

# OPT OUT AND LICENCE BACK

## WHAT IS AN OPT OUT?

As an APRA member, you can license certain uses of your works, yourself. To do this, you must apply to APRA to re-assign your rights – “opt out” – **for your entire repertoire**, in all territories. You can choose to have the opt out applied to any or all of the following uses of your work(s):

- public performance
- broadcasting
- communication to the public other than by broadcasting (such as web streaming)
- live performance (such as at a concert or festival)
- public performance by means of film exhibition
- public performance other than live performance and film exhibition (such as background music, fitness centres, and discos or dance parties)
- radio broadcasting
- free to air television broadcasting
- subscription (pay) television broadcasting

## HOW DO I OPT OUT?

If you wish to obtain an opt out, you must provide APRA with the following:

- at least 3 months written notice to take effect either on 1 January or 1 July in any year; and
- written consent from any other parties that have an interest in the works (co-writers, publishers); and
- an indemnity in connection with the exercise of the re-assigned rights.
- payment of APRA’s reasonable costs associated with the transaction.

## WHAT IS A LICENCE BACK?

As an APRA member, you can choose to issue a direct licence for the use of **one or a number of your work(s)**. A licence back can be for a single performance or a number of performances and applies to Australia and/or NZ only.

## WHAT IS THE DIFFERENCE BETWEEN A LICENCE BACK AND AN OPT OUT?

A licence back is different to an opt out, as it is applied to a work, for a specific use (or uses) in Australia and/or NZ. In contrast, an opt out applies to your entire repertoire for a specific use (or uses) in all territories.

## HOW DO I OBTAIN A LICENCE BACK?

If you wish to obtain a non-exclusive licence back; you must provide APRA with the following:

- written notice at least one month before the usage in question;
- all details in writing as required in APRA’s standard application form;
- a signed consent and indemnity from all interested parties (co-writers, publishers); and
- payment of APRA’s reasonable costs associated with the transaction.



## LICENCE BACK FOR ONLINE NON-COMMERCIAL PURPOSES

As an APRA member, you can also obtain a non-exclusive licence back for online non-commercial purposes, for example if you wish to license your work(s) to be made available on a third party's website. The application process for a licence back for online non-commercial purposes is similar to general licence backs, but is even quicker and easier – see APRA's standard application form. However, please note that online non-commercial licence backs are only available where there is no financial incentive received by the member (you) or sub-licensee (eg third party's website) for the communication of the works being licensed back. Additionally, the sub-licensee must be a not-for-profit entity that does not receive public funding. If the online licence you wish to grant does not fall within this definition you should use the general licence back application process above.

## SUMMARY OF DIFFERENCES BETWEEN AN OPT OUT, A LICENCE BACK AND AN ONLINE NON-COMMERCIAL LICENCE BACK

	Opt out	Licence Back	Online Non-Commercial Licence Back
<b>Applies to how many of your works?</b>	All works	Any nominated work or a number of works	Any nominated work or a number of works
<b>Non-exclusive licence</b>	No	Yes	Yes
<b>Is there a re-assignment of your performing right?</b>	Yes	No	No
<b>Uses covered</b>	Your choice of as many performing right categories as applicable, worldwide	Your choice of as many performing right categories as applicable in Australia and/or New Zealand only	Online Non-Commercial uses only
<b>Period covered</b>	Can be a set period or in perpetuity	Can be one-off use, a set period or in perpetuity	Can be one-off use, a set period or in perpetuity
<b>Notice required</b>	3 months	1 month	1 month
<b>Costs</b>	APRA's reasonable costs associated with the Opt Out	APRA's reasonable costs associated with the Licence Back	At APRA's discretion, but in any event, not to exceed APRA's reasonable costs associated with the Online Non-Commercial Licence Back

## FURTHER INFORMATION

For further information or copies of the Opt Out, Licence Back, or Non-Commercial Online Licence Back forms, please contact our Member Services Team:

**In Australia:** Milly Petriella on 1800 642 634 or milly@apra.com.au

**In New Zealand:** Petrina George on 0800 692 772 or pgeorge@apra.com.au

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