

GUIDE TO MUSIC COPYRIGHT FOR INSTRUMENTAL TEACHERS



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One
Music
AUSTRALIA

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"We teach our kids they need to seek permission before using something belonging to someone else... you are continuing to set a positive example to the kids that copyright protection is important, it represents respect for individual ownership of work and that music has value."

John Foreman

Pianist, composer & musical director.

APRA AMCOS member

This guide is for instrumental and vocal music teachers and tutors around Australia, who teach in studios, schools and at home

Copyright exists to protect the rights of creators, reward them for their hard work, and to encourage more people to create. This guide aims to simplify and explain copyright law, how it works, why it is important, and where and when to obtain a licence.

Who are we?

The following Australian organisations represent composers, songwriters, music publishers, recording artists and record labels, and advocate on their behalf to ensure they receive the royalty payments they deserve and are legally entitled to.



**APRA
AMCOS**

APRA AMCOS

The Australasian Performing Right Association (APRA) and the Australasian Mechanical Copyright Owners Society (AMCOS) represent composers, songwriters and music publishers. APRA AMCOS collects royalties for the public performance of musical works and lyrics – such as a concert for family and friends of your students – and the reproduction of musical works – such as photocopying sheet music or making a recording of a performance.



PPCA

The Phonographic Performance Company of Australia (PPCA) represents record company labels and recording artists registered with PPCA, and collects royalties for the public performance of sound recordings – such as using sound recordings as backing tracks in a performance.



ARIA

The Australian Recording Industry Association (ARIA) represents major and independent record labels, manufacturers and distributors and collects royalties in some instances for the reproduction of sound recordings, such as making a copy of an existing sound recording to share with a student.



OneMusic Australia

OneMusic Australia offers joint public performance licences on behalf of APRA AMCOS and PPCA to industries such as the performing arts, retail, fitness and hospitality.



AMPAL

The Australasian Music Publishers' Association Limited (AMPAL) is the industry association for Australian and New Zealand music publishers, and advocates on behalf of its members and their songwriter and composer partners to promote the importance and value of music and music publishing.

Copyright – an introduction

Copyright laws exist to protect the rights of creators and those who invest in them, to make sure they are fairly paid for the use of their work. This provides a crucial income stream for composers, writers, artists and other creators. This guide covers how copyright applies to the most common uses of music by instrumental and vocal teachers.

Copyright in Australia is governed by the *Copyright Act (1968)*, a Federal law that grants a bundle of exclusive rights to the creators of original works – literary, dramatic, artistic and musical works – and subject matter like films and sound recordings. In the case of musical works and sound recordings these include the exclusive right to:

- *reproduce (copy);*
- *publish;*
- *perform (play) in public;*
- *communicate to the public; and*
- *make an adaptation/arrangement (of a musical work).*

Because these are the exclusive rights of copyright owners (usually the creator), you must have the permission of the copyright owner to do any of these things with a copyright protected work. In other words, when someone creates a musical work, they control how it is used and anyone who wants to use it needs to have their permission.

Copyright protection is automatic in Australia once the work is committed to a physical or digital form, such as writing it down, notating it using notation software or recording it. There is no registration process to have your work protected by copyright in Australia.

Composers and songwriters often assign their rights to music publishers and record labels to represent them.

Organisations such as APRA AMCOS, ARIA and PCCA issue licences to allow other people to use music without needing to approach every copyright owner directly. The licence fees are then paid back to the copyright owners as royalties.

Educational use

The Copyright Act provides for some limited circumstances where a licence may not be required to use copyright protected works.

For example, schools are covered for some activities by educational exceptions in the Copyright Act. Schools also have blanket licences in place through APRA AMCOS and ARIA for their music use that is not already permitted by the Copyright Act.

As a general rule, private and peripatetic music teachers are not covered by blanket school licences and need to obtain licensing or permissions where required.

In some cases, students or teachers may be able to rely on "fair dealing" exceptions in the Copyright Act, depending on the context of their music use.

For more information on exceptions in the Copyright Act, please see:

[Australian Copyright Council](#) or [Arts Law Centre of Australia](#)

For teachers in Australian schools and TAFE's please see the National Copyright Unit's [Smartcopying](#) website.

Duration of Copyright

Copyright lasts for a certain number of years. Once copyright protection runs out, the musical work, the published edition or the sound recording is **'in the public domain'** and can be used without needing permission.

1. Copyright in the musical work

A published musical work is protected by copyright from the moment it is committed to a physical or digital form, for a period of 70 years after the death of the creator – or where there are multiple creators, the death of the last surviving creator.



Published lyrics are separately protected as types of 'literary works' and the same term of protection applies.

Arrangements are protected as their own types of musical works, separately to the original musical works from which they are sourced. Read more about arrangements on [page 8](#).

There are certain circumstances where different rules apply (such as unpublished musical works). Find out more at the [Australian Copyright Council](#).

The change from 50 years to 70 years

In 2005, there was a reform to the Copyright Act that extended the term of copyright protection from 50 years to 70 years.

Musical works that were **already out of copyright/in the public domain under the previous 50-year rule** remained so.

THE SIMPLE RULE – 1955

If all creators of a published musical work died before 1955, the work is in the public domain/out of copyright

Example

The works of Bela Bartok

1945 Bela Bartok died

50 years Bartok's works are in copyright under 50 year rule

1995 Bartok's works are out of copyright/in the public domain

2005 Change to Copyright Act to increase protection to 70 years. Instead of going back into copyright until 2015, Bartok's works remain in the public domain.

2. Copyright in a sound recording

A sound recording is protected for 70 years from the end of the first year it is published, and is often marked with a © notice. Find out more about the © notice at [PPCA](#). The duration of copyright in a sound recording also changed from 50 years to 70 years in 2005 and those that were already in the public domain under the 50-year rule remained in the public domain.

70
years

There are certain circumstances where different rules apply (such as unpublished sound recordings). Find out more at the [Australian Copyright Council](#).

3. Copyright in the published edition (printed/sheet music)

Separately to the musical work, the design, layout and typesetting of the score are protected by the Copyright Act as a 'published edition'.

25
years

When copying printed music, it is important to make sure that the published edition containing the musical work is also out of copyright. Even though the musical work – say a Bach Chorale – may be in the public domain, the published edition containing that musical work may not be.

Published editions are protected by copyright for 25 years from the end of the year in which they are published.

A work that is 'out of print' isn't necessarily out of copyright.

Example

Edition of Mozart Sonatas published in 2000

2000 Mozart Sonatas published

2022 Year you wish to use the published edition.

Despite the composition being out of copyright, the published edition remains in copyright under the 25 year rule.

2025 Published edition is out of copyright/in the public domain

Can I copy a sound recording to provide to a student?

Even if the musical work is in the public domain, the recording of that work is most likely still in copyright, unless it was released or made public before 1955. A licence from APRA AMCOS and ARIA, or the record label/sound recording rights owner, is generally required to make copies of a copyright protected sound recording to give to private students.

Can I legally photocopy music without permission from the copyright owner?

1. Did all creators of the work die before 1955?
2. If the work has been arranged by someone else, is the arrangement out of copyright?
3. Is the edition more than 25 years old?

If the answer to all of these questions is YES, then copyright no longer applies and you can copy the music without needing permission.

Copying sheet music and making arrangements

Copying sheet music

If a musical work and/or the published edition of the sheet music is still protected by copyright, you will require permission or licensing to copy it. This applies to hard copies and digital copies – including photocopies, scans, copies of a pdf file, transcriptions, screen shots and photographs.

All these activities result in '**reproducing**' the work, and you need to have **permission from the copyright owner** to exercise their reproduction right.

Schools and universities have access to licences that allow for the copying of print music. Please refer to [page 14](#) for more information.

Making arrangements

When you make an arrangement of a copyright musical work, you are usually exercising two rights:

1. **Adaptation** - adapting the original to be something new – including changes in harmonic structure, chord progressions, melody or lyrics; and
2. **Reproduction** – writing out your arrangement or copying it in some way.

You need to obtain **permission from the copyright owners** to exercise these two rights.

Writing out changes to harmonic structure, chord progressions, melody or lyrics requires permission from the copyright owner.

Changing lyrics

By changing the lyrics of a copyright work, you are making an '**adaptation**' – just like an arrangement – and this also requires the **copyright owner's permission**.

In some cases, minor lyric changes may not need approval – for example changing "I love him" to "I love her" – but it is always essential to check with the publisher, no matter how insignificant the change may seem.

How to get permission

To get permission or a licence to copy sheet music, make a print arrangement or change the lyrics in a song, you will need to go to the copyright owner. This is usually a music publisher representing the rights of the creator(s), but in some cases it could be the actual composer or songwriter.

Bear in mind that the publisher who prints the edition (noted on your sheet music) doesn't necessarily own the copyright in the musical work. As outlined above, there is a separate copyright in the musical work.

To find the right copyright owner to contact, use the Work Search on the [APRA AMCOS website](#).

If the work does not appear in the search, email education@apra.com.au with the details of the work (title and composer/lyricist/arranger) and any other information you have – such as the publisher details on the original score, or the performing artist/band. APRA AMCOS will then put you in touch with the copyright holder wherever possible.

The rights holder will then issue a licence on a case-by-case basis. You need to do this for **every** musical work that you want to copy or adapt, if the work, the arrangement, or the edition of the sheet music, is protected by copyright.

Begin this process as far in advance of your project as possible, as it can sometimes take several weeks to complete.

When you don't need permission

There are limited exceptions in the Copyright Act which may allow you to make an arrangement without permission – for example adapting the lyrics of a song for parody and satire. There are also fair dealing exceptions for 'research or study' and 'criticism and review' that students and teachers may be able to rely on. However, you need to meet specific criteria to qualify for these exceptions. For more information, visit [Australian Copyright Council](#) or the [Arts Law Centre of Australia](#).

Who owns the copyright in an arrangement?

This depends on whether the original work is in copyright or in the public domain.

If the work you are arranging is in the public domain, then you will be the copyright owner of the new arrangement. You will be granted the same bundle of rights in the Copyright Act mentioned in the introduction and you can control how your arrangement is used.

If you are arranging a musical work protected by copyright (making sure you have obtained the necessary permissions/licences), the original creator(s) or their publisher(s) will usually retain some amount of copyright in your arrangement, as well as the underlying original work.

When you obtain permission to make an arrangement of a copyright work, the copyright owner will likely help you understand these obligations.

If you arrange a copyright musical work without permission from the copyright owner, and you cannot rely on an exception in the Copyright Act, you may infringe the copyright owner's adaptation right.



When you can reproduce sheet music without publisher permission

The Copyright Act outlines certain situations where copyright permission may not be required. AMPAL members have also given limited waivers for students and educators to make copies without permission. Here are some examples:

1 Simplifying music

Original sheet music may be simplified by writing on the score or handwriting a bar on manuscript and sticking it to the original. However, you will need publisher permission if the simplification requires you to rewrite or arrange the musical work.

2 Key changes for performance

If the work is not available for sale in the required key, one transposition (an exact transcription) may be made for the sole purpose of practising or performing that work. You must own the original score in order to do this.

3 Difficult page turns

Where a score provides very little time to make a page turn, you may make a photocopy of a page and use that copy in conjunction with the original score. You may not copy the entire work or movement.

4 Enlargements for impaired vision

If a person is unable to read the score due to impaired vision, and a suitable version is not commercially available, an enlargement may be made for personal use.

5 Making a copy when the accompaniment is not available separately

Where a solo part and accompaniment are together in one score and the accompaniment is not available separately, a copy of the original score may be made for use by the accompanist in performance and rehearsal. If using this copy in an exam, competition or eisteddfod, a **Copyright Declaration Form** will need to be completed. The copy must be destroyed after the final performance for which it was made.

6 Making a copy by hand

A musical work, or an adaptation of a musical work, may be written out by hand in the course of educational instruction.

Copying of sheet music is permitted in certain circumstances under the licences held by schools, universities, community music groups and churches. See pages 14–15.

Fair dealing

In some cases, students and teachers may be able to rely on "fair dealing" exceptions in the Copyright Act, depending on the context of their music use. For more information, contact the **Australian Copyright Council**.

Performing music

One of the many rights involved when using someone else's copyright work is the performing right. The performing right is the right to perform, or play, a musical work or sound recording in public. APRA represents the performing right in the vast majority of musical works and PCCA represents the performing right in the vast majority of commercially released sound recordings. Together, through **OneMusic Australia**, APRA and PCCA offer licences to play live and recorded music in public in a wide range of settings.

If you are performing in an event organised and authorised by someone else – for example, in a professional ensemble, local community orchestra or school concert – ordinarily you do not personally need to obtain the performance licence. (Keep in mind that you might still need copyright clearance for your own copies, arrangements and lyric changes.)

The person or group organising the event, or the venue authorising the public performance of music and sound recordings, is usually responsible for ensuring the relevant OneMusic Australia licensing is in place.

Concerts

If you hold an event in a public place – such as a recital of your students' performances – you must have permissions or a licence to cover the public performance of the musical works. The venue at which you perform may have a OneMusic Australia licence in place already and that licence may cover your performance, however you should confirm this with the venue, or check by emailing

hello@onemusic.com.au.

If the venue does not have a licence that will cover you, you will need a **OneMusic Event Licence**.

Playing music in a domestic setting such as your own home, or during private instrumental or vocal tuition, generally does not require a public performance licence from APRA AMCOS.

Playing sound recordings in public

Performing a musical work live is different to playing recorded music to an audience. APRA licenses the public performance of a musical work, whereas PCCA licenses the public performance of sound recordings. If you want to play a commercial sound recording in a public space you need to ensure that you are licensed through OneMusic Australia to perform both the musical work and the sound recording.

For more details, contact hello@onemusic.com.au or go to onemusic.com.au.



Deborah Cheetham AO,
Yorta Yorta woman,
opera singer, composer
and educator.

Musicals and theatre

Licensing music use in a theatrical production can be quite an involved process and we recommend planning well in advance.

In Australia and New Zealand there are two types of dramatic use of music in theatrical performances: 'Dramatic Context' and 'Grand Rights'.

Dramatic Context performances use pre-existing works (i.e. songs that weren't written specifically for the show in which they are being performed) to tell a dramatic story.

Dramatic context is defined as the use 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.*

Some music is available to be licensed by APRA AMCOS for **Dramatic Context** performances, but only if the copyright owner – usually a music publisher – has granted the rights to do so.

Some music publishers require individual approval and licences to be obtained directly from them.

Copyright owners of musical works may also limit what OneMusic Australia can license for Dramatic Context uses.

For more information about Dramatic Context, please visit the [APRA AMCOS website](#).

If you are playing music from an **original sound recording** in a Dramatic Context (as opposed to performing live or playing a recording you have made), you will require direct permission or a licence from the relevant record label or rights holder for each recording. For guidance on using sound recordings in a Dramatic Context, we recommend contacting PPCA directly by emailing:

business.affairs@ppca.com.au

It can take between 2–8 weeks for theatrical licence applications to be approved by all copyright owners, so make sure you leave enough time and have some back-up songs ready in case the works are not available.

Grand Rights apply to "dramatico-musical works"

- dramatic works that include music intentionally written for them (for example, operas, operettas or musicals such as *Cats* or *Wicked*). Staging Grand Rights productions in their full context (with any costumes, characters, staging or choreography that reference the original production), or performing all of the musical works together in the one concert, always requires licensing directly from the rightsholders who control the rights in Australia and New Zealand.

The following organisations represent a diverse catalogue of Grand Right Works and are a great place to start:

- **Musical Theatre International (MTI)**
- **Origin Theatrical**
- **Hal Leonard Australia**



Making and sharing recordings

Making a recording of a copyright work means exercising the right of reproduction and this usually requires licensing or permission. Licensing requirements vary, depending on whether the recording is audio or audio-visual, whether the format is physical or digital, and what you intend to do with the recording.

1

Audio-only recordings

You will require a licence or permission if you are making:

- audio recordings of copyright works (eg. learning tracks, accompaniments, professional recordings)
- copies of existing sound recordings (eg. copying an MP3 or CD)
- audio-only recordings of copyright works available for download or streaming (eg. emailing, backing track downloads, website uploads)
- copies of existing sound recordings available for download or streaming (eg. online radio, website background music)

For information about what licence might apply and where to obtain a licence, please visit the [APRA AMCOS website](https://www.apra.com.au) or contact medialicensing@apra.com.au for more information.

2

Audio-visual recordings

You will also require a licence or permission if you are making:

- audio-visual recordings for domestic use (eg. an end of year concert)
- audio-visual recordings publicly available (eg. sharing on social media, entering a film into a competition, sharing via a password protected site)
- audio-visual recordings for commercial purposes (eg. selling a music video or using a video for promotional purposes)

You might require a licence from APRA AMCOS, or permissions directly from the rights holders, including a licence for Synchronisation Rights (usually controlled by a music publisher). For more information, please contact medialicensing@apra.com.au.

Permission to post recordings online

If you want to make a video of someone playing a piece of music publicly available (for example posting it to social media or your website, selling it commercially or entering it in a festival), you will usually need licensing for the synchronisation of the musical work and the video footage (or any other visual elements, such as a film or slide show).

Synchronisation licences are issued by the copyright owner of the musical work, usually a music publisher. To research the publisher for a particular work, please start by using the **Works Search** on the APRA AMCOS website.

To synchronise existing sound recordings in this way, you will also require permission from the record company or artist that owns the copyright in the recording.

Music use in educational institutions

Educational institutions around Australia have special licences available to them which cover their music use, in addition to exceptions in the Copyright Act.

Schools

Almost all schools around Australia hold a blanket Schools Music licence with APRA AMCOS and ARIA that covers certain public performances, copying and communication of music for school purposes.

It is important to note that **the Schools Music licence does not cover the copying of sheet music for the purposes of private instrumental or vocal tuition**, whether conducted by a private tutor or a teacher employed by the school, government department or other peak body. This applies even if the lessons occur in a school or during school time.

If you wish to make copies of sheet music for your private students – for example, a copy of a solo piece from a book that you own – you will need permission from the copyright owner.

The Schools Music licence does permit the copying of works used in the classroom and in school ensembles. If the school gives you permission, you may make photocopies of individual parts from school ensemble repertoire for your students to work on during lessons or take home to practice.

Copies made under this licence belong to the school and can only be used for school purposes.

For more information about the Schools Music licence, visit the [APRA AMCOS website](#).

Universities, conservatoriums, TAFE and commercial colleges

Almost all universities in Australia have a joint licence in place with APRA AMCOS, PPCA and ARIA, that covers them to perform, reproduce and communicate musical works and sound recordings in a range of ways.

As well as being covered to perform and record music, universities have access to a print music licence. If you are employed to teach or lecture at a university and you want to know whether your use of music is covered, speak with your Head of Department or Dean, or the university's Copyright Officer.

Where a conservatorium or school of music is part of a university, its activities will often be covered by that university's licence.

Many conservatoriums hold their own licences that allow for public performance and the copying of recordings and sheet music.

In 2021 APRA AMCOS, PPCA and ARIA introduced a number of statewide music licences for TAFEs in Australia.

Private colleges that use music are also covered by a licence designed specifically for their use. To check whether a particular college is covered, please speak with the college administration team.

Music use in your community

Community music groups

Individual bands, choirs, ensembles or performance groups that have public performance of music as their primary purpose have access to a OneMusic Australia Community Music Groups licence. This licence covers live performances at community events, making audio recordings of performances at these events, making audio copies for practice and rehearsals, and making copies of original print music for rehearsal or archival purposes only. For more information please see the [OneMusic Australia website](#).

Churches

Christian churches have access to licences for performing, copying and communicating music, including APRA and AMCOS repertoire, through Christian Copyright Licensing International (CCLI). For more information about these licences please see the [CCLI website](#).

Other religious organisations can obtain licensing through [OneMusic Australia](#), but please note that a licence is not required for the live performance of musical works during a religious service.

A licence for communicating sound recordings, (eg. while streaming a religious service) can be obtained through [PPCA](#).

Council facilities and events

The OneMusic Australia Councils licence covers the public performance of its music when it is used by councils and at council facilities by means of background music, music videos in council facilities and events, music for employees in council workplaces, and certain classes and events held at the local government venues. Performances such as end of year student concerts may be covered by the local council's licence if they are in council facilities. For more information please see the [OneMusic Australia website](#).

Eisteddfodau, competitions and examinations

When entering an eisteddfod, competition or examination, it is important to ensure that you and your students are using legal sheet music – this means either an original published edition or a legal copy of an original score.

If you want to perform or practise from copies (physical or digital) then you must obtain permission if the musical work and published edition are in copyright (see [page 8](#)). If you are using licensed copies, we recommend that you provide written proof of permission from the copyright owner.

The OneMusic Australia Eisteddfod and Competition Licence allows entrants to use sound recordings or commercial backing tracks as part of their performance at an eisteddfod, exam or competition – including performing the work, copying or transferring between devices, or sending a copy to the organisers.

For more information please contact eisteddfod@onemusic.com.au

Copyright Declaration Form – making copies for an adjudicator or examiner

Australian and New Zealand publishers have given a limited waiver to entrants of eisteddfodau, competitions and examinations to use temporary copies of sheet music for this purpose only. If you have been asked to provide a copy of your sheet music to adjudicators or organisers of an examination, eisteddfod or competition, you can do so without obtaining permission from the publisher.

Instead, you will need to fill out this [Copyright Declaration Form](#) and provide it to the organisers.

Looking for more information?

There are lots of great resources available to help you obtain information on copyright:

AMPAL

If you would like any further information on music publishing or would like to know more about the role of music publishers and AMPAL in Australia and New Zealand, please visit the AMPAL website at www.ampal.com.au

APRA AMCOS

APRA AMCOS represents composers, songwriters and music publishers and its website has information for music creators and music users. www.apraamcos.com.au

ONEMUSIC AUSTRALIA

The OneMusic Australia website has information about licences for the performance of musical works and sound recordings.

www.onemusic.com.au

ARIA

ARIA is a national industry association representing major and independent record labels, manufacturers and distributors. It compiles the ARIA Charts and stages the ARIA Awards. The ARIA website has information for the music industry, music creators and music users: www.aria.com.au

PPCA

Phonographic Performance Company of Australia Limited is a national, non government, non-profit organisation that represents the interest of record companies and Australian recording artists registered with PPCA. PPCA issues blanket licences for the performance of sound recordings. Further information is available at: www.ppca.com.au

AUSTRALIAN COPYRIGHT COUNCIL

The Australian Copyright Council has many interesting fact sheets available on lots of different topics applicable to music teachers. Just head to www.copyright.org.au

THE ARTS LAW CENTRE OF AUSTRALIA

As a private music teacher, is it very important to make sure you can access legal support if you ever need it. The Arts Law Centre of Australia is a great resource for sole traders in the music industry who may require legal advice. You can find information on them here:

www.artslaw.com.au

THE NATIONAL COPYRIGHT UNIT

The National Copyright Unit's website, www.smartcopying.edu.au, is geared towards teachers in schools and TAFEs, but there is also information that is helpful for instrumental and vocal teachers wanting to understand copyright in educational settings.