



Music – Playing Music: APRA & PPCA

This information sheet contains information about the licences people need for playing live and recorded music “in public”. It also contains information about playing music on hold.

Check our website www.copyright.org.au to make sure this is the most recent version, and for information about our other information sheets, other publications and our seminar program.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

Key points

- You usually need permission to play live or recorded music in a shop, at your business or any other non-domestic setting.
- Several copyrights may exist in one item such as a CD. For example, the lyrics, music and the sound recording may be separately protected by copyright.
- The Australasian Performing Right Association (APRA) can give you a licence to play music and lyrics in public; licences to play sound recordings in public are available from the Phonographic Performance Company of Australia (PPCA).

When do you need a licence to play music?

You do not need permission to play music in a private situation (for example, if you are at home with family or friends). However, if you are playing music “in public”, you will need permission from the owners of copyright in the music, lyrics and sound recording. These owners have the right to control both the **playing** of the material “in public” and the **communication** of the material “to the public”.

What is a “public performance”?

A “public performance” includes live performances of music in public as well as playing recorded music in public. Any performance of copyright material which is not essentially private or domestic is likely to be regarded as “in public” for the purposes of copyright.

Playing music in a commercial or business context is likely to be a “public performance”. This includes playing music in an office, hotel, club, restaurant, shop, professional rooms, hairdressing salon or fitness centre. For example, a court has held that the screening of an information video to eleven employees of a bank outside business hours was a “public performance” of the music on the video.

A performance which is given for free or which has a small audience may still be regarded as a “public” performance for the purposes of copyright; a court held that music played by an orchestra to members of a social club was a public performance even though no admission fee was charged.

However, performances of music at events such as weddings or twenty-first birthday celebrations will not generally be “in public” even if they occur in a hotel, wedding hall or restaurant, as these events are considered private in nature.

What is “communication to the public”?

A “communication to the public” means communicating copyright material electronically to the public. This includes online uses of copyright material – for example, uploading music to the internet, streaming music and emailing files (except to family and friends) – and broadcasting copyright material. Courts have held that transmitting music over the telephone while people are waiting on hold is also a communication to the public. You will need permission to use music in these sorts of ways unless a specific exception to infringement applies. For a comprehensive list of exceptions to infringement, see our information sheet *Exceptions to Copyright*.

What are APRA and PPCA?

APRA is a non-profit copyright collecting society that collects and distributes fees for the public performance and communication to the public of music. The fees are distributed to APRA’s members, who are songwriters, composers and music publishers. APRA’s website is: www.apraamcos.com.au

PPCA is a non-profit collecting society that licenses the public performance of sound recordings on behalf of its members, who are recording artists and record companies. PPCA’s website is: www.pcca.com.au

When do you need an APRA licence?

If you or your business provides music in the workplace, or otherwise to the public, including in any of the following ways:

- live performances;
- playing music CDs (or music in other formats including by means of digital services);
- playing the radio or a television;
- playing music as part of a telephone “on hold” system;
- playing music as part of training sessions, presentations or business functions;
- playing music via your website;

then you will need a licence from APRA covering the **musical works** and **lyrics**.

For more details, see www.apraamcos.com.au/music-customers/licence-types/

Live music venues: who should get the licence?

Where music is being performed live, both the performer/s of the music and whoever organises that performance are responsible for making sure permission has been obtained to perform copyright-protected music in public. The proprietor of the venue may also be liable if a licence is not obtained. In practice, it is generally the proprietor of the venue who gets the relevant permission. Usually the APRA licence covers all performances taking place in a particular venue.

Performances not covered by the APRA licence

Certain public performances of music are not generally covered by the APRA licence. These include “**grand rights**” (the performance of entire dramatic and musical works such as operas, musicals or large choral works) and also the use of musical works in dramatic presentations and ballets. Permission to perform musicals, operas, and other “grand rights” works which are still protected by copyright is usually sought from the relevant music publisher. The composer or publisher may, however, deal through an agent who negotiates these uses for them. If you want to use music in a theatrical context (for example, as background music during a play) contact APRA for initial information.

When do you need a PPCA licence?

If you play recorded music (such as CDs) in your business or otherwise in public, you need a licence from PPCA as well as from APRA.

As a result of special exemptions in the Copyright Act, a PPCA licence is **not** necessary if:

- you are playing sound recordings at premises where people live or sleep (for example, a guesthouse or club), as part of the amenities provided exclusively for residents and their guests, and no charge is made for admission to the part of the premises where the recording is to be heard;
- you are playing sound recordings as part of the activities, or for the benefit, of a registered charity; or
- you are playing music from a radio or television, rather than from a cassette, digital file or CD. (Note that this exemption does not apply to internet radio: playing music via all forms of internet radio, including internet simulcasts of traditional radio broadcasts, requires a PPCA licence).

Some recordings from some countries, such as the United States, may be played in public without the copyright owner's permission, as may recordings in which copyright has expired. However, determining whether or not a particular recording from another country is protected by copyright in Australia involves complex legal questions. For this reason, if you want to know whether or not you need permission from the copyright owner of a foreign sound recording to play it in Australia, we recommend you obtain specialist legal advice.

Even if you do not need a licence from PPCA, you will still need a licence from APRA in the three situations listed above if the music and lyrics on the recordings are protected by copyright and no other exception applies.

Common question: I only play music composed by Mozart. Why do I need a licence?

Generally, copyright in musical works and lyrics lasts from the time the work is made until 70 years after the creator's death. Copyright in a sound recording generally lasts for 70 years from the end of the year the sound recording is first published.

Therefore, even though the copyright in a musical work composed by Mozart may have expired (since it has been more than 70 years since he died), copyright may still subsist in the particular sound recording that you wish to play in public. If this is the case you will need a PPCA licence to play the music in public.

For more information, see our information sheet *Duration of Copyright*.

Playing music on hold

If your telephone system has a facility allowing callers to listen to music while they are "on hold" then you need to make sure that licences from APRA and PPCA have been obtained. You need licences from both organisations because both music and sound recordings are being "communicated to the public" via the telephone system. It does not matter whether the source of the music is the radio, TV or a recording.

Before March 2001, Telstra and other telecommunications carriers were responsible for paying licence fees for music on hold, but because of a change in the law, individuals and businesses operating a telephone system with a music-on-hold facility are now responsible for getting the licences.

Further information

For further information about copyright, our publications or seminar program, see our website <http://www.copyright.org.au/>

If you meet our eligibility guidelines, a Copyright Council lawyer may be able to give you free preliminary legal advice about a copyright issue that is not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions and libraries. For information about the service, see <http://www.copyright.org.au/legal-advice/>

Reproducing this information sheet

Our information sheets are regularly updated - please check our website to ensure you are accessing the most current version. Should you wish to use this information sheet for any purpose other than your reference, please contact us for assistance.

About Us

The Australian Copyright Council is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies.

We are advocates for the contribution of creators to Australia's culture and economy; the importance of copyright for the common good. We work to promote understanding of copyright law and its application, lobby for appropriate law reform and foster collaboration between content creators and consumers.

We provide easily accessible and affordable practical, user-friendly information, legal advice, education and forums on Australian copyright law for content creators and consumers.



Australian Government



The Australian Copyright Council has been assisted by the Australian Government through the Australia Council, its arts funding and advisory body.

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