

# Music in your business...



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Contact APRA | AMCOS today. For information regarding licence applications, licence fees and terms by email [licence@apra.com.au](mailto:licence@apra.com.au) or phone 1300 852 388. [www.apra-amcos.com.au](http://www.apra-amcos.com.au)

# It works!



# Music doesn't just happen...

It's created over many hours by talented songwriters and composers, musicians, technicians and artists. Their works touch us personally and help bring us together. They entertain us and contribute to our cultural identity and our economy.



# It's created!

**Every minute of every day, music is used in businesses all across the world. That's because music is a proven way of helping to establish a deeper, emotional connection between people.**

Music makes an impression; it elicits responses and creates experiences that go far beyond a business's products and services. And if it's live, the connection can be electric!

If you want to create ambience, build a stronger more distinctive brand, motivate your customers to stay longer and spend more, or you simply want to energise your staff, music can make a difference in your business.

However, it is important that you seek permission from the copyright owners and pay for the right to use their music, if required.

To play music for the benefit of customers and staff or if you wish to reproduce musical works e.g CD, film soundtrack, ringtone, digital download, it's important that you contact the **Australasian Performing Right Association (APRA)** and the **Australian Mechanical Copyright Society (AMCOS)**.

**APRA|AMCOS** administers rights on behalf of local songwriters, composers and music users in accordance with Australian copyright law, and by reciprocal agreement, for copyright owners around the world. The licence fees that are collected by APRA|AMCOS are then distributed in the form of royalty payments.



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# APRA|AMCOS can help you to determine which licences best match your needs according to how music is to be used and the size of your business.

## Annual APRA|AMCOS Licences at a glance

For more detailed information head to [www.apra-amcos.com.au](http://www.apra-amcos.com.au)

**Background music:** Public performances by radio, CD player, television (including free-to-air, Sky Channel, Fox Sports and Austar), via audio or video jukebox, iPod or other type of MP3 player.

**Music on hold:** Radio, tape, CD or pre-recorded music played via telecommunication systems to callers on hold; annual fees are based on the number of external telephone lines.

**Live performances:** Performances by bands, groups, solo acts etc.; fees are based on payments to performers.

**Featured recorded music:** Recorded music selected or pre-programmed by DJ's (excludes nightclubs, dances and dance parties).

**Nightclubs:** Recorded music for dance use at nightclubs.

**Karaoke:** Recorded music used at a premises: club, hotel, nightclub, restaurant or similar venue (other than those contained in a coin operated machine), for the purpose of accompanying singing by patrons including performances by music simulation video games.

**Music in the workplace:** Musical works that are publicly performed by any means to employees, for employees including (but not limited to) training presentations, corporate videos, music during conferences, staff parties, gym or aerobic classes.

**Cinema/Drive-in:** Music occurring via the film soundtrack and by recorded means.

**Dance classes:** Playing music during dance classes.

**Hall/Function centre:** Performances held in a hall, function centre or similar venue which is primarily let to third parties for particular functions.

**Church:** While APRA grants a voluntarily exemption to certain performances of music (i.e. music used during worship services, weddings, funerals) all other public performances outside of the typical worship ceremony require a licence from APRA.

### **Community performance band, choir, and group:**

Works performed by a community band, performance group or choir, at community functions that do not generate a box office (i.e. ticket sales) and there is no payment made to the group, band or choir.

**Skating rink:** Performances in public by means of recorded music excluding audio or video jukeboxes at skating rinks (roller or ice).

**Eisteddfod:** For music performances occurring during designated eisteddfod competitions.

**Fitness/Aerobic class:** Music used within fitness centres and by fitness teachers e.g. during aerobic classes, in the cardio theatre or café.

## **Events**

**Box Office Events:** Concerts, featured music events, festivals or events that generate a box office (i.e. ticket sales).

**Dance Parties:** Recorded music for the purpose of dancing at dance parties.

**Sporting Events:** Recorded music and live entertainment used during a sporting event.

**Corporate and Industry functions:** Music played for the entertainment of event or dinner function guests.

**Free Events:** Music played at your concert, festival or event, which is free to the public.

**Music used in Theatre:** Works and performances used in a dramatic context. Fees may vary and are dependant on box office takings.

\*Note: In conjunction with any of the above licences, if you are copying music from one format to another, i.e CD to CD, CD to ipod or MP3 player or any other device to play in your business you will require a Reproduction Licence. Rates are as low as \$140 for up to 500 tracks copied.



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# APRA | AMCOS Music Essentials

## A simple guide to which licence(s) you may need

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

	Public Performance			
	Radio / TV (incl. digital/ analogue channels, pay & free-to-air TV services.)	Recorded Music (i.e. CD, DVD, MP3, LP, tape, Jukebox etc.)	DJ's / music for dancing	Live bands / Performers
APRA   AMCOS	✓	✓	✓	✓
PPCA	✗	✓	✓	✗
ARIA	✗	✗	✗	✗

## Contacts

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

## Anyone wanting to publicly perform a musical work needs a performing right licence to do so.

This is because the Australian Copyright Act (1968) gives music copyright owners – songwriters, composers, and publishers – a number of rights, including the right to:

- **Perform the musical work in public:** including in hotels, bars, nightclubs, restaurants, cafes, retail shops, hairdressing salons, fitness centres, cinemas, concerts and events; and by any means including radio, television, film, CD player, mp3 player, DJ or live artist/performer.
- **Communicate the musical work to the public by various means:** including over the internet or as music on hold.
- **Reproduce or make copies of musical works**
- **Make an adaptation of the musical work:** e.g. by changing the lyrics, or making an arrangement of the musical work.

These are exclusive rights.

## Nobody else can use the work in these ways without getting the owner's permission first, and, if necessary, paying a fee for this use.

APRA | AMCOS provides a range of licences to cover the many ways in which businesses use music, enabling you to legally play the music of your choice, how and when you choose to play it.

# Which licence do I need?

Communication		Reproduction		
Music on hold	Streaming from a website, internet radio, podcasts.	Production music	Copying i.e. CD to CD, CD to ipod or MP3 player.	Audio and audiovisual for dance schools.
✓	✓	✓	✓	✓
✓	✓	✗	✗	✗
✗	✗	✗	✓	✓

- › APRA|AMCOS P: 1300 852 388 [www.apra-amcos.com.au](http://www.apra-amcos.com.au)
- › PPCA P: 02 8569 1111 [www.pcca.com.au](http://www.pcca.com.au)
- › ARIA P: 02 8569 1144 [www.aria.com.au](http://www.aria.com.au)

Independent information on all these organisations is also available from the **Australian Copyright Council** [www.copyright.org.au](http://www.copyright.org.au)

As an APRA|AMCOS licensee you receive unfettered access to virtually any work in the world musical repertoire through a single performing right licence, in accordance with the Australian Copyright Act (1968).

The fees that you pay for a licence are then distributed by APRA|AMCOS back to the respective songwriters, composers and publishers, ensuring that they are paid for the use of their musical works.

## You should also know that there are at least two copyrights in most music recordings and music videos:

- The copyright in the song** (the musical work and lyrics).  
Licences available from **APRA|AMCOS**.
- The copyright in the sound recording and/or music video.**  
You will need to contact the Phonographic Performance Company of Australia Limited (**PPCA**) and Australian Recording Industry Association (**ARIA**) who represent the interests of record labels and Australian recording artists in relation to the reproduction, communication or public performance of the sound recording.

# Getting a licence...

Licence fees vary depending on how music is used in your business and the size of your business premises.

For example, if your business premises is less than 150m<sup>2</sup> you can expect to pay under \$75 per year if you use either a single television or radio to play music or under \$120 per year if you use a CD or MP3 player.



Photo Courtesy of Academy, Canberra

**APRA|AMCOS**  
makes it  
simple.

# step one

Select the licence that best matches your business' music needs. If you need assistance, please contact APRA|AMCOS on [licence@apra.com.au](mailto:licence@apra.com.au) or **1300 852 388**.

# step two

Complete a licence application form. All licence application forms can be downloaded at [www.apra-amcos.com.au/musicconsumers](http://www.apra-amcos.com.au/musicconsumers). Alternatively, contact us and we can send you a hard copy for you to complete and return to us.

# step three

Submit your licence application to APRA|AMCOS.

APRA|AMCOS only require you to apply for your licence once, as each year we automatically send you a renewal notice for payment of an annual fee. It is during this process that any changes relating to your use of music or your licence are identified.

If you are using music on hold or playing CDs, MP3s, tapes or video clips in your business, you may also need a licence for the right to play the sound recording. The **Phonographic Performance Company of Australia (PPCA)** who represents the interests of the sound recording owners – that is the recording artists and their record companies – can help you in the first instance.

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# FAQ

## Frequently Asked Questions

### **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 licences 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.

### **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 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 Distribution Rules & Practices are available on our website [www.apra-amcos.com.au](http://www.apra-amcos.com.au).

## 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 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.



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# About APRA|AMCOS

APRA|AMCOS' joint objective is to secure an equitable level of payment for music creators, provide the strongest defence possible of their rights and the best customer service for both our members and our licensees.



## HIGHLIGHTS 2009/10

- ▶ **62,000+ APRA members**
- ▶ **7,600+ AMCOS members**
- ▶ **Provides music access to 75,000 businesses in Australia and New Zealand**
- ▶ **APRA|AMCOS distributable revenue approximately \$195 million**
- ▶ **Record number of music creators and rights holders paid by APRA: 223,756**
- ▶ **Connected with over 10,000 members through our events program of 210+ events.**

## How are licence fees administered?

You can be confident that APRA|AMCOS licence fees are being distributed to the creators of the music they've actually used, and music creators can be confident that we accurately capture the bulk of music performed across Australasia.

Harnessing technology and constantly improving our business practices means that today, 96 per cent of APRA's distribution of radio revenue and 86% of our television revenue is based on census data – that is, on actual music played. **In 2009 APRA processed almost 38 million performances** that were broadcast on radio, free to air and pay TV.

When a client takes out an AMCOS licence agreement, they agree to provide specific information about the music being reproduced and how it will be used, sold or distributed. Our Research Department constantly tracks new releases, television programs, films, radio stations and the internet. We undertake regular audits to confirm the accuracy of data provided by licensees including record companies, ringtone providers and production studios.

APRA|AMCOS distributes royalties to members quarterly. APRA's expense to revenue ratio for 2010 was **12.12% – which is close to world's best practice.**



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# Value of music to business

“Nearly all Australians intentionally listened to recorded music and over half attended live performances. Most went to watch live music such as pop, rock, country and dance. Musical theatre/cabaret was the second most popular form of music attendance at 22 per cent, followed by classical music (13 per cent), and opera (8 per cent). Making music was also popular (15 per cent) with one in 10 playing an instrument and 5 per cent singing”.

**AUSTRALIA COUNCIL FOR THE ARTS, *More than bums on seats: Australian participation in the arts. 2010***

“The companies that do emotional branding well do it as part of a deeper philosophy. They live it in every aspect of their organisation, their people, their product, their placement and their brand experience. I’m talking about companies like Apple and sports teams like Manchester United Football Club. Their customers are deeply connected to their brand because they’ve tapped into an emotional connection. The deeper the philosophy, the better the connection.”

**The late MICHAEL MORRISON, former global marketing trends commentator and coordinator of Monash University’s Master of Marketing (Retailing) programme**

“Not only does music set the mood and add to the ambience of our salon but I see music and fashion as complimenting each other. Throughout the eras, music and fashion have always worked in synergy to create a look or feel – you can’t have one without the other.”

**JOHN ANTHONY, Owner – John Anthony Salon  
APRA Licensee since 1996**

“We’ve taken the place from serving 20 meals a day, up to an average of 450 and sometimes over 800 meals a day, and we’ve combined our food and wine offering with quality entertainment so that Settlers is now known as a local entertainment destination, offering something for everybody. Our aim is to get the whole place working together, capturing restaurant patrons and luring them to stay with us for longer using the entertainment programme.”

**KAREN GOUGH, Music Programme Manager – Settlers Tavern  
APRA licensee since 2003**



# Value of APRA to Songwriters & Composers

“APRA has been one of the most important supporting organisations in my career, both in terms of being a financial supporter through its collection role, as well as an avenue for information and lobbying. As artists, we all belong to various communities and families. APRA is the organisation that gives us the chance to belong to a greater community with more strength and influence to adequately represent us in society.”

“Personally, APRA has been a lifeline during many years. A lot of musicians go through challenging times financially and don’t have the resources or the access to be able to take charge of this side of things. Having APRA be responsible for the collection and representation of writers in the financial realm, is seminal to the livelihood and development of composers.”

**APRA Ambassador LIOR ATTAR**  
APRA Member Since 1997

“As composers and musicians we don’t generally have a regular income, superannuation or holiday pay and APRA have sustained me with royalties throughout my musical career. Additionally, the people at APRA have been incredibly helpful and supportive whenever I have sought advice on a variety of matters ranging from cue sheets to copyright.”

“Individual composers cannot collect their royalties from all over the world and if we did we would have no time to make music. So joining APRA for that reason alone is a no-brainer.”

**APRA Ambassador AMANDA BROWN**  
APRA Member Since 1991

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## Contact Us

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**P:** 1300 852 388 (Australia)

**E:** [licence@apra.com.au](mailto:licence@apra.com.au)

## Visit us

**Head Office, NSW:** 16 Mountain Street, Ultimo, NSW, 2007 | **VIC:** 3 & 5 Sanders Place, Richmond VIC, 3121 | **QLD:** 3 Winn Street, Fortitude Valley, QLD, 4006 | **SA/NT:** Suite 54/55, Melbourne Street, North Adelaide, SA, 5006 | **WA:** Suite 1, 12-20 Railway Road, Subiaco, WA, 6008 | **NZ:** Unit 113, Zone 23, 21-23 Edwin Street, Mt Eden, Auckland.

## Follow us



**APRA|AMCOS** work to ensure that composers, songwriters and publishers are rewarded whenever, and wherever, their musical works are played, performed or reproduced and we help Australian & New Zealand music consumers get access to the world's musical repertoire.

**Australasian Performing Right Association Limited (APRA)** was established in 1926 and now administers the performing and communication rights of 62,000+ composer, songwriter and music publisher members in Australia and New Zealand. Public performances of music include music used in pubs, clubs, fitness centres, shops, cinemas, festivals, whether performed live, on CDs or played on the radio or television. Communication of music covers music used for music on hold, music accessed over the internet or used by television or radio broadcasters.

**Australasian Mechanical Copyright Owners Society Limited (AMCOS)** collects and distributes mechanical royalties for the reproduction of its 7,600+ members' musical works for many different purposes. These include the manufacture of CDs, music videos and DVDs, digital downloads and the sale of mobile phone ringtones, the use of production music and the making of radio and television programmes. Since 1997, APRA has managed the day-to-day operations of the AMCOS business.

Photographer: Bryan Smeath, The Solid Ones Performing at Insitu, Manly NSW

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