

in the LOOP

the newsletter for PPCA Licensees

WINTER 05 // Issue 5



welcome...

to the Winter edition of *In the Loop*.

In the first half of 2005, PPCA has remained active in establishing and maintaining good working relationships with a number of business associations across the country. These associations, which include state based Australian Hotels Association offices, the Restaurant and Catering association and the Clubs groups, aim to improve the professional standard of their industry and ensure valuable information is available to their members. PPCA is proud of its association with these groups and plans to enhance its education and communication program for current and prospective licensees through these business groups.

As you should be aware, PPCA is authorised to issue licences on behalf of certain 'sound recording' copyright owners. In fact, with a PPCA licence you can play almost all recorded music and music videos commercially released in Australia within your business.

It's important that you know your legal obligations with regard to playing music in your business. Playing copyright protected sound recordings or music videos without the correct licences is an infringement of copyright, which is breaking the law.

PPCA recently initiated civil proceedings against a business in Sydney which infringed copyright by continuing to play sound recordings without a licence, despite repeated requests to cease doing so. This resulted in additional legal, interest and other costs for that business which could have been avoided, so if you know of an unlicensed business playing copyright protected recordings or music videos, please suggest they contact PPCA.

At PPCA we strive to provide the best service and information to all of our valued licensees. We welcome your feedback and invite you to email us with suggestions for future editions of *In the Loop*.

Best regards
Stephen Peach
CEO



Hold your Clients Attention by using Telephone Music On Hold

While some may dream of a world where all telephones are answered within three rings, in reality, it appears we are destined to continue waiting on hold.

As more and more customer contact is taking place over the phone, the need to create the right environment for these callers is essential. Businesses are increasingly using telephone music on hold to entertain customers until they can speak to someone.

An incoming telephone call is often the first opportunity for your business to make a favorable impression, so it's important that you make it a memorable one.

The more positive the reaction to the music, the shorter the perception of the waiting time tends to be.

A key objective of a music on hold program is to relax callers and keep them involved and interested while waiting to be connected. The music mix should be popular, comfortable and familiar to your target market so that it gives positive vibes and maintains upbeat energy while they are on hold.

A considered mix of the right music can enhance your unique brand and/or message while communicating directly when your clients call.

Many people are not aware that they need a licence to play recordings (like CDs, tapes, digital downloads) or the radio down the phone line to a customer while they are on hold. And many don't realise that it is likely that they will need to get a licence from both PPCA and APRA to play telephone music on hold.

The PPCA tariffs for music on hold are based on the number of external telephone lines in your business and current tariff sheets are available online at www.pcca.com.au

Remember first impressions are everything! Contact PPCA if you want to enhance the experience of your customers' telephone contact with your business.

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

In Australia, the Copyright Act specifies the rights that copyright owners have. This includes the right to allow their recordings to be heard in public and the right to communicate their recordings to the public. These rights make it possible for the copyright owners - creators - to receive payment when their music is played.

To avoid infringing copyright, any business that wants to play sound recordings (CDs, tapes, digital downloads), music videos or use music for telephone calls on hold, needs to obtain permission, or a licence, from all of the copyright owners for each recording.

PPCA is authorised by participating record labels to grant these licences and to collect licence fees on behalf of the 'sound recording' copyright owners, APRA is authorised to licence on behalf of 'musical work' copyright owners. If you don't obtain a licence from PPCA, you will need to obtain a licence from each relevant individual copyright owner.

If you play sound recordings or music videos in your business without obtaining a licence from the copyright holders, then you risk infringing copyright – **which is breaking the law.**

Do you play music in your business?

Then make sure you know your legal obligations

PPCA has always been, and continues to be, keen to facilitate businesses' understanding of their copyright obligations. On some occasions however, some businesses refuse, despite being provided with detailed information over a lengthy period of time, to acknowledge their licensing responsibilities.

In order to support copyright owners, and indeed PPCA licensees who fulfill their obligations, PPCA has initiated a nation-wide inspection and enforcement program which can be utilised in circumstances where businesses continue to infringe copyright despite repeated requests to cease doing so.

A recent example of PPCA's enforcement program in action is the case where PPCA and three sound recording copyright owners initiated civil proceedings in the Federal Magistrates Court against two companies that own and operate a nightclub in Sydney.

PPCA inspectors had attended the premises and identified

copyright protected sound recordings being played and subsequently a copyright infringement claim was made.

Within two months the court made orders requiring the club owners to pay backdated PPCA licence fees (with interest) and legal costs.

The club owners also agreed that in future, they would ensure that they had the correct licence in place before permitting the public performance of sound recordings.

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.

If you have any questions about PPCA, music licensing or copyright, please visit our website at www.pcca.com.au or contact our licensing department on 02 8569 1111.

New look for PPCA



PHONOGRAPHIC PERFORMANCE
COMPANY OF AUSTRALIA LTD

Over the coming few months you'll notice a significant change to PPCA's logo, business forms, advertising and website.

PPCA has developed a new logo to update, enhance and freshen our look.

The new logo's simple stamp like configuration provides a memorable and unique look which helps communicate PPCA's strong vision to ensure copyright owners, like record labels, and Australian recordings artists are remunerated when their sound recordings and music videos are played in a commercial context.

The new logo will be implemented from 1 July 2005.

Review of the Collecting Society Code of Conduct

PPCA, together with a number of other Australian collecting societies, subscribes to the voluntary Code of Conduct for Collecting Societies. The Code of Conduct was developed to assist in ensuring clear expectations in dealings between collecting societies and their members and licensees.

The Code of Conduct was reviewed recently, to ensure its continued relevance to protecting the interests of those who deal with collecting societies.

The revised Code is now available on www.pcca.com.au, along with comments by the independent Code Reviewer, the Hon James Burchett, QC, formerly a Justice of the Federal Court of Australia.

ARIA TOP 10 AUTUMN ALBUMS

Charting period 7 March 2005 - 23 May 2005

- | | | |
|--|---|-----------------------------------|
| 1 IN BETWEEN DREAMS
Jack Johnson | 6 LOVE, ANGEL, MUSIC, BABY
Gwen Stefani | 9 HOT FUSS
The Killers |
| 2 IT'S TIME
Michael Bublé | 7 AMERICAN IDIOT
Green Day | 10 THE MASSACRE
50 Cent |
| 3 THE SOUND OF WHITE
Missy Higgins | 8 TOGETHER IN CONCERT -
JOHN FARNHAM & TOM JONES
John Farnham & Tom Jones | |
| 4 ANTHONY CALLEA
Anthony Callea | | |
| 5 IL DIVO
Il Divo | | |

