

## TEACHERS AND SCHOOLS – ARE YOU DOING THE RIGHT THING?

**Music is an integral part of the school environment – for use within student performances, school events and within the classroom. But what are the limits governing how music can be used in an educational context?**

### Some simple facts

#### ***What's copyright?***

When someone creates a piece of music (or a piece of text, a graphic, a photo, a film or anything else that is protected under copyright laws), a whole system of legal rights and obligations comes into play. These rights and obligations outline what someone can and can't do with the material.

#### ***Who owns the copyright in a piece of music?***

There is generally more than one owner of copyright in any given musical track. The composer who wrote the music owns copyright in the musical works. The lyricist who wrote the lyrics owns copyright in the literary works. The artist who performed the music owns copyright in a sound recording of their live performance. Finally, the maker of the recording (typically a record company) owns copyright in the sound recording itself.

#### ***What rights do the copyright owners have?***

The copyright owners have a number of exclusive rights, including the right to:

- make copies of the tracks;
- perform the tracks in public; and
- communicate the tracks to the public.

### How do I know if I am doing the right thing at school?

To make using music in schools easier, there are a number of licences in place between copyright owners and schools. These are set out at the end of this Guide. A reference to (Licence #) is a reference to the licence applicable in each instance.

#### ***Can I play music in class?***

Yes, music can be used for educational purposes.

#### ***Can I copy CDs for use in my classroom?***

Yes, if the music is copied for educational purposes (Licence 1).

#### ***Can I photocopy sheet music for my students?***

Yes, if the sheet music is copied for educational purposes (Licence 2). Your school must own the original sheet music and abide by the copying limits.

#### ***Can I download music from the internet for use in my classroom?***

The basic legal principle is that you cannot copy or distribute music, including from the internet, without the permission of all relevant copyright owners. The vast bulk of P2P 'file sharing' is considered illegal copying and transmission of copyright material. So, you cannot use music obtained through file sharing sites or from illegal download sites in the classroom.

#### ***Can students use music in websites or films for school assignments?***

Yes, if the music is copied for educational purposes (Licence 1). Activities within the scope of the relevant licence would include students copying music for use in websites or films that are not accessible from or screened publicly outside the school premises or the student's home.

If students' websites are publicly accessible or students' films are screened in public your school will need to get appropriate additional licences from the record companies and APRA|AMCOS.

#### ***Can we play music at a school event?***

Yes, you can play CDs (Licence 3 and Licence 4) or perform pieces of music (Licence 4) at school events. 'School events' do not include dance festivals and eisteddfods run by independent organisations. To play music at these events, additional licensing from APRA and PPCA (or the relevant copyright owner) would be needed.

### **Can I copy a CD for use at a school event?**

Yes, if the event is authorised by your school or the Department of Education (Licence 1). 'School events' do not include dance festivals and eisteddfods run by independent organisations. To copy music for these events, a separate licence from AMCOS and permission from the licensing department of the relevant record company would be needed.

### **Can our school sell recordings or videos of a school concert?**

Yes, if your school sells recordings to students for a price that is set merely to cover the costs of creating the CD or video (Licence 1). However if your school intends to make a profit from the sale of recordings or videos your school must get:

- an AMCOS manufacture licence and permission from the relevant record company to manufacture the recordings for profit; and
- a 'special event' video licence from AMCOS to sell videos of the event for profit.

It is a good idea to check with APRA|AMCOS whether additional licences are required.

### **Can our school band perform a cover version of a song?**

Yes, if performances are within the classroom or under circumstances covered by the relevant licence (Licence 4).

### **Does our school need a licence to perform music at inter-school performances?**

Yes, your school may need licences beyond the standard APRA licence (Licence 4) for inter-school performances. It is more likely that additional licensing will be necessary if an admission fee is being charged for the concert and the performance is outside school premises. It is a good idea to check with APRA|AMCOS whether additional licences are required.

### **What about if a professional musician is performing at our school?**

This may not be covered by your school's APRA licence (Licence 4), regardless of whether or not the performance is given free of charge. Your school should contact APRA|AMCOS to obtain the necessary licence.

## **The licences:**

#### **1 AMCOS/ARIA Schools' Recording Licence** – Allows copying of music in specified situations.

All government schools in Australia are covered by the licence, and private schools may also be covered through an agreement with their peak education body. If in doubt, check whether your school is covered by the appropriate licence.

#### **2 AMCOS Schools' Photocopying Licence** – Allows photocopying of sheet music (limits apply).

All government schools are covered by the licence. If you teach at a non-government school you should check with your peak education body whether your school is covered.

#### **3 PPCA Public Performance Licence** – Covers the public performance of sound recordings.

Your school must contact PPCA to obtain the relevant licence. Alternatively, your school can contact the relevant copyright owner directly.

#### **4 APRA Public Performance Licence** – Covers the public performance of musical works.

All government schools are covered by the licence and most other schools in Australia are covered through an agreement with their peak education body – check with your peak education body if unsure.

## **Need more information?**

MIPI	<a href="http://www.mipi.com.au">www.mipi.com.au</a>	<a href="mailto:mipi@mipi.com.au">mipi@mipi.com.au</a>	(02) 8569 1177	1800 06 16 16
APRA AMCOS	<a href="http://www.apra-amcos.com.au">www.apra-amcos.com.au</a>	<a href="mailto:apra@apra.com.au">apra@apra.com.au</a>	(02) 9935 7900	
PPCA	<a href="http://www.pcca.com.au">www.pcca.com.au</a>	<a href="mailto:pcca.mail@pcca.com.au">pcca.mail@pcca.com.au</a>	(02) 8569 1100	

You may also like to refer to APRA|AMCOS' *Music Copyright for Schools: Guide to the AMCOS, AMCOS/ARIA & APRA school licences* which is available at [www.apra-amcos.com.au/downloads/file/music%20consumers/schools\\_2006.pdf](http://www.apra-amcos.com.au/downloads/file/music%20consumers/schools_2006.pdf).