalf of the vast majority of composers, authors and publishers, licensing the use of their music. APRA's licences cover the public performance and communication of music by both Australian and overseas composers.

DO CHURCHES NEED AN APRA LICENCE?

There are many church activities where copyright music is publicly performed outside of the typical worship ceremony or order of service. Churches, like other organisations playing copyright music in public, require a licence from the copyright owner.

While APRA grants a voluntarily exemption to certain performances of music (i.e. music used in worship services, weddings, funerals) all other performances will require a licence from APRA. In most cases Churches are able to meet their APRA licensing requirements by obtaining APRA's annual Church Licence.

APRA'S CHURCH LICENCE

APRA provides a special licence scheme for Churches which authorises the public performance of copyright music at Church related functions that are considered to be beyond the nature of a typical worship ceremony or order of service (such as fetes, and youth group meetings). Licence fees are subject to annual increases in accordance with the Consumer Price Index (CPI) and are currently set at \$80.85.

PERFORMANCES BY PROFESSIONAL MUSICIANS OR AT EVENTS WHERE ADMISSION FEES ARE CHARGED

It is important to note that APRA's annual Church licence does not extend to cover performances of copyright music at events where admission fees are charged or where professional musicians receive a form of payment or honorarium. Churches which hold events that fall outside of the voluntary exemption or the scope of the annual Church licence may require an additional licence and will need to contact APRA to discuss the specific circumstances of their event.

MUSIC ON HOLD

Churches which authorise the communication of copyright music over their telephone system will also require APRA's Music on Hold. Licence fees for music on hold are based on the number of external telephone lines connected to your Church. For most churches, licence fees start as low as \$145.23 per annum and will allow you to provide copyright music on hold over your telephone system on up to five external lines.

PHOTOCOPYING MUSIC

If you want to photocopy a copyright work or edition you will need the prior permission of the copyright owner. There are a number of licences offered by organisations such as the Copyright Agency, CCLI, Licensing and Word of Life that provide a licence to use their catalogues of religious music only. They generally do not cover secular music, for which you will need to get publisher permission to copy. See our Music Copyright Guide for Churches online for more information or contact the relevant licensing organisation.

MAKING RECORDINGS

If you want to make audio or audio-visual recordings of an event to be used in a service of worship, you will need licensing if using copyright music or sound recordings. For audio recordings you will need an Audio Manufacture Licence and for one-off videos, you will need a Domestic Video Licence (see www.apra-amcos.com.au or email mechres@apra.com.au for more information). Some of the religious licensing organisations such as CCLI offer audio reproduction licences for their repertoire.



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR COMMUNITY GROUP, BAND OR CHOIR

COPYRIGHT AND ROYALTIES

All businesses, organisations or individuals that choose to publicly perform copyright music need permission from the copyright owners. This is because the Australian Copyright Act gives writers 'economic rights' whenever their music is performed in public, communicated or reproduced. By licensing and allowing the public performance, communication or reproduction of their music, songwriters are able to generate income known as royalties.

Public performances of music include music played in pubs, clubs, fitness centres, dance classes, retail outlets, cinemas and events or festivals. Performances can be in many different forms for example: live artists, DJs, karaoke, CD players or playing the radio or television.

Communication of music includes music broadcast by television or radio broadcasters, used for music on hold, or music accessed over the internet.

Reproduction of music includes making a copy of the work, such as a CD recording, using music in a video or DVD, a mobile phone ringtone, digital download, as production music or in the making of audiovisual and broadcast material.

USING MUSIC IN YOUR COMMUNITY GROUP, BAND OR CHOIR

APRA|AMCOS collectively administers the public performance and communication rights on behalf of the majority of Australian and overseas copyright owners. Subsequently, APRA|AMCOS simplifies the legal process for business proprietors, and indeed anyone, who would otherwise need to obtain a licence from each copyright owner whose music they wish to play.

APRA has a licence to cover the public performance of works by a community band, performance group or choir, at community functions or events that do not generate a box office. The current annual fee for the Community Bands, Groups, and Choirs licence is \$80.85.

PHOTOCOPYING AND ARRANGING MUSICAL WORKS

If you wish to photocopy or arrange any copyright musical works or if you wish to alter song lyrics, you will need to seek permission from the copyright owner to do so. In most cases this will be a music publisher. Our Print Music & Educational Licensing department are happy to assist you in identifying the relevant publisher and supplying you with their contact details. Please email print@apra.com.au or call 1300 852 388

ARE THERE ANY OTHER LICENCES THAT I REQUIRE?

APRA licenses the **public performance and communication rights** for copyright owners of musical works.

It is important to note that APRA's annual Community Bands, Groups, Choirs licence does not extend to cover performances of copyright music at events where admission fees are charged or where musicians receive a form of payment or honorarium.

Groups which hold events that fall outside of the scope of the annual Community Bands, Groups, Choirs licence may require an additional licence and will need to contact APRA to discuss the specific circumstances of their event. Meanwhile if your performance is an exercise of a grand right - operas, operettas, musical plays (for example, "Phantom of the Opera" or "Grease"), revues, ballets for which the music was originally written, oratorios and large choral works (exceeding 20 minutes) - you must contact the appropriate publisher (or their agent) of the musical work to obtain their authority for the performance. APRA can assist you locate the publishers for Grand Rights performances.

If you are performing a theatrical event with all the elements of Dramatic Context then you must apply for a Dramatic Context licence from APRA|AMCOS.

Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and recording artists. So in addition to your APRA licence, you may need a PPCA licence if you use CDs, tapes or video clips in your business. Further information is available from PPCA on 02 8569 1111.

FOR MORE INFORMATION

To find out more about licensing requirements for your business please call APRA|AMCOS' Client Services Department on 1300 852 388 or visit the APRA|AMCOS website on www.apra-amcos.com.au



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR DANCE SCHOOL

Since 1926 APRA (the Australasian Performing Right Association) has been making life a little easier for songwriters, composers ... and music users. Australian copyright law makes songwriters and composers the exclusive owners of their original music and lyrics. Nobody else can use their work without getting their permission first, and if necessary, paying a royalty for this use. This is where APRA steps in. APRA is a not-for-profit organisation that collects royalties on behalf of its 70,000+ members, and by agreement, for all the copyright owners around the world.

Since 1997, APRA has also been able to offer a number of reproduction licences through AMCOS (Australasian Mechanical Copyright Owners' Society), a music copyright collection society that represents music publishers and writers from around the world for the rights in the reproduction (copying) of their music. Like APRA, AMCOS represents literally millions of works from all around the world. The two companies now trade under the APRA|AMCOS name.



COPYRIGHT AND ROYALTIES

Whenever music is performed in public, communicated or reproduced the songwriter may be entitled to a payment or royalty. This is because the Australian Copyright Act gives writers what are known as 'economic rights' that cover certain uses of their music. By licensing and allowing the public performance, communication or reproduction of their music, songwriters may generate income known as royalties.

Public performances of music include music used in pubs, clubs, fitness centres, dance classes, retail outlets, cinemas and festivals. Performances can be in many different forms for example: live artists, DJs, karaoke, CD players or playing the radio or television.

Communications of music include music broadcast by television or radio broadcasters, used for music on hold, or music accessed over the internet.

Reproductions of music include making a copy of the work, such as a CD recording, using music in a video or DVD, a mobile phone ringtone, digital download, as production music or in the making of audiovisual and broadcast material.

PLAYING MUSIC IN YOUR DANCE CLASSES

All businesses, organisations or individuals that choose to publicly perform copyright music in their business need permission from the copyright owners. In most instances, the appropriate licence from APRA|AMCOS provides a simple solution. This is because APRA|AMCOS collectively administers the public performance and communication rights on behalf of the majority of Australian and overseas copyright owners. APRA|AMCOS simplifies the legal process for business proprietors who would otherwise need to obtain a licence from each copyright owner whose music they wish to play. Licence fees for the public performance of music in dance classes start at \$65.72 per annum for teaching one-day per week, with additional days charged at \$32.87 per annum.

RECORDING MUSIC FOR DANCE CLASSES, CONCERTS OR EISTEDDFODS

Many dance and callisthenics schools record music onto audio tapes and CDs for use during dance school classes, at eisteddfods, concerts and competitions held under the Dance School banner, or for pupils to use at home to practice.. The copying of a song from a CD, tape or record, involves a "reproduction" of not only the sound recording, but also the underlying musical work and requires a licence from all of the relevant copyright owners.

APRA|AMCOS administers a licence scheme for dance schools in conjunction with the Australian Record Industry Association (ARIA) to make reproductions of musical works and the associated sound recordings. ARIA represents a large number of Australian record companies with extensive international affiliations and its repertoire is vast. Annual licence fees under the AMCOS & ARIA dance schools licence are the higher of: (a) \$5.23 (GST inclusive) for student enrolled at the date you complete the form; and (b) the minimum flat fee payable of \$73.15 (GST inclusive).

Some Dance Schools do not make recordings to teach classes but make a small number of recordings for students entering eisteddfods or end-of-year concerts. These schools may prefer to secure a licence on a recording by recording basis. Whilst this method may be less expensive, it might also be more time consuming as it requires making separate applications to both AMCOS and ARIA for each recording made.

ARE THERE ANY OTHER LICENCES I REQUIRE?

If you are holding an end of year concert you will need to contact your nearest APRA|AMCOS office to obtain an additional licence as your annual licence will not cover this performance. If you participate in an eisteddfod the organisers of the eisteddfod will be required to obtain the necessary public performance licence from APRA|AMCOS on behalf of all the entrant

A licence may also be required from the Phonographic Performance Company of Australia (PPCA) where their members' sound recordings are played during your classes. PPCA may also be able to advise on licensing arrangements for the reproduction of protected sound recordings, phone. Contact PPCA on 02 8569 1111 for further information.

FOR MORE INFORMATION

To find out more about licensing requirements for your business please call APRA|AMCOS' Client Services Department on 1300 852 388 or visit the APRA|AMCOS website on www.apra-amcos.com.au

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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR FITNESS CENTRE

Most businesses use background music in some way and most fitness centre managers will agree that music is one of the elements that help define the style and ambience of their centre. Aside from the featured use of music in fitness classes, fitness centres and gyms typically use background music in their cardio theatre, reception area or café.

Since 1926 APRA (the Australasian Performing Right Association) has been making life a little easier for songwriters, composers and music users. APRA is a not-for-profit organisation that collects royalties on behalf of its 70,000+ members, and by agreement, for all the copyright owners around the world.

Since 1997, APRA has also been able to offer a number of reproduction licences through AMCOS (Australasian Mechanical Copyright Owners' Society), a music copyright collection society that represents music publishers and writers from around the world for the rights in the reproduction (copying) of their music. Like APRA, AMCOS represents literally millions of works from all around the world. The two companies now trade under the APRA|AMCOS name.

WHO OWNS COPYRIGHT?

There are at least two copyrights in most music recordings and music videos: The Copyright of the song which refers to the musical work and lyrics, administered by APRA|AMCOS; and the copyright in the sound recording and/ or music video, administered by the PPCA and ARIA.

HOW MUCH DO YOU HAVE TO PAY?

APRA|AMCOS has a range of licence schemes to cover the different ways in which a business uses music. This is to ensure that your business only pays for the music it uses. Below we have detailed the main licences required by Fitness Centre operators and Instructors who run Fitness Classes on a commercial basis in premises other than Fitness Centres. (See definition of Fitness Class below).

Background Music

Background music in a gym whether played via cardio devices, a radio, tape/CD/ digital media player, or television (including free to air, Sky Channel, Fox Sports and Austar) is giving a public performance of copyright works. APRA's background music licence grants Fitness Centre's the permission required from songwriter and composer copyright owners to give a public performance via those devices.

If you are copying music from one format to another for the purpose of background music, i.e CD to CD, CD to ipod or MP3 player or any other device you will also require a Reproduction Licence. Rates for this tariff are calculated in blocks of tracks starting as low as \$145.54 for up to 500 tracks.

The grid below is provided to help explain when an APRA licence is required for using a TV:

Music in Your Fitness Centre	Licence Required?
Individual cardio devices with integrated screens	✓
Televisions/Large screens displaying Foxtel/Free to air/Nightlife with direct sound source	✓
Advertisement screens with no sound	✗
Televisions/Large screens displaying Foxtel/Free to air with no direct sound source	✗
Screen synchronised with background music amplified around the venue	✓

Please note: Licences are not required for screens that are not synchronised with any sound source. If the device cannot be heard in the fitness centre, or accessed through headphones, a licence fee does not apply for that screen.

Fitness Classes

The Australasian Performing Right Association (APRA) and Fitness Australia have negotiated a new agreement for the public performance of music in group fitness classes. The new scheme, effective 1 July 2011, will be phased in over a 2 year period for a 5 year licence term.

Fitness Class operators will select at the start of the licence year, and for the licence year duration, a single rate of \$2.00 - applicable to all classes, or a two tiered rate based on 10 or fewer participants (\$1.20 per class) and 10 or more participants (\$2.80 per class).

Year 1 (1 July 2011 – 30 June 2012)	\$1.50 per class
Year 2 (1 July 2012 – 30 June 2013)	\$2.00 per class
Year 3 (1 July 2013 – 30 June 2014)	\$2.50 per class

From 1 July 2014, the Year 3 rate will be increased in accordance with the CPI.

NB: Fitness classes are defined as: A structured form of exercise conducted in a class environment in or by a Fitness Centre or other organization conducting fitness classes on a commercial basis as a business or by a freelance fitness instructor, which is (a) directed (whether by a fitness instructor, video instruction or otherwise) and (b) included in a published time-table or advance notification to potential participants, and includes, without limitation, the following types of classes:- aerobics, circuit, dance, cycle/spin, strength/resistance, hybrid, boxing/combat, flexibility/stretching/abdominal, including yoga and pilates, specialty, aqua and age/ lifestyle.

Music on Hold

Music on Hold licence fees are based on the number of external telephone lines connected to your business. For most small businesses licence fees start at \$145.23 per annum for up to 5 lines, with the right to reproduce tracks for Music on Hold starting at \$35.50.

If you have any questions regarding licensing requirements for your business, or wish to determine whether the music you are using is in copyright, you should contact APRA's Licensing Department.



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR LOCAL COUNCIL

Most local councils use music in a variety of ways. Whether you use a background music system in your public buildings, play music over your telephone to callers on hold or organise a concert event, there's one organisation you need to contact before the music begins: APRA (the Australasian Performing Right Association).

Music is protected by copyright law and you require a licence from APRA if you authorise a public performance or communication of copyright musical works.

HOW COPYRIGHT WORKS

The Commonwealth Copyright Act of 1968 gives composers a number of rights to help them earn a living from their music. The rights last for the life of the composer plus 70 years from their death, which means that almost all popular music is in copyright. Among other rights, composers control the communication of musical works when played to callers on a telephone system and public performances of their work by radio, film, CD or any other method. Rather than exercising the public performance and communication rights themselves, which would present many difficulties, Australian composers and music publishers authorise APRA to act on their behalf. The Association licences the use of copyright music and then returns the fees to copyright owners in the form of royalties. As APRA has reciprocal arrangements with similar organisations world-wide, it licenses music by both Australian and overseas composers. Collective administration by APRA also has advantages for music users. Instead of dealing with individual copyright owners, music users need only take out an APRA licence in order to play virtually any piece of music in the world.

WHAT IS APRA ?

APRA is a non-profit association of composers, authors and publishers of music. Rather than license music users themselves, composers join APRA which collects licence fees on their behalf. APRA also licenses the music of overseas composers by arrangement with foreign copyright collecting societies.

WHO IS RESPONSIBLE FOR OBTAINING A LICENCE?

The person authorising a public performance or communication of music is the one who should complete an APRA licence agreement. If you are using music on hold in any of your offices or operating a fitness/recreation centre, local hall, promoting a concert/function or any other event that uses music, it is your responsibility to contact APRA so that the appropriate licence can be arranged.

BACKGROUND MUSIC

The most common use of copyright music by councils is through either a background music system, radio or television. Councils may operate one or more of these systems in a mall, at a swimming pool or youth centre.

MUSIC ON HOLD

Licence fees for music on hold are based on the number of external telephone lines you have at each of your offices or public buildings. Licence fees start as low as \$145.23 per annum, inc GST, for up to 5 lines.

FITNESS & LEISURE CENTRES

Most gyms use music in some way, for example, during aerobic classes, in the cardio theatre or in their café. APRA has licences specifically designed for the purposes of using music in a fitness centre.

FREE LIVE PERFORMANCES

Many councils provide free live performances either throughout the year or on special occasions such as Australia Day. In each case you still need to take out an APRA licence to perform copyright music. For those who provide regular live entertainment APRA offers an annual licence. The licence fee is calculated at 2.2% of the annual gross expenditure on live performers. If live performances are provided only on certain occasions APRA can issue a one off licence for each event.

BOX OFFICE EVENTS

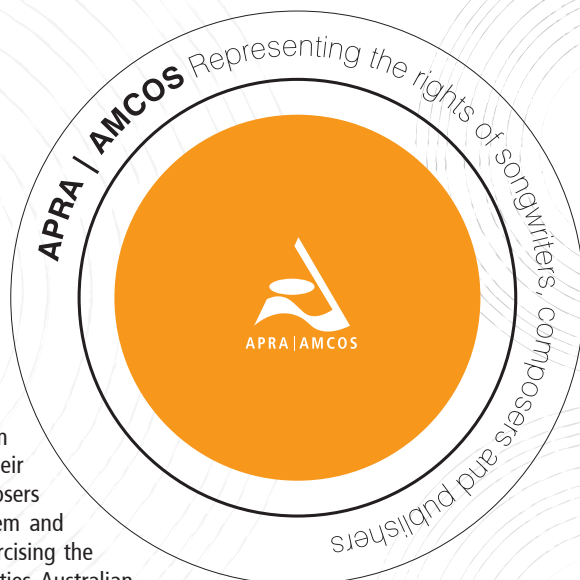
Concerts, festivals or events with a box office, i.e. ticket sales, are generally licensed on a Concert Promoter's Licence. Fees are calculated at a maximum 1.65% of gross box office receipts and are paid after the event. As part of administering this licence, you must ensure that all performers provide the lists of the works they perform and return these to APRA within 30 days of the event. The song lists are important because they allow APRA to identify the composers who should receive royalty payments.

ARE THERE ANY OTHER LICENCES I REQUIRE?

APRA licenses the **public performance and communication rights** for copyright owners of musical works. Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and recording artists. So in addition to your APRA licence, you may need a PPCA licence if you have music on hold or use CDs, tapes or video clips in your business. Further information is available from PPCA on 02 8569 1111.

FOR MORE INFORMATION

To find out more about licensing requirements for your business please call APRA|AMCOS' Client Services Department on 1300 852 388 or visit the APRA|AMCOS website on www.apra-amcos.com.au. Independent information on APRA is available from the Australian Copyright Council website at www.copyright.org.au



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC IN YOUR VENUE

Music can be used by a business as a marketing tool much like any other feature such as product range, theme, décor or furniture. Successful business owners will agree that music is one of the elements that help define the style and ambience of a business. More than that, recent research indicates that music can affect your customer mix, attract and entertain customers, influence their behaviour, and increase turnover. Once you have decided on the entertainment for your venue, there's one organisation you still need to contact before the music begins: APRA (Australasian Performing Right Association).

Whenever music is performed in public, communicated or reproduced the songwriter may be entitled to a payment or royalty. This is because the Australian Copyright Act gives writers what are known as 'economic rights' that cover certain uses of their music. By licensing and allowing the public performance, communication or reproduction of their music, songwriters may generate income known as royalties.

Public performances of music include music used in pubs, clubs, fitness centres, dance classes, retail outlets, cinemas and festivals. Performances can occur in many different forms for example: live artists, DJs, karaoke, CD players or playing the radio or television. Communications of music covers music used for music on hold, music accessed over the internet or by television or radio broadcasters. Reproductions of music include making a copy of the work, such as a CD recording, using music in a video or DVD, a mobile phone ringtone, digital download, as production music or in the making of audiovisual and broadcast material.

PLAYING/ COPYING MUSIC IN YOUR BUSINESS

When you hire a band, karaoke operator or DJ, install a jukebox or television or purchase a CD or DVD, you don't purchase the right to give a public performance or to copy the music. If you want to play music in your venue or make copies of music for your business you must obtain the copyright owner's permission.

In the majority of cases this takes the form of an annual APRA|AMCOS licence. This is because APRA|AMCOS collectively administers the public performance, communication and reproduction rights on behalf of the majority of Australian and overseas copyright owners. APRA|AMCOS simplifies the legal process for business proprietors who would otherwise need to obtain a licence from each copyright owner whose music they wish to play.

MUSIC – A USER PAYS SYSTEM

APRA has devised a number of different licence schemes to cover the different ways in which a business uses music. This is to ensure that your business only pays for the music it uses. Below we have detailed the main licences required by hospitality venues.

BACKGROUND MUSIC

Almost all venues use copyright music through a background music system, radio, television or jukebox. Public performance licence fees are based on the type and number of devices you have in your business. APRA|AMCOS distributes the Background Music licence fees back to songwriters according to our analysis of radio/television playlists. This is because APRA regards radio/television playlists as representative of background music performed in small businesses, restaurants and hotels. We are able to do this comprehensively as commercial radio and television stations in Australia provide APRA with a full census of works broadcast, while community stations are sampled at intervals throughout the year.

REPRODUCTIONS (COPYING)

Businesses copying CD's or transferring music to a digital device (e.g. a computer hard drive, MP3 player, iPod etc.) for the purposes of public performance in the venue are required to obtain the appropriate APRA|AMCOS reproductions licence. Licence fees for this right are calculated based on the annual number of tracks being reproduced in groups of 500, starting at \$145.54 for up to 500 tracks.

LIVE MUSIC

For venues that provide live entertainment APRA offers an annual blanket licence. The licence fee is calculated at 2.2% of the annual gross expenditure on live performers (i.e. what you pay the performers) plus 1.65% of gross sums for admission (i.e. door charge that goes back to the band). APRA currently distributes 100% (less administration costs) of the live artist licence fees by claims made by songwriters.

DJ'S

APRA's Featured Recorded Music Licence (GFR) covers the use of music which has been selected or programmed by a DJ but not including performances for dance use in nightclubs (GFN), dances or dance parties. The fee for the GFR licence scheme is calculated at 1.9% of gross admission receipts or 15 cents per person admitted, whichever is greater.

APRA also offers a licence for Recorded Music for Dance Use in Nightclubs (GFN) for venues that have a dance floor/ area or charge an entry fee and use sound recordings as the primary source of music based entertainment. This licence excludes private functions, a dance/ dance party and underage events as per the Copyright Tribunals Nightclubs determination in 2007.

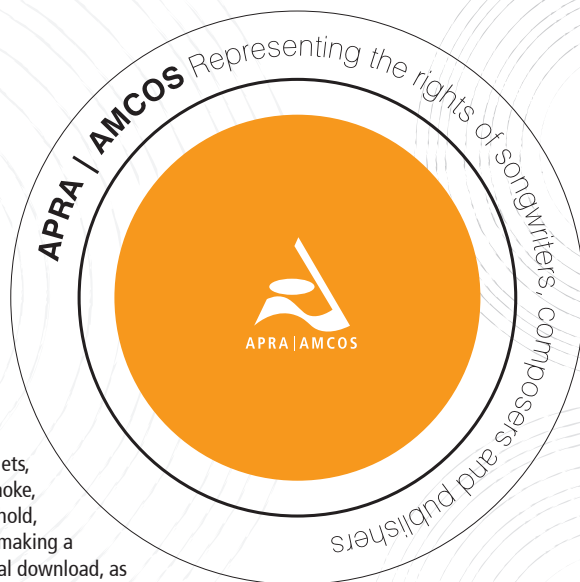
The fee associated with this licence is based on attendance and is currently 78 cents per person admitted to the nightclub annually.

Further information on the Copyright Tribunals 2007 determination is available from our Client Services department via the contact details below.

The distribution of these licence fees is split between the two main types of music performed – dance music (including House, Trance, R&B, Hip Hop, NRG etc.) and retro/commercial music. The ARIA Club Chart has been used as a basis for APRA's dance music distribution since 1999. The ARIA chart is compiled from the reports of approximately 110 DJ's around the country, who report weekly their most played dance tracks. The data used for the distribution of the retro/commercial music is taken from the playlists of selected radio stations and the Video Hits TV programme. APRA is also working towards a system of sampling DJ playlists in key nightclubs across Australia as a further means for distribution.

KARAOKE

For venues that offer performances via karaoke APRA provides an annual Karaoke licence. Under this agreement, the annual fee is calculated at \$17.89 per day upon which karaoke performances occur. APRA|AMCOS distribute the karaoke licence fees back to songwriters according to our analysis of radio playlists. Again, this is because APRA|AMCOS regards radio playlists as representative of music performed via karaoke in venues.



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APRA|AMCOS MUSIC ESSENTIALS

MUSIC ON HOLD

A telephone call is often the first point of contact a potential customer has with your business or organisation and if they are left on hold with no music it could result in a lost sale or inquiry. Research proves that callers prefer music to silence and are likely to hold for 20% longer when music is played. As such, music on hold is a powerful sales tool.

However there is more to music than just keeping your customers on the line. Music can help project a positive image of your business. Deciding what music to play on hold is as important as the decisions you make about the way your business looks and the services or products you sell. First impressions are everything! Once you have decided what style of music you intend to use you will need to obtain permission from the copyright owner. This is where APRA can help.

SINCE 1926 APRA (the Australasian Performing Right Association) has been making life a little easier for songwriters, composers and music users. Australian copyright law makes songwriters and composers the exclusive owners of their original music and lyrics. Nobody else can use their work without getting their permission first, and if necessary, paying a royalty for this use. This is where APRA steps in. APRA is a not-for-profit organisation that collects royalties on behalf of its 70,000+ members, and by agreement, for all the copyright owners around the world.

Since 1997, APRA has also been able to offer a number of reproduction licences through AMCOS (Australasian Mechanical Copyright Owners' Society), a music copyright collection society that represents music publishers and writers from around the world for the rights in the reproduction (copying) of their music. Like APRA, AMCOS represents literally millions of works from all around the world. The two companies now trade under the APRA|AMCOS name.

COPYRIGHT AND ROYALTIES

Whenever music is performed in public, communicated or reproduced the songwriter may be entitled to a payment or royalty. This is because the Australian Copyright Act gives writers what are known as 'economic rights' that cover certain uses of their music. By licensing and allowing the public performance, communication or reproduction of their music, songwriters may generate income known as royalties.

PLAYING MUSIC IN YOUR BUSINESS

When you buy a CD, DVD or tape, you don't purchase the right to give a public performance. If you want to play music (including the radio) in your reception or waiting room, retail space, restaurant, salon etc, you must obtain the copyright owner's permission. In the majority of cases this takes the form of an annual APRA|AMCOS licence. This is because APRA|AMCOS collectively administers the public performance and communication rights on behalf of the majority of Australian and overseas copyright owners. APRA|AMCOS simplifies the legal process for business proprietors who would otherwise need to obtain a licence from each copyright owner whose music they wish to play.

HOW MUCH DO YOU HAVE TO PAY?

Licence fees are based on the number of external telephone lines connected to your business. For most small businesses licence fees start as low as \$145.23 per annum for up to 5 lines. Licence fees are calculated as follows:

External lines	Annual Fees per location
1-5	\$145.23
6-10	\$229.34
11-25	\$397.53
26-50	\$802.69
51-100	\$1,376.06
101-200	\$2,446.30
201-300	\$4,281.02
301-400	\$5,657.07
Additional lines (above 400)	\$15.29 per line

WHO GETS THE MONEY?

Composers represent some of Australia's smallest businesses and they rely on APRA to provide a significant part of their income. APRA distributes the licence fees collected back to the copyright owners whose works have been used, employing a number of different procedures to analyse music usage. The only deduction is for administrative costs of approximately 13% per annum.

ARE THERE ANY OTHER LICENCES I REQUIRE?

APRA licenses the **public performance and communication rights** for copyright owners of musical works. Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and recording artists. So in addition to your APRA licence, you may need a PPCA licence if you have music on hold or use CDs, tapes or video clips in your business. Further information is available from PPCA on 02 8569 1111.

FOR MORE INFORMATION

To find out more about licensing requirements for your business please call APRA|AMCOS' Client Services Department on 1300 852 388 or visit the APRA|AMCOS website on www.apra-amcos.com.au

Independent information on APRA is available from the Australian Copyright Council website at www.copyright.org.au



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APRA|AMCOS MUSIC ESSENTIALS

BRINGING MUSIC CREATORS & CONSUMERS TOGETHER

Music can make a difference in your business – it creates an ambience, helps build a stronger brand, motivates your customers to stay longer and energises your staff. For hotels, pubs and clubs it proactively helps define the feel of your venue and crowd you want to attract. However, it is important that you seek permission from the copyright owners and pay for the right to use their music, if required. This flow chart is to help you better understand the music licensing cycle, and explain where your licence fees go. If you are using music in your business, chances are you will require more than just your APRA|AMCOS licence.

For more information about using music in your business please contact us.

E: licence@apra.com.au **P:** 1300 852 388 **W:** www.apra-amcos.com.au

