**Performers’ Rights**

**Performers’ consent**

Performers have limited rights to:

* authorise the recording of their live [performance](https://smartcopying.edu.au/glossary/performance/) and
* prevent certain uses of recordings of their live [performance](https://smartcopying.edu.au/glossary/performance/).

Generally a [performer’s consent](https://smartcopying.edu.au/guidelines/permissions-and-consents/consent/) is required before a recording of a [performance](https://smartcopying.edu.au/glossary/performance/) is made, however schools and TAFEs won’t need performers’ consent where the [performance](https://smartcopying.edu.au/glossary/performance/) is being done for the purposes of [educational instruction](https://smartcopying.edu.au/glossary/educational-instruction/).

**Performers’ copyright in**[**sound recordings**](https://smartcopying.edu.au/glossary/sound-recordings/)

From 1 January 2005, performers have been granted some copyright in [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) of their [performances](https://smartcopying.edu.au/glossary/performance/). Previously the record company (or other commissioning party) was the sole owner of copyright. Now the performer and the owner become co-owners for equal shares in the copyright.

The rights came into force as at 1 January 2005 and apply to all recordings still in copyright.

Ordinarily, schools will be covered by the [School Event Licence](https://smartcopying.edu.au/guidelines/education-licences/school-event-licence/) for the use of [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/). However, where the school intends to use a [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) of a [performance](https://smartcopying.edu.au/glossary/performance/) outside the [School Event Licence](https://smartcopying.edu.au/guidelines/education-licences/school-event-licence/), it must make sure it has the consent and clearance of all performers. For [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), a performer is any person who can be heard in the recording.

**Performers’**[**moral rights**](https://smartcopying.edu.au/glossary/moral-rights/)

Performers also have [moral rights](https://smartcopying.edu.au/glossary/moral-rights/) in their [performance](https://smartcopying.edu.au/glossary/performance/). These rights are in addition to performers’ copyright. They include the rights:

* to be attributed
* not to be falsely attributed and
* of integrity against derogatory treatment of the [performance](https://smartcopying.edu.au/glossary/performance/) in a way that prejudices the reputation of the performer.

This means any recording made should credit the performers.