

## Music and Copyright

### Introduction and Summary Tables

- Musical notation is considered a 'literary work' under copyright
- A song may have multiple copyrights, e.g. music, lyrics, arrangement/adaptation, published edition (layout), sound recording, performance. These may have different copyright owners, different lengths of time that copyright subsists and different rules for the way the piece can be used.
- The Copyright Act allows specific uses for 'educational purposes' (research and teaching) under S113P educational statutory licence
- The University pays for a Tertiary Music Licence and a Screenrights Licence which allow staff some additional scope to copy and communicate music.
- In most cases copyright lasts for the life of the composer/creator plus 70 years.
- Permission in writing from the copyright owner is required to **reproduce, adapt, publish, perform, or communicate** musical works outside the terms of the above-mentioned licences.

| Copyright for Music – Quick Guide   |                 |             |   |   |  |
|---|-----------------|-------------|---|---|--|
| Work  | Play in lecture | Copy amount | BlackBoard / Panopto recording  | Course Readings   | Notes/requirements   |
| Notated Music   | Yes             | 10%         | No  | 10%   | S113P Warning notice must be displayed   |
| Music recorded from Australian radio or television                                      | Yes             | All         | Yes   | Yes   | Copy must be marked as per Screenrights Licence requirements                       |
| Podcasts (Broadcast)  | Yes             | All         | Yes   | Yes   | Copy must be marked as per Screenrights Licence requirements                       |
| Podcast (Not previously broadcast)  | Yes             | None        | No  | No  |  |
| Commercially produced music CD <b>not included</b> in Tertiary Music Licence Repertoire | Yes             | None        | No  | No  |  |
| Commercially produced music CD <b>included</b> in Tertiary Music Licence Repertoire     | Yes             | All         | Yes, but as <b>streaming only</b> . May not be downloaded to another device | Yes, but as <b>streaming only</b> . May not be downloaded to another device | Contact Copyright Advisor re: repertoire, record-keeping and marking requirements. |
| Commercially produced Film/Video/ DVD/Blu-ray   | Yes             | None        | No  | Can be added as <b>physical item</b> , but not as copied file               | Additional copyright exists in the moving image                                    |

#### Moral rights

It is a requirement under the moral rights section of the Copyright Act that all material be correctly attributed. This includes, sound, image, text, film, and any material sourced from the Internet.

#### Required Notice

The S113P Warning notice and required labelling for Screenrights are available from [newcastle.edu.au/library/support-for-researchers/copyright](http://newcastle.edu.au/library/support-for-researchers/copyright)

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## Tertiary Music Licence

The University of Newcastle is party to an agreement with the combined music collecting societies. The agreement allows staff to reproduce, communicate and perform music in the repertoire of the following collecting societies:

- Australasian Mechanical Copyright Owners Society (AMCOS)
- Australasian Performing Right Association (APRA)
- Australasian Record Industry Association (ARIA)
- Phonographic Performance Company of Australia (PPCA)

### Permitted uses:

- Students and/or staff may perform copyright music for educational purposes, for or at a University event (with no admission charge);
- Make audio recordings for educational purposes and of University events, and provide the recording to students for class use;
- Make video recordings for educational purposes for or of University events, or as part of course instruction;
- Synchronise audio with a video recording for educational purposes;
- Perform in public sound recordings for educational purposes and/or University events;
- Perform music in the workplace for the sole benefit of University employees;
- Play music on hold via the telephone system.

### Labelling:

Copies must be marked on the package, label or filename with the following notice and information:

|   |
|---|
| This recording has been made by The University of Newcastle under the express terms of an educational licence between it, ARIA, AMCOS, APRA and PPCA and may only be used as authorized by the University of Newcastle pursuant to the terms of that licence. |
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### Include:

The title of each musical work;

The name of each composer, lyricist and arranger of the musical work;

If an ARIA sound recording, the artist/group name, and the record company label.

### Not Permitted

- Downloading sound recordings (only streaming is permitted);
- Reproducing cinematographic film;
- Broadcasting musical works or sound recordings;
- Copying or performing music in relation to Grand Right Works (Grand Rights Works include musicals), Choral works of more than 20 minutes, Dramatic Works, or ballet;
- Copying musical works not covered by ARIA, AMCOS, APRA and PPCA.
- Copying whole musical scores (only 10% is permitted)
- Copying infringing works (illegal copies or downloads)
- Copying material available from licenced sites (e.g. iTunes)

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### More information

Copyright web pages: [newcastle.edu.au/library/support-for-researchers/copyright](http://newcastle.edu.au/library/support-for-researchers/copyright)

Copyright Advisor (02) 492 16456

[copyright@newcastle.edu.au](mailto:copyright@newcastle.edu.au)