**Music Copyright Guide for Schools**

Updated 1 September 2021

**Introduction**

Teachers regularly use music for educational or other purposes. They may want to copy sheet music for students or perform music live. Or, they may want to record a live performance of music by students or play a sound recording at a [school event](https://smartcopying.edu.au/glossary/school-events/).

What do we mean by music?

When we talk about music, we are referring to both [musical works](https://smartcopying.edu.au/glossary/musical-works/) (ie sheet music comprising the musical score and/or the lyrics of a song) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (ie recorded versions of musical works).

A [musical work](https://smartcopying.edu.au/glossary/musical-works/) can be the score, or both the score and lyrics. The copyright owner of the score may be different to the copyright owner of the lyrics. Note, if you are just copying lyrics, they will be considered as [text](https://smartcopying.edu.au/glossary/text/) for the purposes of the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/).

A [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) can be a recording of the score only, or both the score and lyrics. Examples of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are Apple or Spotify tracks, MP3 files, vinyl, CDs, audio cassettes, reel to reel tapes and any other method for recording and storing sounds.

When schools use a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/), they need permission to use both the [musical work](https://smartcopying.edu.au/glossary/musical-works/) and the sound recording of that [musical work](https://smartcopying.edu.au/glossary/musical-works/). Generally, the composer or music publisher owns copyright in the [musical work](https://smartcopying.edu.au/glossary/musical-works/), and the record label owns copyright in the sound recording.

If you are only reproducing or performing the [musical work](https://smartcopying.edu.au/glossary/musical-works/) (eg by playing the music with an instrument or singing the song yourself), you only need permission from the owner of the copyright in the [musical work](https://smartcopying.edu.au/glossary/musical-works/).

How can schools use music?

Some of the ways schools may use music include:

* + performing [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg students singing songs or playing instruments in the classroom or at assemblies)
	+ communicating musical works (eg displaying the score and/or lyrics of a song on an interactive whiteboard)
	+ copying [musical works](https://smartcopying.edu.au/glossary/musical-works/) (eg photocopying sheet music for the school choir)
	+ playing [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg playing a sound recording in the classroom or at a school event)
	+ communicating [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg uploading a recording of a school concert at which a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) was played to the school’s password protected digital learning environment (DTE)
	+ make recordings (including audio and video recordings) of school performances of [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)
	+ making a copy of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg making a compilation of tracks on a laptop, CD or USB to play at a school dance performance).

Schools can do some activities under free exceptions in the Copyright Act, and for some other activities schools can rely on voluntary licences that most schools have entered into with the collecting societies that represent composers and record labels.

Schools have entered into an interim agreement with [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) and [ARIA](https://smartcopying.edu.au/glossary/aria-australasian-recording-industry-association/) that extends the terms of the [APRA Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-apra-licence/), [School Event Licence](https://smartcopying.edu.au/guidelines/education-licences/school-event-licence/) and [AMCOS Licences](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) to 31 December 2021 and in some instances varies the terms and conditions of those licences. These licences allow schools to copy and share musical works and sound recordings in certain circumstances. When referring to the licences below, we are referring to them as amended by the interim agreement.

**Performing musical works live or playing sound recordings**

How can I perform musical works or play sound recordings in the classroom?

Teachers and students can perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live or play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)in class under a special copyright exception (section 28 of the Copyright Act) provided it is:

* + in the course of education and is not for profit
	+ the people in the audience or class are giving or receiving instruction or are directly connected with the place where instruction is given (however, if parents or guardians are in the audience, schools cannot rely on this exception).

Teachers can upload [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) to a school intranet or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) in order to play them in class, but they should remove them from the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), or remove access to the [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) by students, as soon as the class is over.

Examples of what teachers and students can do in reliance on this exception include:

* + singing musical works and performing the [musical work](https://smartcopying.edu.au/glossary/musical-works/) using instruments in class
	+ performing a [musical work](https://smartcopying.edu.au/glossary/musical-works/) in a virtual class using a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
	+ playing a sound recording in class in any format (eg digital music from Spotify or Apple music, Google Play Store, CD) using a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), interactive whiteboard or virtual classroom software
	+ playing a film (DVD or online film) in class which contains a musical work and or sound recording using a DVD player or [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

How can I perform musical works or play sound recordings outside the classroom?

Schools often want to perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live or play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) outside the classroom context, and in order to allow them to do this, the schools sector has entered into agreements with [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) and [ARIA](https://smartcopying.edu.au/glossary/aria-australasian-recording-industry-association/) (known as the [APRA Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-apra-licence/) and the [School Event Licence](https://smartcopying.edu.au/guidelines/education-licences/school-event-licence/)).

These agreements, together with an exception under section 106(1)(b) of the Copyright Act and an agreement with [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/), allow schools to [perform](https://smartcopying.edu.au/glossary/performance/) [musical works](https://smartcopying.edu.au/glossary/musical-works/) live and play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for a range of purposes that a school undertakes as part of its usual activities (eg educational services, religious services, engaging with members of the school community, promoting students work and [school events](https://smartcopying.edu.au/glossary/school-events/) such as school concerts, dances or formals, sports days and fairs).

The agreement does not allow schools to [perform](https://smartcopying.edu.au/glossary/performance/) [musical works](https://smartcopying.edu.au/glossary/musical-works/) and play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) for commercial activities, including activities advertising or promoting the school (eg via an enrolment campaign) or a third party business, organisation, product or service.

All government and most Catholic and independent schools, are covered by the [APRA Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-apra-licence/) and the [School Event Licence](https://smartcopying.edu.au/guidelines/education-licences/school-event-licence/) agreements. You can check whether you are covered by the music agreements by contacting your school authority.

**Copying Sheet Music**

How can I use sheet music?

Under the [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/), schools can make multiple copies of sheet music for educational purposes. For example, a teacher could copy sheet music for teaching purposes in the classroom or for the school band, orchestra or instrumental ensemble.

All government and most Catholic and independent schools are covered by the [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/). You can check whether you are covered by the [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) by contacting your school local copyright manager.

Making copies of sheet music

Under the [AMCOS licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/), schools can:

* + photocopy hardcopy sheet music
	+ make digital copies of print sheet music (eg scan to digital format)
	+ print copies of digital sheet music
	+ email PDF versions of digital sheet music
	+ upload copies of sheet music to a password protected or restricted access DTE.

How many copies can I make?

Schools can make the number of copies of print or digital sheet music that they need for their students, from an original that the school or a teacher at the school owns (but there are specific restrictions in relation to [Grand Right Works](https://smartcopying.edu.au/glossary/grand-right-works/), extended [Choral Works](https://smartcopying.edu.au/glossary/choral-work/), Music Tutorials and private tuition that continue to apply under the [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/)).

Grand Right Works and Choral Works

A school can only copy up to three songs from a [choral work](https://smartcopying.edu.au/glossary/choral-work/) that is longer than 20 minutes or a [Grand Right Works](https://smartcopying.edu.au/glossary/grand-right-works/) (eg a musical or a work in which the music and lyrics were written expressly for use in a particular context), but it can make unlimited copies of the sheet music for each of those three songs.

So, it could make copies of the sheet music for three songs from ‘Matilda The Musical’ for its students to sing. However, if a school wants to rehearse or perform an entire musical, it needs to obtain permission from the copyright owner of the musical.

Education departments and administrative bodies

The [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) also extends to departments and administrative bodies making copies on behalf of a school and to facilitate activities between schools (but note that this does not extend to departments and administrative bodies publishing resources that contain sheet music).

What can I do with the copies of sheet music?

Schools can:

* + photocopy hardcopy sheet music
	+ make digital copies of print sheet music (ie scan to digital format)
	+ print copies of digital sheet music
	+ email PDF versions of digital sheet music
	+ upload copies of sheet music to a password protected or restricted access [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

Marking hardcopy and digital copies of sheet music

Schools should do all they reasonably can to mark any hardcopy and digital copies of sheet music they make on the copy or near where the copy is made available (eg schools could include a notice that licensed copies have been made under the [AMCOS Licence](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/), and keep this in the same folder as the licensed copies on a school’s [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)).

Licensed Copies should be marked with:

* + [AMCOS](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) licensed copy
	+ name of the school
	+ date copied
	+ if the original is not owned by the school, the name of owner.

All copies remain the property of the school for which they were made.

**Live streaming or recording your school event**

Live streaming a school event

Schools can live stream their [school event](https://smartcopying.edu.au/glossary/school-events/), where [musical works](https://smartcopying.edu.au/glossary/musical-works/)(eg a live performance of a musical work by a school band or orchestra) and/or sound recordings are played, in real time from the school website, a social media platform (eg Facebook Live, YouTube) or a video conferencing platform (eg Zoom). In the case of social media platforms, schools can rely on the licences that APRA AMCOS and record labels have with the social media platforms to communicate (ie make available) the stream on the platform.

If you are live [streaming](https://smartcopying.edu.au/glossary/streaming/) a performance where a musical work or sound recording is being played on social media, it is possible that the performance may be blocked or muted. For what to do if this happens, see ‘Blocking or muting school events on social media’ below.

Making audio or video recordings

Under the School Event Licence schools are able to make recordings (this includes both visual and audio recordings):

* + of [school events](https://smartcopying.edu.au/glossary/school-events/)at which [musical works](https://smartcopying.edu.au/glossary/musical-works/) are performed or a sound recording is played
	+ to play at a [school event](https://smartcopying.edu.au/glossary/school-events/)(eg copying music to CD or MP3 to play at a school graduation)
	+ to include in a video or electronic presentation (eg classroom PowerPoint slides, or in presentations at assemblies or functions)
	+ to play in class, whether face-to-face or virtual (eg in order to play [musical works](https://smartcopying.edu.au/glossary/musical-works/) and [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) relevant to material being studied).

The recordings made by the school should display the following notice:

‘This recording has been made under a [licence](https://smartcopying.edu.au/glossary/licence/) from AMCOS and ARIA for [school purposes](https://smartcopying.edu.au/glossary/school-purpose/) only’.

Schools must also display the following details of each musical work captured in the recording:

* + the title
	+ the composer/arranger
	+ the artist and recording company (if the school is using a backing track).

Schools can also authorise members of the school community to make recordings of music performed at [school events](https://smartcopying.edu.au/glossary/school-events/) for private and domestic listening or viewing by members of the school community (eg parents, guardians and friends can make a video of a presentation night at which the school band played).

Recording a school event

Schools can make a recording (including an audio or video recording) of a [school event](https://smartcopying.edu.au/glossary/school-events/) at which [musical works](https://smartcopying.edu.au/glossary/musical-works/) are performed and/or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) are played. Schools can also synchronise a musical work or sound recording with an existing recording of a school event (eg to add a backing track).

Remember to label the recording in the following way:

‘This recording has been made under a licence from [AMCOS](https://smartcopying.edu.au/glossary/amcos-licence/) and [ARIA](https://smartcopying.edu.au/glossary/aria-australasian-recording-industry-association/) for [school purposes](https://smartcopying.edu.au/glossary/school-purpose/) only’.

You must also display the following details of each musical work captured in the recording:

* + the title
	+ the composer/arranger
	+ the artist and recording company (if you are using a backing track).

For example, you could have this information flash up in the final credits.

What can I do with the recording of our school event?

Schools can do the following with recordings of their [schools event(s):](https://smartcopying.edu.au/glossary/school-events/)

* + upload the recording to the school website
	+ upload the recordings to a password protected school server, intranet or DTE and make this available to parents, guardians and students. For example if parents and guardians are unable to attend an assembly or graduation day, the school could send them a link to the recording on the school’s password protected intranet and allow them to download a [copy](https://smartcopying.edu.au/glossary/copy/) for their private use.
	+ upload the recording to an app that is being used by the school for internal school communications to members of the school community, such as Schoolbag, Seesaw, Compass and SZapp. This is limited to apps being used by the school for internal school communications, and would not include apps like Snapchat or TikTok.
	+ email/message a copy or make a physical copy of the recording (eg copy it on to a USB) and distribute it (for a no cost or on a cost-recovery basis) to members of the school community (eg students and parents or guardians)
	+ provide a digital or physical copy of the recording to third parties , including other schools and administering bodies, for the purpose of events the school is or would like to participate in (eg competitions and festivals)
	+ stream a live communication of the school event from the school’s website.

Uploading a recording or live streaming a school event to social media

Schools can rely on the school’s music licences to upload recordings of their school events, or live stream their school events, to the school’s official social medial page on social media platforms such as Facebook and YouTube. In order to [communicate](https://smartcopying.edu.au/glossary/communicate/) (ie make available) those recordings from those social media pages, school can rely on the licences that APRA AMCOS and record labels have with the social media platforms.

Note, that where a [musical work](https://smartcopying.edu.au/glossary/musical-works/) or [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) is being performed or played at a school event, the post may still be blocked or muted, see ‘Blocking or muting of events on social media’ below.

Using recorded music in videos or presentations

Schools can incorporate a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) or a recording of a performance of a [musical work](https://smartcopying.edu.au/glossary/musical-works/) (eg a recording of a school orchestra performing a piece of classical music) into another, unrelated work, such as a video or a PowerPoint presentation that a school is using for a purpose it undertakes as part of its usual activities (eg educational services, religious services, engaging with members of the school community, promoting students work and [school events](https://smartcopying.edu.au/glossary/school-events/) such as school concerts, dances or formals, sports days and fairs).

The school can do the following with this new recording:

* + upload the recording to the school website, password protected intranet or password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
	+ email and/or message the recording to students and parents or guardians (the school community)
	+ upload the recording to an educational app that is being used by the school to communicate with the school community (ie Schoolbag, Seesaw, Compass and SZapp, but excluding apps like Snapchat and TikTok).

Note, the school **cannot** upload this work to social media.

Blocking or muting of events on social media

Music recording companies (ie record labels) and some music publishers use software to identify potentially infringing content on social media platforms, such as Facebook. When a school live streams a performance where a musical work or sound recording is being played, or uploads a musical work or sound recording, this software may alert Facebook or other social media platforms to mute the recording or send a takedown notice to the school. If you are concerned about a live stream or recording being muted or your school being issued with a take-down notice, [contact the National Copyright Unit](https://smartcopying.edu.au/contact-us/).

Alternatively, you may want to consider uploading the recording to your school website or password protected digital teaching environment or intranet.

**Creative Commons Music**

Creative Commons (CC) music is a great alternative to buying music online, or being limited to the uses of music under the schools music licences. A song licensed under CC does not carry the risk that it will be taken down or muted if shared on social media.

There are several websites that publish digital music that is licensed under CC.

CC licensed material can be copied and shared for educational purposes because the copyright owner has already given permission to use their musical works and sound recordings.

There are several websites that license musical works and sound recordings under a CC licence, including:

* + [SoundCloud](https://soundcloud.com/search/sounds/?filter.license=to_share) – online sharing platform with option to filter search results for CC content
	+ [Vimeo](https://vimeo.com/creativecommons) – online community with option to search for CC content
	+ [CC Mixter](http://ccmixter.org/) – CC sound remix tool and archive
	+ [Op Sound](http://www.opsound.com/) – CC music archive
	+ [Magnatune](http://www.magnatune.com/) – CC Record label
	+ [Jamendo](http://www.jamendo.com/) – CC music distribution site
	+ [Freesound](http://freesound.org/browse) – collaborative data base of CC licensed sounds.

Always remember to attribute the musician, track and licence in whatever medium you are using the musical works and sound recordings.

Note – if you are incorporating a musical work or sound recording into another work (eg you are synching music to video footage of your school sports day or other [school event](https://smartcopying.edu.au/glossary/school-events/)) you will not be able to use a musical work or sound recording that is licenced under a CC ‘No Derivatives Works’ Licence ([CC BY ND](https://creativecommons.org/licenses/by-nd/4.0/)), which means that the musician does not want you

to change, transform or make a derivative work using their musical work or sound recording. Under CC licences, synching the musical works and sound recordings to images amounts to transforming the musical works and sound recordings, so you won’t be able to use any music available under this particular CC licence.

See ‘[Legal Music for Videos’](https://creativecommons.org/about/program-areas/arts-culture/arts-culture-resources/legalmusicforvideos/) on the CC website for more information.

**Using Music in Religious Services**

Schools can rely on the national schools music licences when using musical works and sound recordings in religious services if the service is:

* + part of their students’ education
	+ connected with the activities of the school
	+ organised by the school.

This includes, but is not limited to, the following activities:

* + students and staff singing hymns during school assemblies, graduation programmes and seasonal services
	+ playing musical works and sound recordings in a school chapel as part of a service organised by the school
	+ playing musical works and sound recordings in school religious services, including services held off campus.

Both [CCLI](https://au.ccli.com/) and [OneLicense](https://www.onelicense.net/) represent a number of publishers and composers of Christian liturgical music and offer music licences for congregational use.

The majority of uses by schools of Christian liturgical music will be covered by the national schools music licences.  Schools will only need an additional licence with CCLI or OneLicense if they want to:

* + do an activity that is not covered by the national schools music licences
	+ use musical works from the small number of composers/publishers that are not covered by the national schools licences (ie the song(s) is not a part of the [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) repertoire).

An example of an activity not covered by the national schools licences is displaying lyrics at events (eg assemblies, school worship services) where people other than the staff and students are in attendance.

As a first step, you should check whether the song(s) you want to use are part of the [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) repertoire. Please use the APRA AMCOS [Works Search](https://www.apra.com.au/cms/worksearch/worksearch.srvlt) or contact schools@apra.com.au, or phone (02) 9935 7900.

If you are unsure as to whether the song or the way you want to use it is covered by the music licences, please [contact us](https://smartcopying.edu.au/contact-us/) (the National Copyright Unit) and we can assist you.

**Using Music as a School Bell**

Schools often want to play musical works and sound recordings to their students over the PA system as the school bell. For example, a school might play a popular song from a streaming service such as Spotify, or play classical music from a CD, over their intercom or PA system.

All schools are able to do this.

Government schools can rely on the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/) (this covers the actual musical work) and an interim PPCA licence (this covers playing the sound recording in public).

Non-government schools are covered by the [APRA Licence](https://smartcopying.edu.au/glossary/apra-licence/) and an exception in the Copyright Act (s106 – playing a sound recording in public).

**Education departments and administrative bodies**

In some schools, departments of education and some administrative bodies (eg a Catholic Diocese) run programs that organise group music lessons and workshops as part of students’ education. These are sometimes held at specific schools that operate as hubs where students from other schools can attend to participate in lessons.

The departments/administrative bodies that run these programs and music lessons, are permitted to:

* + copy, print, email and upload sheet music to a password protected intranet for the purposes of:
		- delivering music lessons for and on behalf of schools, provided such lessons are not a form of private tuition
		- ensemble programs organised by the departments/administrative body that are connected with a school
	+ share recordings of [school events](https://smartcopying.edu.au/glossary/school-events/) on a password protected intranet with schools that participated in the event at which the recording was made.

Note, however, that departments/administrative bodies are not able to rely on the licences to publish resources that contain sheet music.