

in the LOOP

The newsletter for PPCA Licensees **SPRING 05 #6**



welcome...

to the Spring edition of In the Loop.

Since our last newsletter, PPCA has successfully launched a new logo, website and corporate style.

We are extremely pleased with our new look and feel, and look forward to rolling it out across the organisation over the coming few months.

As many would know, recorded music plays a valuable role in business today. It can noticeably enhance operations, positively impact sales, motivate staff and help your business stand out from its competitors.

Despite the many benefits of music, some people remain surprised by the fact that they need a licence to play music in their business. Most don't understand that simply buying a CD, for example, doesn't give them the right to play it in a commercial environment.

PPCA understands that you are busy and have many more concerns besides the music you play. So we've made it very simple – our blanket licence allows you to play all of the recorded music released by over 5,000 record labels controlled by our licensors. To demonstrate the wide range of music that a PPCA licence allows you to play, we will begin to profile in this newsletter some of our many licensors, like Rock Sugar Music.

Also in this newsletter, we explain in more detail the difference between PPCA and APRA, as well as update you on our enforcement and inspection program, which was mentioned in the Winter edition of In the Loop.

Regards

Stephen Peach
CEO



PPCA Licensor Profile

In addition to licensing sound recordings on behalf of all major and multinational record companies in Australia (including Sony BMG, EMI, Warners & Universal), PPCA also licenses the catalogues of hundreds of independent and smaller record labels.

These labels cater for a vast range of music tastes from rock, pop and country to metal, electronica, religious, reggae, indigenous rock, funk and experimental music.

To illustrate the wide variety of music covered by a PPCA licence – this new section of In the Loop will profile some of the many PPCA Licensors and their catalogues, which are licensed by PPCA.

ROCK SUGAR ★
music

Vicki Gordon – Managing Director

1. What genres/styles of music are released under RockSugar Music?

RockSugar is committed to developing Australian artists for the local and International market. We will consider any artist from any genre who has a genuine talent for performance and songwriting with commercial potential.

2. What are some of the key releases to date for RockSugar?

Our main priority at present is the pop/punk band Kid Courageous, who have had two extremely successful singles in the market. The production values on their record are extremely high having been produced by American producer Rick Will (Incubus, Ben Harper & No Doubt) and mastered by Stephen Marcussen in LA (REM).

3. What type of businesses could play your music?

Kid Courageous have a very large under 18's following, predominantly female! Any business who specializes in youth oriented product will find an appeal in KC's music.

4. Do you have any exciting releases coming up in the future?

Kid Courageous will release an EP in time for Christmas and release their debut album early next year.

New look for PPCA!!

PPCA's new logo, website and corporate style have now been launched.

Keep your eyes peeled for our striking new communications featuring stylised CD, record and tape images to highlight what we're all about – recordings!



PHONOGRAPHIC PERFORMANCE
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PPCA – Ensuring businesses know their licensing obligations

As outlined in the last edition of In the Loop, PPCA recently initiated an inspection and enforcement program which can be utilised in circumstances where businesses continue to infringe copyright despite repeated requests to cease doing so.

PPCA has always been keen to facilitate businesses' understanding of their copyright obligations. On occasion however, some businesses refuse to acknowledge their licensing responsibilities.

In addition to PPCA's recent cases against unlicensed businesses in Sydney and Brisbane – in June, PPCA and four sound recording copyright owners initiated civil proceedings in the Federal Magistrates Court against a company that owns and operates a nightclub in Adelaide.

The nightclub was found to have played a number of sound recordings without the appropriate licence, which amounted to an infringement of copyright in those sound recordings.

The Federal Magistrate ordered the company to pay PPCA the sum of \$48,812 in respect of unpaid licence fees dating back to mid-2002, \$9,268 in interest, \$85,000 additional damages (to reflect, among other things, the flagrancy of the copyright infringement and the need to deter similar infringements) as well as legal costs amounting to approximately \$10,000. He also declared an injunction preventing the nightclub from playing, without a licence, any sound recording falling within PPCA's repertoire.

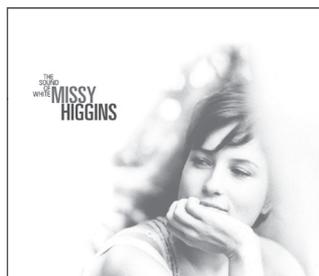
PPCA's Head of Business and Legal Affairs, Jason McLennan, said "PPCA would always prefer that a business take out the appropriate licence without the need to resort to legal action. We have licensing staff to assist businesses in what can be a complex area of legal compliance, particularly for those who encounter copyright issues for the first time. Unfortunately, some business owners, despite PPCA's efforts, do on occasion refuse to take out the necessary licences and in these circumstances they leave PPCA little alternative than to carry out site inspections and commence legal proceedings. The overwhelming success of our recent enforcement cases has shown that the courts take copyright infringement, and specifically public performance of sound recordings without the requisite authority very seriously indeed."

It's important for business owners to know their legal obligations with regard to playing copyright protected sound recordings and music videos in a commercial environment, and to seek legal advice if they are uncertain.

ARIA Top 10 Winter Albums

Charting Period 6 June 2005 – 15 August 2005

Album	Artist
1 IN YOUR HONOR	Foo Fighters
2 X & Y	Coldplay
3 MONKEY BUSINESS	Black Eyed Peas
4 DEMON DAYS	Gorillaz
5 BREAKAWAY	Kelly Clarkson
6 SOMETHING TO BE	Rob Thomas
7 THE SOUND OF WHITE	Missy Higgins
8 IT'S TIME	Michael Buble
9 LOVE, ANGEL, MUSIC, BABY	Gwen Stefani
10 GREATEST HITS	The Offspring



FAQ – What's the difference between PPCA and APRA?

When you play a sound recording (eg. CD, tape, digital download), music video or telephone music on hold in your business, you need to obtain permission from all of the copyright owners for each recording.

It's important to understand that there are at least two copyrights in each sound recording or music video.

- First, there's the copyright in the composition (that is the notes and the lyrics) which is called the 'musical work'; and
- Secondly, there's the copyright in each recorded version of the composition, which is called the 'sound recording' and is usually produced by an artist and their record company.

To play a CD, music video clip or other recording in your business, you will typically need two licences – one from the copyright owners in the 'musical work', which can be obtained from APRA and one from the copyright owners in the 'sound recording', which can be obtained from PPCA.

PPCA is not connected to APRA. Sometimes business owners think that all they need to play recordings in their business is an APRA licence – that is not correct. APRA represents the interests of songwriters and publishers and issues licences in respect of the 'musical work' copyright, not the sound recording copyright. You generally need both an APRA licence and a PPCA licence to play any CDs in your business.

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