

# IAML Australia Conference 2015 “Portals and Pathways”

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1 – 2 October 2015, Sydney

Kindly supported by Australian Music Centre, APRA AMCOS & Australian Institute of Music



*Sponsor of our 2015 Travel Bursary*

#iamlsydney15





# **COPYRIGHT ISSUES FOR TERTIARY LIBRARIES**

## **APRA AMCOS**

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01.10.2015

- The basics of **copyright law**
- Tertiary music **licence** agreement
- **Performance**
- Audio and audio-visual **reproduction**
- **Print** reproduction
- Questions

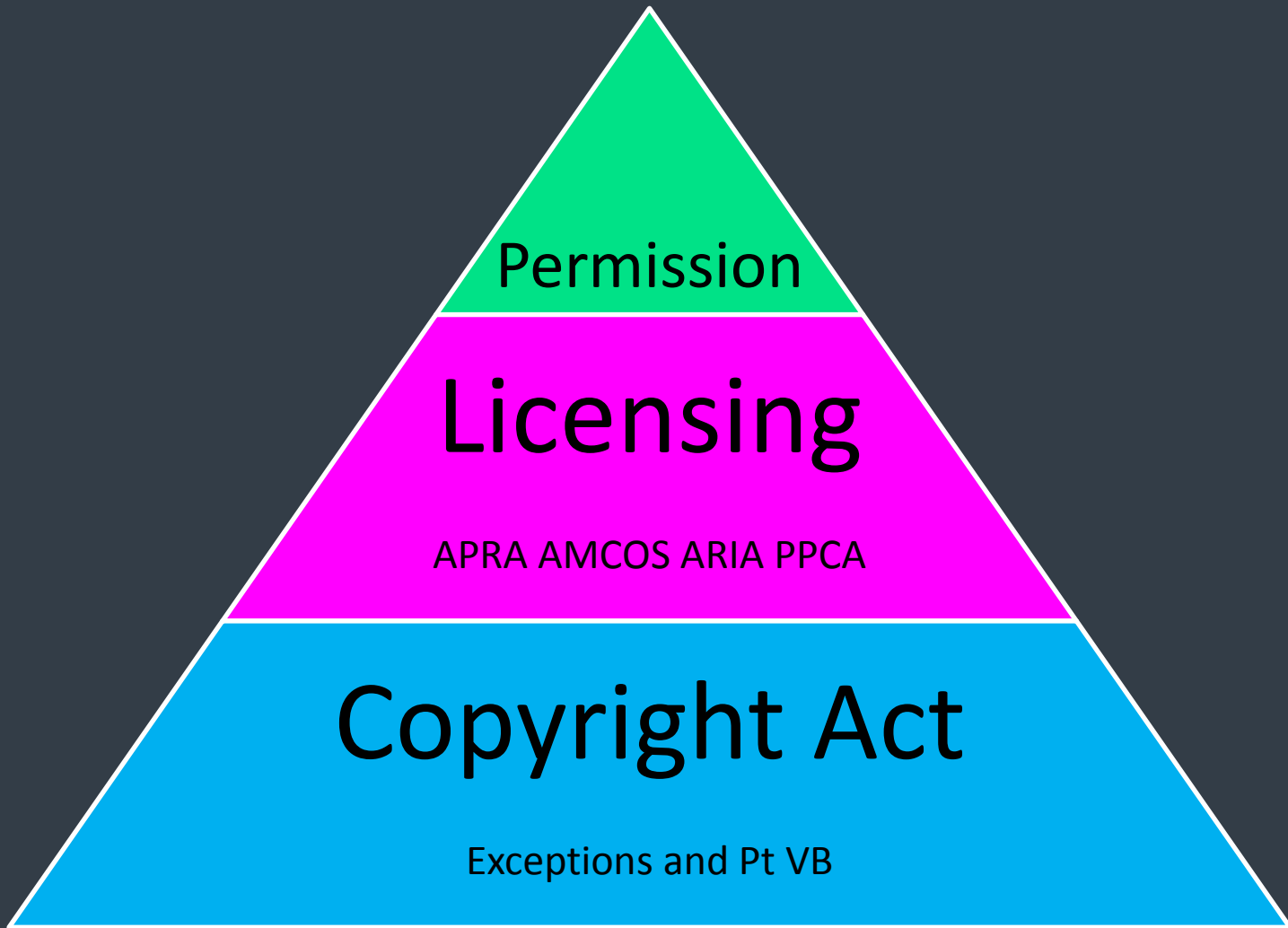
# The Basics of Copyright Law

- *Copyright Act 1968 (Cth)*
- Federal legislation
- Grants creators of 'creative works' a bundle of exclusive rights
  - Perform
  - Publish
  - Reproduce
  - Communicate
  - Adapt
- No registration required
- Sets out duration of protection exceptions, parts VA and VB, infringement, remedies, royalty collection



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# Tertiary Music Licensing

- APRA AMCOS ARIA PPCA Tertiary Music Licence
- All 39 Universities Australia universities
- Various independent tertiary providers
- Musical work and sound recording rights



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|                     | <b>Musical Work</b> | <b>Sound Recording</b> |
|---------------------|---------------------|------------------------|
| <b>Performance</b>  | APRA                | PPCA                   |
| <b>Reproduction</b> | AMCOS               | ARIA                   |



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# Covered Performances

- Performance in class by a teacher or student – s 28 of the Act
- Performance as part of an assessment (i.e. a jury exam) – s 28/licence
- Public performance at free events



# Covered Performances

- University performances on or off campus
- Use of music in admin, staff and student areas
- Music on telephone hold system



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# Other Performance Licensing

- Performance where admission is charged (Casual Event Licence)
- Performance by a third party hiring a venue (Casual Event Licence)
- Dramatic Context Performance (Dramatic Context Licensing)
- Grand Right Work (Publisher Permissions)
- Student run music groups (Community Music Groups Licence)

# Audio Reproduction

- Copying legally purchased recordings (digital or physical)
- Making 'cover' recording (also see s 200 of the Act for assessment purposes)
- Any format
- University server, password protected intranet i.e. BlackBoard
- Lent out as a burnt physical copy
- Streaming or download purposes

# Audio-Visual Reproduction

- Making AV presentations (i.e. PowerPoint)
- Using music in video lectures (on intranet only)/videoing lectures containing music
- Videoing student/staff/university performances and events
- University server, password protected intranet i.e. BlackBoard
- Streaming or download purposes



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# Copies of Recordings

- No limit on number of copies
- Staff, students, university community only
- Physical reproduction (CD, DVD, USB)
- Digital reproduction (download or stream over server/intranet only)

# Copying Clause

This recording has been made by the [ ] University under the express terms of an educational licence between it, AMCOS and ARIA and may only be used as authorised by [ ] University pursuant to the terms of that licence; and

- (i) the title of each musical work;
- (ii) the name of each composer, lyricist and arranger; and
- (iii) if the recording contains an ARIA Sound Recording, the artist/group name and the name of the record company or record label.



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# What's not covered...

- Streaming or download of audio or audio-visual on the internet
- Selling for more than cost recovery purposes (i.e. selling for profit)
- Making recordings available to the public
- Using infringing originals

# Sheet Music Reproduction

- Not covered under the Tertiary Music Licence.
- Reliance on the exceptions in the Act and the Copyright Agency Statutory Licence – Part VB
- S 200 – reproduction for use as an answer or question in an exam
- S 200AB – flexible dealing (not otherwise covered, not available for purchase, educational, reasonable use)
- S 40 – personal research and study (reasonable portion (10%))
- S 41 – criticism and review (reasonable portion)



# Part VB Statutory Licence

- Remember, students are bound to different rules than staff
- Administered by Copyright Agency
- 10% or one chapter, whichever is greater
- Sheet music = 10% of the number of bars



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# Types of Copying

- Physical =
  - Photocopying
  - Scanning
- Digital (with Electronic Use Notice included) =
  - Saving to disk
  - Printing
  - Making available online
  - Emailing

# Physical & Digital Copying

- To copy more than a reasonable portion a work must be:
  - Unpublished
  - Not separately available within a reasonable time at a reasonable price
  - An article in a periodical (more than one from a periodical if they're on the same topic)



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# Digital Only Copying

- To copy more than a reasonable portion a work must be (further to the allowances in the previous slide):
  - Unavailable for purchase in a digital format
- Otherwise it's 10% of the number of bars
- Always read the terms and conditions of the content provider

# APRA AMCOS

# THANKS

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