**October 2021   – Issue 3 - THE LATEST NEWS IN COPYRIGHT FOR AUSTRALIAN SCHOOLS AND TAFE**

Welcome back to Term 4!  
   
As we near the end of the school year, many schools will want to celebrate their successes and farewell their school leavers. This means end-of-year events such as presentation evenings, graduation ceremonies and Christmas concerts. This newsletter updates schools on the ways they can use music in their end-of-year events.

**End-of-Year School Events - 2021**

The second half of 2021 has been particularly challenging, with many schools forced back into extended lockdowns and remote learning due to further outbreaks of COVID-19. While most schools are returning to normal face-to-face teaching arrangements, many schools are still in lockdown and will be holding their end-of-year events in a virtual format due to social distancing requirements and continuing COVID-19 restrictions. The NCU has entered into an interim agreement with APRA AMCOS and ARIA to extend the terms of the schools’ music licences to 31 December 2021, and in some instances vary those licences.  
  
Schools can rely on these licences to play and perform music at end-of-year school events, record end-of-year school events and share recordings of end-of-year school events with the school community. Schools can also use music in end-of-year videos and presentations.  
  
We are currently finalising a new music agreement to commence in January 2022. Keep an eye on the [Smartcopying website](https://smartcopying.edu.au/) for updates.  
  
Following are some of the ways that schools can use music:

**Recording school events**

Schools can make a recording (including an audio or video recording) of a [school event](https://smartcopying.edu.au/glossary/school-events/) where musical works are performed (eg a live performance by a school rock band or orchestra), or where recorded music is played (eg a popular song is played at a presentation or graduation evening, or as a backing track to a student dance performance).  
  
Remember the labelling requirements for recordings, see [Music Copyright Guide for Schools](https://smartcopying.edu.au/music-copyright-guide-for-schools/).

**Sharing recordings of school events**

There are lots of different ways a school can make recordings of their school events available to students, parents and guardians (the school community). For example, schools can:

* upload the recording to the school website
* upload the recording to a password protected school server, school intranet or [digital teaching environment (DTE)](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) and make this available to the school community (eg if a parent couldn’t attend a graduation ceremony, the school could send them a link to the recording on the school’s password protected intranet for them to download a copy for their private use).

For a full list of ways schools can share recordings of their school events, see [Music Copyright Guide for Schools](https://smartcopying.edu.au/music-copyright-guide-for-schools/).

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

Schools can live stream their school events, via the school website, the school’s official social media platforms (eg Facebook Live, YouTube), school App or a video conferencing platform (eg Zoom). For example, schools may live stream their graduation ceremony via their official Facebook page for parents to view at home.  
  
Schools can also upload their recordings of school events where musical works or recorded music was playing in the background to their official social media pages (eg Facebook and YouTube), for parents to view at home.    
  
When live streaming their recording on social media, schools are relying on the licences APRA AMCOS and record labels have with these social media platforms to [communicate](https://smartcopying.edu.au/glossary/communicate/) them (ie make available) on the platform.

**The recording/livestream of our school event has been blocked on social media, what can we do?**

Where a musical work or a sound recording is being performed or played at a school event, the post may still be blocked or muted by social media platforms.  
  
If this happens, [contact the National Copyright Unit](https://smartcopying.edu.au/contact-us/), or consider uploading to, or live streaming from, the school website rather than a social media platform.

**Using recorded music in end-of-year videos and presentations**

Schools can incorporate recorded music (eg a track downloaded from Spotify), or a recording of a school performance (eg a school orchestra performing a piece of classical music) into another, unrelated work, such as an end-of-year video montage.  
  
Schools can do this provided they are using the recording for a purpose a school undertakes as part of its usual activities. An example of a [school purpose](https://smartcopying.edu.au/glossary/school-purpose/) would be school events such as school concerts, dances or formals, sports days and fairs. 

**Sharing end-of-year videos and presentations**

The school can play these new recordings at school events, such as graduation ceremonies, or share them with the school community by uploading to a school website, password protected intranet or password protected DTE. For more ways to share, see [Music Copyright Guide for Schools](https://smartcopying.edu.au/music-copyright-guide-for-schools/).  
  
Please note, the school **cannot** upload this recording to social media.

**Student consents**

Most schools obtain student consents forms at the time of enrolment, but make sure these cover your intended uses of recordings of student performances, particularly where these are shared on social media.

**FAQs**

**1. Can we upload a recording of our school choir performing a piece of music at our school graduation ceremony, to our school’s website?**

Yes, you are permitted to upload a recording of the school choir performing a musical work at a school event (ie your school’s graduation ceremony) to the school website.

**2. Parents are not able to attend our Christmas concert due to social distancing requirements, are we able to live stream the concert (where our school band is performing with a pop song as a backing track) to our school’s Facebook page?**

Yes. Note that where a musical work or sound recording is played, this may be taken down or muted by the social media site. If this happens, [contact the National Copyright Unit](https://smartcopying.edu.au/contact-us/) for assistance.

**3. Can we share a recording of an end-of-year student dance performance to a popular song via the Seesaw app? Are we able to share this on TikTok also?**

You are permitted to share your student dance performance with the school community via educational apps that the school uses for internal school communications (this would include Seesaw, and other apps like Schoolbag). However, you are not able to share this on apps such as TikTok, Snapchat or similar.  
  
**4. We have added the song ‘Eye of the Tiger’ to a video montage of all the sporting highlights of our school year. Can we share this with our school community?**

Yes, you can upload this to the school website, intranet or password protected DTE, an educational app, or email/message this to members of the school community.  
  
However, you **cannot** upload this recording to social media.

**Additional information**

The purpose of this update is to provide a summary and general overview of selected copyright issues. It is not intended to be comprehensive nor does it constitute legal advice. If you need to know how the law applies in a particular situation, please get advice from the National Copyright Unit. For information about our [National Copyright Webinar Series](https://smartcopying.edu.au/national-copyright-seminar-series/) and [Copyright 4 Educators (C4E) course](https://smartcopying.edu.au/copyright-4-educators-course/), please visit the [Smartcopying website](https://smartcopying.edu.au/).