



**APRA  
AMCOS**

# GUIDE TO MUSIC IN DRAMATIC CONTEXT

**Enquiries** publisher@apra.com.au www.apraamcos.com.au

**This document is a guide only. You should also refer to the Dramatic Context Agency Appointment (DCAA).**

APRA AMCOS normally licenses concerts and other non-dramatic performances of musical works. In the theatrical context music can be used in a number of different ways; some performances can be licensed by APRA AMCOS, while others cannot.

APRA AMCOS can assist publishers in theatrical licensing when a production satisfies the definition of Dramatic Context (DC) and where that publisher has provided APRA AMCOS with a non-exclusive agency appointment (that means you can still license any DC production directly yourself).

**Dramatic Context** means the performance of musical works:

- a) in conjunction with a presentation on the live stage that has:
  - (i) a storyline; and
  - (ii) one or more narrators or characters; or
- b) as a Ballet.

**Ballet** means a choreographic work having a story, plot or abstract idea devised or used for the purpose of interpretation by dancing and/or miming. Ballet does not include country or folk dancing, tap dancing or precision dancing sequences.

You may limit what APRA can license under the agency appointment according to the work/composer or stipulating that APRA AMCOS cannot license a DC production, if the show:

- a) takes place in a venue where the capacity is **more than 500 persons**
- b) takes place at a **named Fringe or Cabaret Festival** (see list at page 3)
- c) is a **Biographical Production**
- d) contains **Controversial Themes** and;
- e) contains two or more works written by the same composer.

Under the DCAA you retain the right to approve licensable repertoire by maintaining two lists:

**Restricted:** works placed on this list are unavailable for use in Dramatic Context; and **Go Direct:** for works on this list the client will be directed to the Publisher to license works directly from them.

You may provide us with different lists if you also approve us to license your music into productions that take place in venues where the capacity is more than 500 persons, or at a named Fringe and Cabaret Festival.

In all other cases (for example if you have said APRA AMCOS cannot license a particular work of yours, or cannot license works into a named cabaret festival) APRA AMCOS will refer the client to you to license works directly for use in the production.

Please note that there are conditions where the Restricted and Go Direct lists do not apply. Please see the table on page 4 for more details.

## GRAND RIGHT PERFORMANCES

APRA AMCOS does not have public performance rights for Grand Right productions (productions where the songs have been written expressly for the production) and is therefore not able to license such productions. The agency appointment also restricts APRA from licensing any production that contains three or more Musical Works (or two or more Musical Works performed consecutively) from a Grand Right Work.

Producers need to apply for a licence directly from the owner of the Grand Right, usually a music publisher or agent. APRA AMCOS can assist the client in identifying the appropriate publisher or agent.

Grand Rights include shows such as operas, operettas, oratorios, musical plays, revues and pantomimes for which the music has been specially written. Stage musicals such as *Phantom of the Opera*, *Wicked*, *The Book of Mormon* or *West Side Story* for example, have to be licensed by the relevant music publisher or agent. Cinematic musicals, such as Disney's *The Lion King* or *Mary Poppins*, are also dramatico-musical works when adapted for the stage and narrative concept albums such as The Who's *Tommy* or Pink Floyd's *The Wall* are also Grand Right Works when performed on stage.

Furthermore, APRA is not able to license choral works that are more than 20 minutes long, but assists in identifying the appropriate publisher or agent.

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## FREQUENTLY ASKED QUESTIONS

### WHAT'S THE BENEFIT OF APPOINTING APRA AMCOS AS MY DRAMATIC CONTEXT AGENT?

APRA AMCOS has specialist teams in Australia and New Zealand dedicated to licensing theatrical performances. In addition to being experts in their field, this team relieves publishers from the administrative burden of processing licensing requests, negotiating licence fees, implementing a licence and ensuring payment is made by licensees.

### IF I COMPLETE AND SIGN THE AGENCY APPOINTMENT FORM, WOULD APRA AMCOS HAVE EXCLUSIVE RIGHT TO LICENSE MY REPERTOIRE FOR DRAMATIC CONTEXT?

No, APRA AMCOS would be a non-exclusive agent. You can always negotiate a direct licence for the use of repertoire controlled by you in a dramatic context performance.

### WHAT IS APRA AMCOS' PROCESS FOR LICENSING MUSIC USED IN DRAMATIC CONTEXT?

APRA AMCOS will examine applications for the show (including the script and programme notes) for evidence of a presentation on the live stage having a storyline, and one or more narrators or characters, or if the production is a Ballet.

If the production is DC APRA AMCOS researches the works, identifies ownership and checks whether any Restricted, Go Direct or other conditions apply.

If there are any works (or shares of works) APRA AMCOS cannot license it will advise the client and provide contact details for the relevant publisher(s). The client must then liaise directly with the publishers to clear and license the work/share.

For all remaining works/shares APRA will issue the client with a blanket licence and tax invoice subject to its standard rates, terms and conditions.

APRA AMCOS collects the licence fee and distributes as outlined in the Distribution Rules and Practices documents.

### WHAT DOES IT MEAN TO MAKE WORKS OR CATALOGUES GO DIRECT?

Listing a work as Go Direct means it is available for use in a Dramatic Context show, but requires individual approval from the copyright owner. For works/shares on the Go Direct list, APRA AMCOS will direct the client to the Publisher of the work for them to directly license it.

(Please see table on page 4 for exclusions).

### WHAT DOES IT MEAN TO MAKE WORKS OR CATALOGUES RESTRICTED?

Listing a work as Restricted means you do not allow the work to be licensed in a Dramatic Context show. For works on the Restricted list, APRA AMCOS will advise the client that the work is not available to be licensed Dramatic Context, and to choose another work.

### CAN I CHANGE MY RESTRICTED AND GO-DIRECT LISTS?

While you may change these lists from time to time (in good faith having regards to administrative burden) any change cannot 'undo' the grant of an existing licence by APRA.

(Please see table on page 4 for exclusions).

### WHAT IS A BIOGRAPHICAL PRODUCTION?

A production which tells the story of the life or work of a particular composer, artist or other music figure or event.

### WHAT IS A CONTROVERSIAL THEME?

Any theme that APRA reasonably believes to be controversial, including depicting strong violence or sexual abuse, political themes or is derogatory to the work or the artist.

### WHAT IS A STORYLINE?

A storyline is a chain of events (whether factual, fictional or a combination of both), told in an interrelated sequence or arc (presented in or out of chronological order), within a show (even if a storyline is not written down).

This may include the story of the life or work of a particular composer, or artist or other music figure or event.

### WHAT IS NOT A STORYLINE?

Any of the following, on their own, do not constitute a storyline:

- The expression of a theme, idea or topic;
- Anecdotes or ad-libs between the performance of songs;
- A planned sequence of song performances.

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## CAN A PUBLISHER CONTROL THE USE OF PARTICULAR WORKS OR CATALOGUES IN A DRAMATIC CONTEXT?

As outlined throughout this guide and the table on page 4, your agency appointment to APRA provides you with great flexibility in the use of works in a dramatic context. You are able to define at a granular level where you want APRA to license, where you want to license directly and where you don't want works used at all.

And remember, the Agency Appointment is non-exclusive, and publishers are can always license a production directly.

### CABARET AND FRINGE FESTIVALS

The following is a current list of the cabaret and fringe festivals

- Sydney Cabaret Festival (NSW)
- The Sydney Fringe (NSW)
- Electro-fringe (NSW)
- Darwin Fringe Festival (NT)
- Queensland Cabaret Festival (QLD)
- Adelaide Cabaret Festival (SA)
- Adelaide Cabaret Fringe Festival (SA)
- Adelaide Fringe Festival (SA)
- Fringe at the Edge of the World (TAS)
- Bright Cabaret Festival (VIC)
- Melbourne Cabaret Festival (VIC)
- Melbourne Fringe Festival (VIC)
- Fringe World, Perth (WA)
- New Zealand Fringe Festival (NZ)
- Dunedin Fringe Festival (NZ)
- Nelson Fringe Festival (NZ)
- Auckland Fringe Festival (NZ)
- Auckland Live Cabaret Festival (NZ)



Photo of *North by North West* courtesy of Melbourne Theatre Company. Photo Jeff Busby.

### Example 1.

If a group is playing the songs of a band they admire, including dressing in the style of the original band members, and introducing the songs with improvised dialogue in between those songs, this would not be considered Dramatic Context.

However, if a scripted storyline and a narrator/character were included in the performance, the show would be classified as Dramatic Context.

### Example 2.

Productions which include a storyline and narrators qualify as Dramatic Context. For example, a production titled *Sisterly Love*, which details the true story of the Jones sisters growing up in a regional town attempting to make it in Nashville, is told in third person (narrator) by well-known singers and in chronological order. The songs, written by the Jones sisters themselves, are interspersed throughout, occasionally appearing out of the order in which they were written and produced.

### Example 3.

If a production includes a character, but does not have a storyline, it is not Dramatic Context, and can be licensed by APRA as a non-dramatic performance of musical works.

*Mia Fever* is a show by Jo Walker which recreates the talents of an Australian song writing maestro, including 90 minutes of uplifting dance and ad-libbed dialogue between the performances of songs, however, does not follow a scripted narrative.



## COMMENTS AND COMPLAINTS

We care about the service we give you and we welcome your feedback. If you'd like to comment on our service, email [publisher@apra.com.au](mailto:publisher@apra.com.au).

Read about our [formal complaints procedure here](#).



### NEED MORE INFORMATION?

Contact our Publisher Relations team on (02) 9935 7900 or email [publisher@apra.com.au](mailto:publisher@apra.com.au)

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## WHEN DO MY RESTRICTED AND GO DIRECT LISTS APPLY?

	PUBLISHER'S RESTRICTED LIST APPLIES	PUBLISHER'S GO DIRECT LIST APPLIES	FEES EXCLUSIVE OF GST *
<b>Primary Schools</b> <b>OR</b> <b>Secondary Schools (provided there are no admission fees and the production is not advertised outside the school community)</b>	✘	✘	Licence arrangements and fees are covered by the <b>schools blanket licence</b>
<b>Any Show where the venue capacity is 500, or under</b> <b>OR</b> <b>Secondary Schools (where an admission fee is charged and the production is advertised outside the school community)</b>	✓	✓	Licence Fee is the greater of: <ul style="list-style-type: none"> <li>• 6% of Gross Box Office pro-rated</li> <li>• \$15 per work</li> <li>• minimum fee per show season or tour licence – see table below</li> </ul>
<b>Any Show at a named Cabaret or Fringe Festival</b>	✓	✓	Licence Fee is the greater of: <ul style="list-style-type: none"> <li>• 6% of Gross Box Office pro-rated</li> <li>• \$15 per work</li> <li>• minimum fee per show season or tour licence – see table below</li> </ul>
<b>Any Show where the venue capacity is over 500</b>	✓	✓	Licence Fee is the greater of: <ul style="list-style-type: none"> <li>• 6% of Gross Box Office pro-rated</li> <li>• \$15 per work</li> <li>• minimum fee per show season or tour licence – see table below</li> </ul>

Box Office Receipts	Minimum show season or Tour fee
Less than \$100,000	\$90
\$100,000 - \$499,999	\$250
\$500,000 - \$999,999	\$500
\$1,000,000 and above	\$1,000

\* The conditions and licence fees are the same for both Australia and New Zealand, subject only to the different GST rates of 10% for Australia and 15% for New Zealand. The rates quoted above are in each territory's local currency and exclude GST.