

Table of contents

1	About this guide	1
	Who this guide is for	1
	How this guide is set out	1
	Information, not legal advice	1
2	Some things you need to know about copyright	2
	Copyright law is set out in the Copyright Act 1968	2
	Copyright protects a wide range of material	2
	Lyrics, music, recordings and film or video footage can each have separate copyright protection	2
	Copyright doesn't protect techniques or styles	3
	Copyright is unlikely to protect a name or title.	3
	There's no registration of copyright in Australia	3
	Copyright lasts a long time	4
	The person who creates the material generally owns copyright	4
	The copyright owner can generally control how people use their material	4
	You'll usually need a clearance to use other people's copyright material in your compositions, songs and recordings	5
	Copyright is a type of property that can be transferred to other people.	5
	People who infringe copyright leave themselves open to legal action	5
3	... and "moral rights" for creators	7
	Moral rights apply in relation to music and lyrics, for example, but not recordings ...	7
	Creators have moral rights, whether or not they own copyright	7
	People using lyrics, artworks, music and films usually have to credit the relevant creator/s	7
	Creators can usually take action against anyone who credits someone else for their work	7
	Creators can usually take action against anyone who credits them wrongly when someone else has changed their work	7
	People using lyrics, artworks, music & films usually can't use material in a way that might damage the honour or reputation of the creators	8
	Moral rights don't need to be respected if the creator has given a consent	8
	Your moral rights may not apply in some cases, if it's "reasonable" in all the circumstances not to respect them.	8
	Moral rights usually last for as long as copyright.	8
4	... and performers' rights	9
	People wanting to film, record or broadcast a performer usually need authorisation. .	9
	Performers sometimes co-own copyright in sound recordings of their performances .	9
	Performers sometimes have moral rights	10

5	Debunking some myths	12
	You need to post your songs to yourself by registered mail to prove you wrote them	12
	You register your copyright with APRA	12
	You only get copyright once you've been published	12
	It's not protected unless it has a copyright notice on it.	12
	It's OK to sample recordings, provided you only use 3 seconds or no more than 10%	12
	You can use anything you find on the net	13
	You can use copyright material provided you attribute the creator	13
	You only need to worry about copyright if you're charging money	13
	Copyright owners should see our use of their material as good promotion	13
	It's all right to use other people's material if you change it	13
	You own copyright if you pay someone to create something for you	14
	Copyright only benefits big companies and established songwriters	14
6	Composing & songwriting	15
	Overview	15
	When does copyright begin?	15
	Who is going to own rights?	16
	Heading off potential problems with ownership	18
	Agreements between band members	20
	Including other people's material in your work	21
	If you own rights: what then?	22
7	Getting ready to perform	24
	Copying print music & parts.	24
	Making backing tapes	25
	Transposing	26
	Altering lyrics	26
	Arranging	26
	Downloading guitar charts & lyrics from the net.	27
	Hiring music & parts for performances.	27
	Borrowing music & parts for performances.	27
	Importing music to build a performing library	27
8	Performing	28
	General issues	28
	Performing music in "dramatic contexts"	29
	Staging musicals	29
	Promotion	29
9	Recording	30
	Recording your own material	30
	Recording covers	30

Producers	32
Sampling	32
Contracts with record companies	33
Packaging	36
10 Publishing	37
What is “publishing”?	37
Contracts with publishers.	38
11 DJing	41
Playing songs one after the other.	41
Moral rights	41
Copying recordings to use while DJing	42
Selling mixes & remixes.	42
Copyright protection for mixes and remixes	43
12 Making your copyright work for you	44
Copyright-based income	44
Non-copyright income streams.	45
Alternative ways of generating income	45
Creative Commons licensing	46
13 They’re playing your song?	48
Can you take action for copyright infringement?.	48
Can you take action for infringement of your moral rights?	48
Can you take action for infringement of your performers’ rights?.	49
What to do if your rights are infringed.	50
14 Collecting societies	52
Australasian Performing Right Association (APRA)	52
Australasian Mechanical Copyright Owners’ Society (AMCOS)	52
Phonographic Performance Company of Australia (PPCA).	52
Copyright Agency	53
Viscopy	53
Screenrights.	53
Aboriginal Artists Agency.	53
Christian music licensing organisations	54
15 Other useful resources.	55
Australian Copyright Council.	55
Arts Law Centre of Australia.	55
Australian Guild of Screen Composers	55
Australian Music Centre (AMC)	55
Music Rights Australia	55
Other resources	55
Endnotes	56