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copyright

A musical work is automatically protected by copyright as soon as it is recorded in some way (eg it is written down on paper, recorded on tape or saved on a disk).

Copyright in musical works and lyrics lasts from the date of their creation until 70 years after the composer or lyricist's death. If a work is not published, broadcast or performed until after the death of the creator, then copyright lasts for 50 years from the date of first publication, broadcast or performance.

A copyright owner has a number of exclusive rights under the Copyright Act 1968. One of these is the right to perform their works in public. This means that no one may perform the work in public without the authority of the copyright owner. The unauthorised use of a musical work constitutes an infringement of the owner's copyright, for which the owner may take legal action.

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.

APRA would like to thank Dance Works and the Melbourne Theatre Company for their kind permission to reproduce the images contained in this brochure

music in the theatre



COVER: Marcus Graham and Sigr d Thornton in the Melbourne Theatre Company's production of *The Blue Room* Photo: Jeff Busby

apra

Established in 1926, APRA is a non-profit organisation that collects and distributes copyright royalties for composers, lyricists and music publishers. We have approximately 55,000 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 one million overseas copyright owners.

Run by and for its members, APRA promotes local music and is an advocate on music industry issues. Each year APRA is audited and publishes an annual report which is available on its website at www.apra.com.au. Head office is located in Sydney with branch offices in Victoria, Queensland, South Australia, Western Australia and New Zealand. Contact with existing and prospective licensees is primarily by telephone and letter, with our licensing representatives always available for consultation. Licensing representatives comply with a code of conduct which sets high standards of professional behaviour.

APRA is committed to improving business awareness of music copyright. Information about music licensing is not only available from APRA, but also disseminated externally via all major industry associations, chambers of commerce and business development organisations. Current licensing information is also published on the APRA website: www.apra.com.au.





Dance Works' production of *Audible* Photo: Anthony Geernaert

music in the theatre

Music can play an integral part in your theatrical performance. It can set a scene, add humour to a performance or enhance the dramatic tension. We are so accustomed to music underscoring the action on our stages that if there is no musical accompaniment we feel that something is missing.

In the theatre, there are three broad categories of performance of musical works:

- I. Dramatic Context;
- II. Grand Right performances;
- III. and Small Right performances.

dramatic context

Performances of musical works in a Dramatic Context can occur in three ways:

- I. in conjunction with acting, costumes, scenic accessories and scripted dialogue; or
- II. in conjunction with acting, costumes, scenic accessories and other dramatic effects; or
- III. as a ballet*

When a musical work is to be performed in a Dramatic Context, specific approval must be obtained from the copyright owner. This is because such a performance takes musical works out of the context for which they were written and places them in a new context. **Copyright owners exercise careful control over the use of works in a Dramatic Context in order to maintain the integrity of the works.**

APRA often acts on behalf of copyright owners to license the use of their music in Dramatic Context performances. Contact APRA to obtain a licence for a musical work performed in a Dramatic Context.

*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.

There are some Dramatic Context performances that APRA is unable to license, for example, Grand Right performances.

grand rights

Grand Right performances are grand scale works such as operas, operettas, musical plays, revues and ballets (for which the music was originally written), oratorios and large choral works (exceeding 20 minutes), eg *Phantom of the Opera* or *Grease*.

If your performance is an exercise of a Grand Right, you must contact the appropriate publisher (or their agent) of the musical work to obtain their authority for the performance. APRA can help you locate the publishers.

small rights

Small Right performances are those which are neither in a Dramatic Context nor an exercise of a Grand Right eg a concert such as *The Three Tenors*. You must obtain a licence from APRA if your performance is an exercise of a Small Right.

applying for a dramatic context licence

Permission to publicly perform musical works in a Dramatic Context must be obtained prior to the performance. As this procedure can take some time, we advise that you contact APRA at least EIGHT WEEKS before your first performance. You will need to complete an application form with details of your performance and the musical works you wish to use, and return it to APRA.

An online Licence application form can be found on our website at: www.apra-amcos.com.au

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.

fees

As APRA only acts as an agent for the copyright owner, the fee for Dramatic Context performances varies depending upon the musical works you wish to use. Fees are based on a percentage of gross box office receipts, with a minimum licence fee.

other licences

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.

A school's APRA licence may cover their Dramatic Context performance. Contact APRA's Print Music & Educational Licensing staff on 1300 852 388 or refer to www.apra-amcos.com.au

Belinda Cooper/Carlee Mellow in Dance Works' production of *The Heart of the Eye* Photo: Anthony Geernaert