**Music Copyright Guide for Schools**

**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 recorded music in class or 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, this may be covered as text under 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 popular songs you might find on Apple or Spotify tracks, MP3 files, vinyl, CDs, audio cassettes, reel to reel tapes and any other method for 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 playing the musical work 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 musical works and sound recordings 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 the 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 or uploading a copy of sheet music to the school’s [digital teaching environment (DTE)](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) 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)
	+ making a copy of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/)(eg making a compilation of sound recordings to play at a school dance performance)
	+ making recordings (including audio and video recordings) of school performances of a musical work
	+ 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 intranet or password protected [digital learning environment (DTE)](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), a school website, the school’s social media page or emailing it to the school community)
	+ incorporating [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) or recordings of performances of [musical works](https://smartcopying.edu.au/glossary/musical-works/) into a video recording, and uploading the video recording to the school website, password protected intranet or password protected [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/).

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 [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/), [ARIA](https://smartcopying.edu.au/glossary/aria-australasian-recording-industry-association/) and [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/), which are 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.

**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 and share whole print and digital 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 make unlimited copies of print or digital sheet music from an original (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:

* + hand hardcopies of sheet music out to students
	+ email PDF versions of digital sheet music to students
	+ upload copies of sheet music to a password protected or restricted digital teaching environment ([DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)).

Marking hardcopy and digital copies of sheet music

Schools should make a reasonable effort 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/)).

Original Music

* + [AMCOS](https://smartcopying.edu.au/guidelines/education-licences/schools-amcos-licence/) Original
	+ name of school
	+ date copied.

Licensed Copies

* + [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.

**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 in class under s 28 of the Copyright Act, provided it is:

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

Teachers and students may play music from:

* + streaming services, such as Spotify, Google Play, YouTube and Apple Music
	+ a personal music collection (eg from a CD or personal library of digital music),

provided they are playing music for the purposes above.

The class may also be a virtual class (eg using virtual classroom software or Zoom), where class content is delivered to students who are learning remotely.

Teachers can also 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 the sound recordings from the [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), or remove access to the sound recordings by students, as soon as the class is over.

Examples of what teachers and students can do include:

* + singing songs and playing instruments in class
	+ performing a musical work in a virtual class using a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/)
	+ using a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) to show the score of a musical work to external students so that those students can play along to the score in a virtual class
	+ 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 musical works and sound recordings 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 can perform [musical works](https://smartcopying.edu.au/glossary/musical-works/) live (eg a school band or orchestra performance) and use [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) (eg copy songs from music streaming services) and in different ways outside the classroom environment. For example, schools can:

* + perform musical works live at a school concert
	+ play musical works and sound recordings at a school event, like a graduation ceremony, a school dance or disco night, sports events, schools fairs, schools formals
	+ include musical works and sound recordings in an electronic presentation or video (eg add a soundtrack of popular songs to a presentation or video to play at an assembly or graduation ceremony).

**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 (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).

If you are live 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.

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 educational purposes 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
	+ 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 (ie parents/carers/guardians and students)
	+ upload the recording to the school’s official social media account (see below)
	+ upload the recording to a password protected area on the school intranet, and make this available to parents and students. For example, if parents 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 for their private use
	+ 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)
	+ share a digital or physical recording of school events with schools that participated in the event (eg competitions and festivals) at which the recording was made.

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

Schools can rely on licences that [APRA AMCOS](https://smartcopying.edu.au/glossary/apra-amcos-australasian-performing-right-association-and-australasian-mechanical-copyright-owners-society/) and record labels have with social media platforms 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. 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.

Incorporating recorded music into another work

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/) (ie a recording of a school orchestra performing a piece of classical music) into another, unrelated work, such as a video or a PowerPoint presentation. The school can do the following with this new recording:

* + upload the recording to the school website, password protected intranet or password protected DTE
	+ email and/or message the recording to students and parents (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.