



U3A NETWORK NSW INC.

MEMORANDUM

From: Carmen Champion/Governance Officer

To: All U3A Presidents

Subject: NEW GUIDE TO CURRENT COPYRIGHT LICENCES, CHARITY EXEMPTION TO PPCA LICENCE, AND PRINT MUSIC LICENCE

Date: 13/09/2019

A. NEW GUIDE TO CURRENT COPYRIGHT LICENCES

A new Guide dealing with the collecting agencies and copyright licences is attached. Please read carefully. It will be uploaded to the Network's website. A new Guide to Copyright Law generally will issue in the next 2 weeks.

BE AWARE

The *Copyright Act 1968* specifically now states that:

“ an educational institution may copy or communicate certain copyright material for educational purposes if the body administering the educational institution agrees to pay equitable remuneration to a collecting society”.

It also now allows the collecting agencies to demand access to the premises of an educational institution to ensure compliance with its remuneration notice and any licences that are in place.

U3As are treated as “educational institutions” by the Australian Copyright Agency and Screenrights. Accordingly, these sections of the Copyright Act apply to them.

B. ONEMUSIC LICENCE/PPCA LICENCE EXEMPTION

If your U3A plays or causes to be played recorded music (such as CDs) at a Community Event (as defined) it needs a licence from PPCA. Such a licence forms part of the ONEMUSIC Licence being offered to U3As by APRA/AMCOS. **Note:** the exemption set out in para 6 of the Guide only

applies to the playing of recorded music such as CDs by a teacher in the course of giving educational instruction. Such a use is deemed not to be a public performance.

Example of Uses Requiring One or More APRA/AMCOS Licences

A U3A band performs John Williamson music at a free public music event with a CD of the album as a backing track to give a more impactful performance. The U3A to which the band belongs must have two licences. They are:

- a) Live performances of APRA Works (music). Under the ONEMUSIC LICENCE offered by APRA/AMCOS that aspect will be covered by the APRA Works & Amcos Works part of that licence.
- b) Live performances of PPCA Sound Recordings (the CD). This will be covered in future by the PPCA Sound Recordings Licence that forms part of the ONEMUSIC Licence.

See other examples set out in the Information Sheet provided by APRA/AMCOS with the ONEMUSIC Licence.

WHEN DOES A U3A NOT NEED A PPCA LICENCE?: REGISTERED CHARITY EXEMPTION.

As stated in the previous Copyright Guide, if your U3A is registered as a charity under the *Australian Charities and Not-for-profits Commission Act 2012*, section 106 of the *Copyright Act 1968* provides an exemption.

For the Charity exemption to apply, the following criteria must be met:

- a) The U3A must be a registered charity;
- b) The PPCA sound recording must be played at a Community Event (as defined) by the U3A's music group; and
- c) The activity referred to in b) must be a part of the activities of, or for the benefit of, the U3A.

NOTE: the exemption will not apply if a charge is made for admission to the place where the sound recording is to be heard and any of the proceeds of the charge will be applied otherwise than for the purposes of the U3A.

See the new Guide for further details.

PRINT SHEET MUSIC LICENCE

The ONEMUSIC licence now includes a licence allowing for the copying by U3As of print sheet music where the music is still in copyright. It forms part of the APRA Works/AMCOS Works Licence. **An essential requirement of that licence is that the U3A must own the original print sheet music!**

Note: there is no exemption for teachers or educational institutions. Schools, Universities and Registered Colleges have all entered into an AMCOS Licence to allow them to make multiples

copies of whole print musical works for educational purposes. U3As must enter into their own APRA/AMCOS ONEMUSIC LICENCE.

MUSIC RIGHTS AUSTRALIA provides a useful explanation as regards the law relating to the copying of print music: <http://www.musicrights.com.au/fact-sheets/sheetmusic/>. Also keep in mind the s. 200 exemption re the making of copies by hand of a musical work: see para 6 of the Guide.

PRINT SHEET MUSIC WHERE MUSIC IS OUT OF COPYRIGHT

Even though the music featured in a piece of print sheet music is out of copyright that does not mean that the copyright in the print sheet music itself has also expired. The unauthorized copying of the print sheet music in those circumstances still involves an act of copyright infringement.

As stated by APRA/AMCOS:

To go one step further however, you also need to make sure that the published edition containing the musical work (i.e. the printed sheet music) is also out of copyright in order to copy it without permission. This is because published editions are protected by their own copyright duration of 25 years from the end of the year in which they're published. Someone has taken the time to design, lay-out and typeset that score, so their work needs to be protected too, not just the musical work itself.

This means that even though the musical work – say a Bach Chorale – is in the public domain, the published edition containing that work may still be protected by its own 25 year copyright duration.

So check the copyright notice on the print sheet music!!

Carmen Champion/ Governance Officer/U3A Network NSW Inc.

13 September 2019