



DO YOU PLAY RECORDED MUSIC IN YOUR BUSINESS?

**IF MUSIC PLAYS A PART IN YOUR BUSINESS, MAKE IT YOUR BUSINESS
TO GET THE RIGHT LICENCE.**

Why play music in my business?

Research has shown that recorded music and music videos can help create an image, influence the experience and decisions of customers, motivate staff and positively impact sales. It helps your business stand out from its competitors.

Put simply, if the music played in your establishment is enjoyed by a customer, then it is likely that this positive response will be associated with your product, environment or experience – which is what every successful business needs

Do you play music in your business?

Some business owners are surprised to learn that they need a licence to play copyright protected music in their business. Simply buying a CD, a digital download or utilising streaming services such as internet radio doesn't give them the right to play it in a commercial environment. Generally speaking, any business that wants to play copyright protected music or music videos has to first obtain the requisite licences.

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Real Music • Real Artists • Real Impact

What is PPCA?

PPCA (the Phonographic Performance Company of Australia) is a national, non-government, non-profit music licensing company which represents the interests of record companies and Australian recording artists. PPCA was formed in 1969, and grants blanket licences for the broadcast, communication (such as music on hold) and public performance of recorded music and music videos. We currently license more than 50,000 venues Australia-wide, including clubs, hotels, bars, restaurants, fitness centres, cafes, shops, halls and dance studios, as well as radio/television stations and events. By collecting licence fees and passing them on to the people who provide the music in our lives, we're not only protecting their rights and ensuring a fair return to them, we're making sure that they can continue to make music for us all to enjoy. And don't forget, licence fees are usually tax deductible. (You'll need to talk to your tax adviser).

Why do I need a licence?

Recorded music and music videos are the intellectual property of their creators and they are protected in Australia under the Copyright Act. The Copyright Act specifies the rights granted to copyright owners. These include the right to allow their recordings to be heard in public (i.e., played in a public place such as a retail store, restaurant or fitness centre). This is known as the 'public performance right' in recordings. The one major exception is that no licence is required in respect of the recording copyright where you are simply playing TV and traditional radio in your premises.

To avoid infringing copyright, businesses should obtain a licence if they want to:

- play protected sound recordings (e.g., CDs, streaming services, mp3 players and digital downloads) in a public place other than by traditional radio or television broadcast;
- exhibit videos, or movies and film clips that contain music;
- use sound recordings as music on hold (including the use of radio as music on hold); or
- otherwise use recorded music in their business.

What licences do I need?

There are at least two copyrights in most recordings and music videos:

1. the copyright in the recording and/or music video of the song (being a particular recorded version of the composition) known as a "sound recording" - blanket licences are available from PPCA, or individual licences from each of the relevant copyright holders;
2. the copyright in the composition (lyrics and musical score composition) known as a "musical work" - licences are available from APRA AMCOS.

By way of example, if someone plays a version of a Beatles song, the PPCA licence would relate to The Beatles or the artist who recorded that particular version and the APRA AMCOS licence would relate to the Lennon/McCartney composition.

PPCA is currently working with APRA AMCOS to provide a more simplified approach to music licensing, and will launch OneMusic Australia in 2019 with the aim to transition to a single licence to cover both copyrights. Please visit www.onemusic.com.au for updated information. In the interim, it is business as usual for both PPCA and APRA AMCOS and we encourage businesses to ensure they are correctly licensed by both PPCA and APRA AMCOS to ensure a smooth transition to the new structure.

How do I obtain a sound recording licence?

You could go and get individual sound recording licences from each of the record companies whose protected recordings you want to play. However, since there are now hundreds of labels releasing records in Australia, getting licences from all of them to allow you to play any music or video you want may be costly and time consuming.

There is an easier way to make sure you have the licences you need. PPCA represents the interests of record companies and Australian recording artists. PPCA offers a comprehensive blanket licence which covers the playing in public of original recordings released by more than 20,000 PPCA licensor major and independent record labels. A PPCA licence covers all recordings from the catalogues of thousands of record labels controlled by our licensors.

In practical terms, this means that a PPCA licence will cover just about every original sound recording you are likely to play in your business.

Essentially, a PPCA blanket licence is an easy and cost effective way for you to secure your sound recording licence and enjoy the benefits that music delivers to your business.

Is there any legal requirement for me to pay PPCA licence fees?

It is illegal to play protected sound recordings for public purposes without a licence. The Copyright Act imposes an obligation on those who wish to broadcast, communicate or publicly perform protected sound recordings and music videos to obtain the permission of the copyright holders. PPCA is authorised by participating record labels to grant these licences and to collect licence fees. If you are playing original recordings in your business and you choose not to obtain a licence from PPCA, you will need to obtain a licence from each relevant individual copyright owner.

PPCA operates an enforcement program under which it carries out inspections and investigations into the unauthorised public performance, transmission and broadcasting of copyright protected sound recordings and music videos by businesses throughout Australia. PPCA can and does take legal action on behalf of its licensors for the infringement of copyright.

Where can I get more information about PPCA and music licensing?

We are here to help. Visit the PPCA website at www.pcca.com.au or contact our licensing team on 02 8569 1111. Independent information on PPCA and the Copyright Act is available from the Australian Copyright Council website, www.copyright.org.au. If you want legal advice about playing sound recordings in your business, you should consult your legal advisor.

Are there any recordings for which I don't need a licence?

Licences are required whenever the recordings played in a business are protected by the Copyright Act. These are often referred to as 'protected recordings'. There are some original recordings released in Australia that are not protected recordings, and for which you do not need a sound recording licence (although you will almost certainly still require an APRA licence). However, working out whether or not a recording can be played in public without a sound recording licence requires the application of complex provisions of the Copyright Act, which involve considering:

- (i) the country where the recording was made;
- (ii) the nationality and residence of everyone performing on the recording (including all session musicians);
- (iii) the country where the recording was first released;
- (iv) the date and place of first release of the recording; and
- (v) the age of the recording.

As a general statement, recordings are usually protected under the Copyright Act and a public performance licence will be required if you want to play them in your business, depending on the details of the recording and the application of the international copyright laws. All sound recordings are protected when used as music on hold, and all music videos are also protected.

The benefit of a PPCA blanket licence is that it allows your business to play all of its recorded music regardless of whether or not you can determine if it is protected. A PPCA licence eliminates the risk of copyright infringement in relation to the vast catalogues of recordings covered by such a licence.

How much is a licence?

Our licence fees are assessed under a standard set of tariffs and depend on the nature of your business and your use of recorded music or music videos. For more information on tariffs please visit www.pcca.com.au/Tariffs.html

Where do my licence fees go?

PPCA is a non-profit organisation. Net income is distributed directly to:

- (i) the sound recording copyright holders (usually record labels);
- (ii) registered Australian recording artists; and
- (iii) charitable, educational and like purpose organisations such as the PPCA Performers Trust Foundation.

What is the Copyright Collecting Society Code of Conduct?

PPCA and a number of Australian collecting societies comply with a voluntary Code of Conduct. This Code aims to promote awareness of copyright and collecting societies, set service standards and to ensure that accessible and fair procedures are available for the handling of complaints and the resolution of disputes. Each year PPCA's compliance with the Code is assessed by an independent reviewer. For more information or to obtain a copy of the Code, go to the PPCA website or contact our licensing team.

How can I obtain a PPCA licence?

Simply complete a licence application form online or download a licence application form from our website and email, fax or post it to us. Alternatively, you can contact our licensing team on 02 8569 1111 who will be happy to help you. Online payments can also be lodged at www.pcca.com.au.