



U3A NETWORK NSW INC.

Memorandum

From: Carmen Champion/Governance Officer

To: All U3A Presidents

Subject: **USE OF COPYRIGHT MUSIC**

Date: 05/09/2019

PROPOSES APRA/AMCOS ONEMUSIC LICENCE

On 31 December 2019, the APRA/AMCOS "Community Band, Choir or Performance Group Licence" will terminate. This licence allows for the use of copyright music (controlled by APRA & AMCOS) by U3A bands, choirs and other types of U3A groups playing/performing musical works. The permitted use is limited to rehearsals and free events. For example, a U3A group learning to play the recorder or any other type of instrument would need its U3A to have this licence if copyright music is being played/performed.

Consequence of Not Having New Licence

If a new licence is not in place by 1 January 2020, the playing/performance of copyright music by U3A members as part of a U3A course, band, choir etc will constitute an infringement of copyright.

Term of Copyright: Music

The licence is relevant only to music still in copyright and controlled by APRA & AMCOS. It will be apparent from what follows that a substantial amount of music will remain in copyright for many years to come.

Copyright subsists in a piece of music for the life of the author plus 70 years. Applies to works in which copyright subsisted as at 1 January 2005: s. 211, *US Free Trade Agreement Implementation Act 2004 (Cth)*.

Since 2005, the law has provided that if the creator died before 1 January 1955, and the work was published before January 1955, then copyright has already expired. This is because the previous rule was that copyright lasted for the life of the creator plus 50 years, and the 2005 changes to duration did not restore copyright to materials that were already out of copyright by that date.

Deciding whether a piece of music is still in copyright or not may well be difficult. It involves:

- i. Identifying the person who wrote the piece of music (may be different to the owner of the copyright in the work);
- ii. Determining if the writer of the piece of music has died, and if he/she has, the date of his/her death.
- iii. If the writer of the music died prior to 1 January 1955, determine whether the piece of music was published prior to 1 January 1955. If it was, the piece of music is out of copyright.
- iv. If the writer of the piece of musical died after 1 January 1955, then copyright continues for 70 years from that date;
- v. If the writer of the piece of music is still alive, copyright will protect his works for the term of his life plus 70 years.

New Licence: ONEMUSIC

As the Copyright Guide points out copyright law changed substantially recently with the result that the collecting agencies are in the process of creating a new range of licences for their respective areas of responsibility.

APRA/AMCOS have offered the Network a new licence under the umbrella of ONEMUSIC which was launched on 1 July 2019.

Note that APRA/AMCOS licences schools, Universities and registered colleges by means of blanket licences. They are not available to U3A or any other educational institution that does not fall into any of those 3 categories. That issue is the subject of discussion.

Nature of Licences on Offer

The ONEMUSIC licence being offered to U3As comprises 2 types of licences. They are:

- a) **PPC Sound Recording Licence** at a cost of A \$139.51 (including GST) per Community Music Group. This licence allows for the playing of PPCA Sound Recordings (as defined).
- b) **APRA & AMCOS WORKS Licence** at a cost of \$\$290 (including GST). Of particular relevance is the inclusion of a licence to copy print sheet music of copyright works provided the original is owned by your U3A. It does not allow for the making of arrangements.

Warning: if your U3A does not propose to acquire an APRA & AMCOS Works licence but has tutors who teach music or an instrument or who conduct band/choirs etc your U3A **must** ensure that the individual tutor has acquired the requisite licence from APRA/AMCOS. You should ask to be provide with a copy for your records. See GUIDE TO MUSIC COPYRIGHT FOR AUSTRALIAN EDUCATORS: http://apraamcos.com.au/media/6289/ampal-guide-to-print-music_final.pdf

A copy of the proposed ONEMUSIC licence is enclosed. Please read it carefully in order to identify which of these 2 licences your U3A needs. That need will be determined by the use made of copyright music by your members.

Once you have made that decision please complete the application form and send it to the Networks Treasurer. In October, the Network Treasurer will be asking for your other licensing and insurance requirements for 2020. Once you have returned that information an invoice will be issued for your full 2020 commitments.

Please Note: Enquiries re the proposed licences should be directed to APRA/AMCOS, Phone: 1800 642 634. Neither your Regional Representative nor any member of the Management Committee has been authorized by the Network to comment/advise on the subject matter of the proposed licences or your U3As need or otherwise for either licence.
