

## Sound Recordings

### 1. Can I play a sound recording, such as a CD, in class?

Yes. Under the Copyright Act schools and TAFE institutes can play sound recordings in class provided it is in the course of instruction. You can also communicate the sound recording for performance to a classroom/virtual classroom.

See information sheet "Performance and Communication of Works and Audio Visual Material in Class- What am I allowed to do?" for further information

### 2. Can we make back up or archival copies of records, cassettes or CDs?

No. Generally you are not permitted to copy sound recordings for back up or archival purposes.

However, you should check the terms and conditions on the recording to see whether it permits a back up copy to be made. If not, you would need to contact the publisher (copyright owner) directly to make this request.

If the sound recording is held as part of the school's library collection it may be possible to make a "preservation copy". You cannot make general back up copies in advance "in case" the original gets damaged. If however, your original becomes damaged or deteriorates, it may be possible to request a copy be supplied from another library, through the inter library loan system. However, the request can only be made once an officer of the library has made a reasonable investigation of its availability and prepared a declaration stating that a new copy of the recording cannot be obtained within a reasonable time at an ordinary commercial price.

### 3. Can we make copies of CD-Roms that incorporate music or sound recordings?

Yes. This can be done under the AMCOS/APRA/ARIA Licence provided that the copy is:

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

The copies made need to be marked with the following information:

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

The following information must be provided (for example, on a sticker on the recording):

1. The title of the musical work;
2. 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.

See information sheet, "Technological Protection Measures" or contact your local Copyright Manager for further advice.

[Back to top ↑](#)

### 4. Can we make copies of recorded music from vinyl, cassettes or CDs?

Yes. This can be done under the AMCOS/APRA/ARIA Licence provided that the copy is:

- o for a school event;

- o of a school event; or

- o for educational instruction.

The recording must be marked with the following notice:

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

The following information must be provided (for example, on a sticker on the recording):

1. The title of the musical work;
2. 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.

See information sheet, "Technological Protection Measures" or contact your local Copyright Manager for further advice.

#### 5. **Can a school or TAFE make copies of recorded music from MP3 files?**

MP3 files are not covered by the AMCOS/APRA/ARIA Licence. However, 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 Flexible Dealing

[Back to top](#)

#### 6. **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:

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

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

Yes, this is permitted under s 200AB provided 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.

See information sheet, [Format Shifting](#) for further information on format shifting.

#### 8. **Can we play sound recordings at school events or over the school's public amplifier system at school events? eg. sports day, assemblies, concerts, discos, karaoke competitions?**

Yes. The APRA Licence covers all performances at the school or at functions held on the school premises unless a fee is charged.

See Education Licence C: APRA Licence for further information

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.

#### 9. **Can we make copies of recorded music from vinyl, cassettes or CDs?**

Yes. This can be done under the AMCOS/APRA/ARIA Licence provided that the copy is:

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

The recording must be marked with the following notice:

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

The following information must be provided (for example, on a sticker on the recording):

1. The title of the musical work;
2. 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.

See information sheet, "Technological Protection Measures" or contact your local Copyright Manager for further advice.

#### 10. **Can a school or TAFE make copies of recorded music from MP3 files?**

MP3 files are not covered by the AMCOS/APRA/ARIA Licence. However, you will be able to make copies of recorded music from MP3 files under the flexible dealing exception, provided:

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

For further information on the above points, see information sheet Flexible Dealing

[Back to top](#)

#### 11. **Can I copy and play sound recordings as part of a music exam?**

Yes. You will be able to copy sound recordings for inclusion in a music exam under the flexible dealing exception, provided:

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

For further information on the above points, see information sheet Flexible Dealing

Otherwise, the schools or TAFE institutes will have to obtain permission for the use of sound recordings directly from the record company involved. This has proven to be difficult in some cases. See [How to Clear Rights?](#) or contact your local Copyright Manager for further advice on obtaining this permission.

Both TAFE institutes and schools can play or communicate a sound recording as part of a music exam.

[Back to top ↑](#)

#### 12. **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 Power point teaching aids.

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

The process of creating sound recordings using 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.

For further information, see:

1.13 Copyright Exceptions (a) Fair Dealing

Information sheet, "Parody, Satire and the Copyright Amendment Act 2006 - What am I allowed to do?"

Students are not entitled to “sample” sound recordings for use in a recording they plan to produce or distribute commercially without the specific permission of the copyright owner/s involved.

14. **Do schools and TAFE institutes need a licence from PPCA to play sound recordings in class?**

No. The Copyright Act permits schools and TAFE institutes to play 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. You can also communicate the sound recording for performance to a classroom/virtual classroom.

For further information, see:

2.5: Film, Video/DVD (c) Other educational exceptions (ii) communication of sound recordings for classroom performance

Information sheet, "Performance and Communication of Works and Audio Visual Material in Class - What am I allowed to do?"

15. **We hire our school hall out to a private dance school. Do they need a licence from PPCA to play sound recordings during the class?**

Yes. If the dance school is run as a separate commercial activity then it will need to obtain a licence from PPCA to play sound recordings during its classes.

They will also need a licence from APRA to cover the public performance of music in the class on a sound recording (or played live on a piano during the class).

AMCOS and ARIA offer a joint licence to allow dance schools to copy sound recordings for their students.

[Back to top ↑](#)

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