

COPYRIGHT GUIDELINES

Copyright is a legal right that grants the creator of an original work exclusive right to its use and distribution with the intention of enabling the creator (e.g. the composer of a song, or a lyricist) to receive compensation for their intellectual effort.

Copyright law dictates rights including

1. Reproduction of the work
2. Public performance
3. Making an adaptation of the work.

Australian copyright law is contained in the Copyright Act 1968 and is automatically applicable to all creative works that are not in the public domain.

All members of BHA have a legal obligation to comply with the Australian copyright law.

Reproduction of the Work

- To date, most Australian barbershoppers have relied on purchasing music directly from BHS.
- However, under US copyright law, BHS is only able to sell music to Australia where international copyright has been secured.
- This means it is unable to sell many of its arrangements into the Australasian copyright territory.

Fortunately, there is a solution.

- BHS has agreed to provide Australian barbershoppers with one Reference Copy, free of charge, of any arrangement they publish that is not available for sale to Australian barbershoppers from the BHS Market Place at:
<http://www.barbershop.org/resources/get-music/>

Steps to obtain a Reference Copy from BHS:

1. Email BHS library at library@barbershop.org
2. Indicate you are a member of Barbershop Harmony Australia.
3. Indicate you are unable to purchase a copy through the BHS Market Place.
4. Request a Reference Copy of the title.

If it is decided to include the song in the repertoire, to meet Australian copyright requirements, BHA members must then obtain a Print Licence to make copies in Australia.

Steps to obtain a Print Licence:

1. To identify the publishing house, which represents the title in Australia, contact APRA at print@apra.com.au with details of the title, composer, and lyricist.
2. Then, contact the nominated publishing house, requesting permission to print the required number of copies for your group.
3. To comply with copyright law, you need to purchase copies for all members. Often a chorus will request more than minimum numbers to take into account growing numbers.

Other matters you need to be aware of in relation to reproduction:

Purchasing an Arrangement

- For most BHS charts there is no arrangers fee; this has already been negotiated between BHS and the arranger.
- If members wish to purchase an existing arrangement directly from an international arranger, purchase 1 x Master Copy (or 4 minimum in some circumstances).
- In most cases, it can be assumed that international copyright has been secured.
- Then seek permission for a print licence in Australia by proceeding with the steps listed above.

“Commissioning” a new arrangement for use by your group.

- Obtain copyright clearance/permission from the local Australasian Print Copyright representative for you to commission an arrangement.
- They will issue a Licence defining the type of arrangement, the name of the arranger, and the number of licensed copies.
- You pay the arranger their “Arrangers Fee” to make your new *commissioned arrangement for your group* and the arranger sends you one master copy only.
- All additional copies must be reproduced in Australasia, as per the Special Conditions included on the Licence.

Changing the music or lyrics

- You must contact the publisher and gain permission.

Public Domain

- For some songs, the copyright may have expired and the work is in the public domain. This means, copyright laws no longer protect it, and it may be freely copied, performed, adapted.
- For most musical works, copyright lasts for 70 years from the end of the year in which the author died.
- The only variation is that if an author died prior to 1 January 1955, works published during his or her lifetime are now out of copyright because of earlier legislation.

Performance of the Work

Depending on the circumstances of the performance, you need to be covered by one of the following licences:

APRA Community Bands, Groups and Choirs Licence

- If you are performing at rehearsal or in the community for no charge, an APRA Community Bands, Groups and Choirs Licence, is required.
- BHA members do not need to take any action regarding this licence as BHA secures an annual licence that covers all registered quartets and choruses.
- A copy is available for download under Documents on the BHA site.

APRA Event Licence

- If you are putting on a show that has ticket-sales, and you are the event organiser, then you require an APRA Event Licence.

Steps in applying for an APRA Event Licence

1. Make an application at http://www.apra.com.au/Forms/Casual/licence_casual.htm
2. As part of your application you are required to list all song titles, composer, and arranger if applicable.
3. Your licence fee will be calculated as a percentage of the gross box office receipts and is generally paid after the event.

Other Copyright Licences

A. Producing and selling a CD

- You require an APRA Audio Manufacture Licence.
- Go to <http://apraamcos.com.au/music-customers/licence-types/copying-and-reproducing-music/audio-manufacture/>

B. Using a video clip of your quartet/chorus on a website

- Whenever music is included in any type of video (audio/visual production), this is referred to as a synchronisation. Synchronisation rights must be obtained, usually through the publisher of the song.
- To make the video available online, the communication right to “broadcast” (i.e. stream) the video from a website must be cleared through APRA/AMCOS which administers these rights on behalf of composers and music publishers.
- Contact licence@apra.com.au

C. Downloading musical works on your website

- Clubs frequently make learning tracks available on their website for use by members.
- For this, you require an Online Mini Licence as you are acting as a Digital Service Provider.
- Fees start at \$275 per year.
- You may apply for an Online Mini Licence at: <http://www.apraamcos.com.au/music-customers/licence-types/digital-and-online-music/online-mini-licence/>

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