

## Musical Works

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## Copying Sheet Music

### 1. Can we copy sheet music for use in class?

Yes. Under the AMCOS Licence schools can copy the following types of sheet music from originals owned by the school:

- choral sheet music
- part or parts of an ensemble or orchestral work
- handwritten transcriptions
- handwritten transpositions
- separately published musical work
- collections of music or albums
- up to 3 songs from a vocal score

See Education Licence D: AMCOS Licence for further information

TAFE institutes: There is no national agreement between AMCOS and TAFE. TAFE staff should check whether their individual institute has a licence agreement with AMCOS for the copying of sheet music.

2. **How many copies can be made from an original copy of sheet music under the AMCOS Licence ?**

There are different limits to the number of copies that can be made depending on whether you are from a secondary or primary school. See Education Licence D: AMCOS Licence for further information on the copying limits.

If you need more copies you must either buy additional originals (to copy from) or obtain permission from the publisher. See How to Clear Rights for further information on obtaining permission from the publisher.

3. **Does the original copy of sheet music, from which copies are made under the AMCOS Licence , need to be marked?**

Yes. You must mark the original copy of sheet music with:

- the name of the school for which the copies were made
- the date on which the copies were made
- the number of copies made from it

See Education Licence D: AMCOS Licence for further information on the marking requirements

4. **Do copies of original sheet music made under the AMCOS Licence need to be marked?**

Yes. You must mark all copies made under the AMCOS Licence with:

- the name of the school OR the name of the teacher who owns the work (if the work is not owned by the school)
- the date on which the copy was made
- the words "AMCOS LICENSED COPY"

The original must also be marked "AMCOS LICENCE – [NUMBER OF] COPIES MADE".

See Education Licence D: AMCOS Licence for further information

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5. **Can copies of sheet music made under the AMCOS Licence be used by private music teachers where the tuition is on the school premises?**

No. The AMCOS Licence does not cover copying of sheet music for private music teaching, even if this takes place on school premises. Private music teachers will have to purchase original copies of sheet music for use with their students.

6. **Can we loan copies of sheet music made under the AMCOS Licence to another school ?**

No. The AMCOS Licence does not allow a school to loan copies of sheet music to any other organisation, including other schools, even if the original is owned by a staff member.

7. **Can we loan copies of sheet music made under the AMCOS Licence to our own students?**

Yes. The AMCOS licence does permit copies belonging to a school to be loaned to the students of that school if it is for educational purposes.

8. **Can we copy borrowed or hired music publications under the AMCOS Licence ?**

No. The AMCOS Licence only permits schools to copy music publications belonging to the school.

9. **Can I incorporate a piece of sheet music into an exam paper?**

Yes. This is specifically permitted under a provision of the Copyright Act.

10. **Can I give sheet music to my students to copy by hand during an exam?**

Yes. This is specifically permitted under a provision of the Copyright Act.

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11. **Can we make a compilation of song lyrics or sheet music for educational purposes**

Yes. This is permitted under the Statutory Text and Artistic Licence provided that you do not exceed copying limits.

See Education Licence B: Statutory Text and Artistic Licence for further information.

12. **Can the school copy a lost music part by borrowing the original from another school ?**

No. This is not permitted under the AMCOS Licence. You must buy another original to copy from.

See Education Licence D: AMCOS Licence for further information.

13. **What is the correct procedure for the replacement of part of a piece of sheet music which has been lost?**

1. Confirm that the part is, in fact, lost.
2. Copy the missing part from the school's original
3. Stamp the copy with the AMCOS Licence
4. Mark on the original that a copy has been made

TAFE institutes: There is no national agreement between AMCOS and TAFE. TAFE staff should check whether their individual institute has a licence agreement with AMCOS for the copying of sheet music.

14. **What is the correct procedure for making copies of sheet music that is out of print?**

Confirm with the publisher that the sheet music is out of print. If this is the case you may rely on the Statutory Text and Artistic Licence as long as you do not exceed the copying limits.

Alternatively, if you wish to copy the whole of the sheet music, obtain a copy from the publisher and their permission to make copies from this "original". Copies can then be made under the AMCOS Licence.

TAFE institutes: There is no national agreement between AMCOS and TAFE. TAFE staff should check whether their individual institute has a licence agreement with AMCOS for the copying of sheet music.

15. **Are " Grand Right Works " covered by the AMCOS Licence ?**

No. Grand Right Works are not covered by the AMCOS Licence. This means that if you wish to copy a Grand Right Work for your students, for example, to rehearse for the performance of a musical at your school, you must seek the permission of the publisher. To obtain further information, contact AMCOS who maintain a list of popular Grand Rights Works and publisher details.

16. **What musical works cannot be copied by schools under the AMCOS Licence ?**

The AMCOS Licence does not apply to:

- o reference books and music textbooks
- o libretti (lyrics and words in a Grand Right Work)
- o 'entire' Grand Right Works
- o instrument method and music tutor books
- o borrowed or hired music publications

You may copy 10% or a chapter of reference and music textbooks, instrument method and music tutor books and libretti under the Statutory Text and Artistic Licence. You may only copy the entire work if it is not available within a reasonable time at an ordinary commercial price.

See Education Licence B: Statutory Text and Artistic Licence for further information

For entire Grand Right Works and borrowed or hired music publications you must seek permission directly from the publisher. AMCOS can provide contact details for publishers. See How to Clear Rights for information on obtaining permission from the publisher.

## Playing and Performing Music

1. **Can teachers play music in the classroom for educational purposes ?**

Yes. This is permitted in both schools and TAFE institutes under the Copyright Act.

2. **Can teachers and students perform music in class?**

Yes. Provided the performance is in the course of educational instruction in the presence of only the teacher and students from that class.

3. **Does our school need permission to play music at a school concert?**

No. This is not necessary. The APRA Licence allows schools to perform musical works outside the classroom, for example, for school concerts or in the playground at lunchtime.

TAFE institutes: There is no national TAFE licence with APRA at present. TAFE staff should check with their individual institution to see whether they have a licence agreement with APRA for this purpose.

4. **Do we need to get a licence from APRA and PCCA to perform a music CD in the classroom?**

No. Under the Copyright Act schools and TAFE institutes are permitted to play musical works and sound recordings in class (or in front of an audience) where it is performed by a teacher or student in the course of giving or receiving educational instruction.

5. **Which schools are covered by the APRA Licence ?**

All government schools and most non-government schools are covered by the APRA Licence. For confirmation on whether your school is covered by the APRA Licence, contact your local Copyright Manager.

TAFE institutes: There is no national TAFE licence with APRA. TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

6. **Can we play recorded music at school events or over the school's public amplifier system at sports day, assemblies, concerts, discos or karaoke competitions?**

Yes. The APRA Licence covers all performances at the school or at functions connected with the school's activities outside of the classroom.

TAFE institutes: There is no national TAFE licence with APRA . TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

7. **Who do I need to get permission from for students to perform musical works at eisteddfods?**

The APRA Licence covers the playing of recorded music at school events. However, eisteddfods are not covered by the APRA Licence. In practice, the eisteddfod organisers will generally arrange a special licence with APRA for this purpose. Participating schools should provide details of the music they intend to play to the eisteddfod organisers.

See 2.3: Musical Works for further information

8. **Our school marching band has been asked to perform in a state sponsored concert. Our school music teacher has created a medley of music for the occasion. The organisers are planning to record and sell a CD of the concert as a fund raiser. What permissions do we need to get?**

There are a number of permissions that need to be obtained in this case:

- permission from the students who are playing to cover their performance and the recording – this is the school's responsibility;
- permission from the copyright owners of the music featured in the medley you have arranged – this is the responsibility of the arranger or, if agreed, the school which has commissioned the arrangement;
- permission from the copyright owners of the music for it to be performed and recorded at the concert. Normally, the event organisers are responsible for arranging a special licence with APRA for this purpose. You need to provide details of the music you intend to play to the event organisers.

See 2.3: Musical Works for further information.

9. **Can we use pre-recorded music in school performances and concerts?**

Yes. The playing of pre-recorded music at a school event is covered by the APRA Licence.

TAFE institutes: There is no national TAFE licence with APRA. TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

10. **Can we perform a musical work for a school performance or concert?**

Yes. The playing of a musical work at a school event is covered by the APRA Licence.

However, in order to perform a Grand Right Work, permission must be obtained directly from the music publisher. Contact AMCOS for a list of music publishers and see How to Clear Rights for information on obtaining permission from the music publishers.

TAFE institutes: There is no national TAFE licence with APRA. TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

11. **My students have been asked to perform at the local multi- schools event , organised by our local Council and to be held at the local performing arts centre. Tickets to gain entry are being sold to cover the cost of the venue. Is this performance covered by the APRA Licence ?**

No. The performance will be outside the terms of the APRA Licence for two reasons:

- it is being held outside school premises; and
- an admission fee is being charged.

Permission to perform the music should be obtained from APRA. You should check with the organisers of the concert whether they will be responsible for obtaining this.

TAFE institutes: There is no national TAFE licence with APRA. TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

**Recording Music and Copying Sound Recordings**

1. **Can we video tape our schools' performance of a musical , ballet, large choral work or music set to a play?**

No. The AMCOS/APRA/ARIA licence does not cover the making of video recording of:

- Grand Rights Works such as musicals or excerpts;
- musical works which were composed for a ballet if accompanied by that ballet;
- a large choral work (of more than 20 minutes duration) or excerpts of that work;
- musical works performed in a dramatic context.

To video record these works schools must obtain a licence from APRA (in the case of works performed in a dramatic context) or directly from the music publisher. See How to Clear Rights for information on obtaining permission from the music publisher.

TAFE institutes: There is no national TAFE licence with AMCOS/APRA/ARIA. TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS/APRA/ARIA for this purpose.

2. **Can we make a video recording of the school performance or concert for archival purposes?**

Yes. Apart from certain excluded performances , as listed in Question 1 ,the AMCOS/APRA/ARIA Licence permits a school to video tape school performances and concerts for archival purposes. The copy must be marked with the following notice:

“This recording has been made under a licence from AMCOS and ARIA for educational purposes only”

The copies made must be marked with, for example, a sticker that states:

- o the title of the musical work
- o the name of the composer and arranger; and

if the recording is of a commercial sound recording , the artist/group name and the record company label.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

4. **Can we provide students with copies of sound recordings to take home for study purposes?**

Yes. This is permitted under the AMCOS/APRA/ARIA Licence . However, the copies must be marked with the following notice:

“This recording has been made under a licence from AMCOS and ARIA for educational purposes only”

The copies made must be marked with, for example, a sticker that states:

- o the title of the musical work
- o the name of the composer and arranger; and
- o if the recording is of a commercial sound recording , the artist/group name and the record company label.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

5. **Can students make their own recordings using samples of existing sound recordings ?**

The process of creating sound recordings incorporating extracts of existing sound recordings is known as “sampling”. Under the Copyright Act a student may copy an extract of a sound recording as a fair dealing as part of their own research or study for a class or particular course of instruction or for the purpose of parody or satire .

See 1.13: Copyright Exceptions (a) Fair Dealing for further information

Students may not “sample” sound recordings for use in a recording they plan to distribute commercially without the permission from the copyright owner/s.

6. **Can we use music on a commemorative school video/ DVD?**

Yes. Provided that the video/DVD will not be offered for sale on a profit making basis.

TAFE institutes: There is no national TAFE licence with APRA . TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

7. **Can we record music at school concerts?**

Yes. The APRA/AMCOS/ARIA Licence permits audio and video recordings of the performance . See Education Licence E: APRA/AMCOS/ARIA Licence for further information on recording music

at school concerts.

You also need to get permission from the students involved. You can obtain this verbally or imply it if the student is aware they are being recorded and continues to perform.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

**8. Are parents allowed to video a school event such as a school concert or music festival?**

Yes. This is permitted under the AMCOS/APRA/ARIA Licence . However, these recordings should not be placed on a publicly accessible website . Further, video recordings of certain music, including Grand Right Works , is not permitted under the licence . In addition, the school may choose not to permit video recording of school events for other reasons.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS/ APRA / ARIA for this purpose.

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**9. Can we distribute or sell copies of a video made of a school event to students and their families?**

Yes. This is permitted under the AMCOS/APRA/ARIA Licence where the videos are distributed for free or on a cost recovery basis only. The videos must be marked with the following notice:

“This recording has been made under a licence from AMCOS and ARIA for educational purposes only”

The copies made must be marked with, for example, a sticker that states:

- o the title of the musical work
- o the name of the composer and arranger; and

if the recording is of a commercial sound recording , the artist/group name and the record company label.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

**10. Can we make back up or archival copies of records, cassettes or CDs for educational purposes ?**

No. The AMCOS/APRA/ARIA Licence does not permit copying of recordings for back up or archival purposes.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

**11. Can we copy CD-Roms that incorporate music or sound recordings to play at school events ?**

Yes. This is permitted under the AMCOS/APRA/ARIA Licence provided it is:

- o for a school event ;
- o of a school event ; or
- o for educational instruction.

You should check whether the CD-Rom is protected by an Access Control Technological Protection Measure . See information sheet, " Copyright Protection Measures and the Copyright Amendment Act " or contact your local Copyright Manager for further advice on Technological Protection Measures.

TAFE institutes: There is no national TAFE licence with AMCOS / APRA / ARIA . TAFE staff should check with their individual institute to see whether they have a licence agreement with AMCOS / APRA / ARIA for this purpose.

12. **Can we make copies of recorded music from vinyl, cassettes or CDs to play in the classroom?**

Yes. This is permitted under the AMCOS/APRA/ARIA Licence provided it is:

- o for a school event ;
- o of a school event ; or
- o for educational instruction.

You should check whether the CD-Rom is protected by an Access Control Technological Protection Measure . See information sheet, " Copyright Protection Measures and the CopyrightAmendment Act " or contact your local Copyright Manager for further advice on Technological Protection Measures.

TAFE institutes: There is no national TAFE licence with APRA . TAFE staff should check with their individual institute to see whether they have a licence agreement with APRA for this purpose.

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### Copying Lyrics

1. **Can I make multiple copies of a page of lyrics, which came with a music CD purchased by our school , for my class?**

Yes. This is permitted under the Statutory Text and Artistic Licence .

See Education Licence B: Statutory Text and Artistic Licence for further information

2. **Can I make a handwritten copy of a sheet of written lyrics, which came with a music CD purchased by our school , for my class?**

Yes, but you may not then make multiple photocopies of the handwritten copy unless you do so under the Statutory Text and Artistic Licence .

See 2.1: Text Works and Education Licence B: Statutory Text and Artistic Licence for further information

3. **Can we make a compilation of song lyrics or sheet music for educational purposes**

Yes. This is permitted under the Statutory Text and Artistic Licence provided that you do not exceed copying limits .

See Education Licence B: Statutory Text and Artistic Licence for further information

### Rearranging Music

1. **Can I rearrange a piece of music for a classroom exercise?**

You may rearrange a piece of music for demonstration in class without the permission of the the copyright owner. However, if you wish to make multiple copies of the new arrangement for your class, you will need the permission of the copyright owner.

See How to Clear Rights for information on obtaining permission from the copyright owner.

2. **Do we need permission to rearrange a piece of music and provide our marching band with copies of the new arrangement?**

Yes. Permission from the copyright owner must be sought. Contact AMCOS to obtain contact details for publishers.

### Cover Versions

1. **Our school band is planning to play its own "cover" versions of famous songs at a school**



**concert. Can we make and distribute a CD of their performance to raise funds for the school ?**

Cover versions of existing musical recordings may be made and sold as long as:

- o the musical work has previously been made or imported into Australia for sale;
- o you advise the copyright owner of the recording; and
- o you pay a royalty to the copyright owner.

For further information, contact your local Copyright Manager .

### **Copying Music Off-Air**

1. **I want to record some music and advertising jingles from the radio and play it for my students in the classroom. Can I do this?**

Yes. The copying of off-air (radio and television) broadcasts by schools for educational purposes is permitted under the Statutory Broadcast Licence .

See Education Licence A: Statutory Broadcast Licence for further information.

### **Music in MP3 format**

1. **Can we make copies of recorded music from MP3 files?**

Yes. You will be able to make copies of recorded music from MP3 files under the flexible dealing exception, provided:

- o the copy is made for the purposes of educational instruction;
- o the use is non-commercial;
- o the circumstances are a special case;
- o the use does not conflict with the normal exploitation of the work ; and
- o the use does not unreasonably prejudice the copyright owner.

For further information on the above points, see information sheet, "The New Flexible Dealings Exception: What am I allowed to do?" .

2. **Can we make a copy of a commercially purchased music CD and place it on our school intranet?**

Yes. Where it is not possible to purchase the music in electronic form and you are storing it on the intranet for teaching purposes. Note that "just in case" format shifting is not permitted.

For further information on format shifting, see information sheet "Format Shifting and the Copyright Amendment Act 2-006 - What am I allowed to do?" .

3. **I plan to download music tracks from the Internet to our school intranet for use in music lessons. Can I do this?**

**You can only download music from the Internet for educational use:**

- \* where it is from a legitimate source (eg. not from a pirated music site);
- \* you have a licence (eg. Creative Commons – website terms and conditions allow educational use. For further information on Creative Commons, see information sheet "Creative Commons Resources for Schools" )
- \* where you purchased music from a commercial site and the terms and conditions allow educational use.

4. **Can a teacher put music as a backing track on a "Power Point" ® presentation?**

Under the new flexible dealing exception, a teacher may include short extracts of music in Powerpoint teaching aids. For information on the flexible dealing exception, see information sheet, "The New Flexible Dealings Exception - What am I allowed to do?" .

## Seeking Student Permission to Record/Photograph Performances

1. **Do we need permission from students to video record their performances in the classroom?**

Check your Department or Association's policy on filming students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

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2. **Do we need permission from students to video record their performances in school concerts, music festivals or eisteddfods?**

Check your Department or Association's policy on filming students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

3. **Do we need permission from students to record their performance in a student film or video?**

Check your Department or Association's policy on filming students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

4. **Do we need a student's permission to take photographs of their performances ?**

Check your Department or Association's policy on photographing students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

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