

# University Copyright Office

## Update

13 July 2020

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### Tertiary Music Licence update

## Music use for events, in University social media and website

The revised 2020 Tertiary Music Licence agreement is a commercial agreement which allows Federation University to perform, record and communicate music as part of University events; for educational purposes; and from 2020 new extended rights including streaming online (with conditions) and as background music in many University spaces.

The agreement is between Universities Australia and the collecting societies (APRA, PCCA, AMCOS and ARIA) and includes extended rights over and above the rights licenced previously.

### These include the right for Federation University to:

- Perform APRA works and PCCA sound recordings in public as featured or background music at University events including those ticketed up to \$40 (exclusions – Grand Rights ie ballets, musicals; Dramatic context ie plays; Choral work over 20 minutes).
- Play background music in University owned and operated venues which include Federation retail venues, dining spaces, student spaces, libraries, health centres, galleries. (Excluded are open to public gyms/fitness centres, childcare centres, performance theatres)
- Synchronisation rights: Make and synchronise audio and audio-visual recordings from both ‘in context’ and postproduction and make available on official University website or official University social media, with the exception of post-production synchronisation of ARIA works which must only be communicated and stored via password protected LMS, or in physical format for staff and students to access.
- Allow Graduations to play or perform music included in the ceremony, and communicate the ceremony online from official University websites for a limited period (30 days), no matter the ticketed price.

### Notes:

1. Music must be from a legitimate / legal source.
2. The term “**non-promotional**” is not specifically defined in the Licence but any activity where there is reliance on the licence must be for a “**University Purpose**” which is defined as below:
3. **University Purpose:** means purposes which the University undertake as part of its usual business, for example providing educational services, encouraging research and innovation and engaging with the University and wider community. Advertising or recruitment campaigns are not considered University Purposes under this Agreement.
4. **University event:** one that is organised and authorised by the University. A University event can be held on or off campus and it can be open to the public or to the University community only.
5. **APRA AMCOS** repertoire covers most commercial music played in Australia. Check the repertoire [online](https://bit.ly/39JgYuU) or at <https://bit.ly/39JgYuU>
6. Music use for educational purposes remains unchanged, and is allowed for educational purposes, eg in class, for assignments. For this use Storage/Communication remains restricted to LMS (Moodle), Course Readings (EUS) or email.

**Tertiary Music Licence – Table of previous and additional rights for 2020**

EVENT / SPACE	EXISTING RIGHTS	NEW 2020 RIGHTS	NOTES
<b>UNI EVENTS</b> Performing / playing music *	Play / perform featured or background music* at FREE University events	Play / perform featured or background music* at University events ticketed up to <b>\$40</b>	Previously free only – increase up to \$40 ticket  Does not include 3 <sup>rd</sup> party promoted events or shows, grand rights works, dramatic context performance
<b>UNI EVENTS</b> Recording	Make in any format audio and audio-visual recordings containing music* performed at university events or for use at university events	Make in any format audio and audio-visual recordings containing music* performed at university events or for use at university events	No change
<b>UNI EVENTS</b> Communicating	Make available recordings including music* under password protected LMS or in physical format (CD,DVD)	Communicate recordings of events and graduations made above via university website on the basis of: <ul style="list-style-type: none"> <li>• live streams not being available for more than 30 days after initial communication</li> <li>• anything more than 30 days must go via password protected LMS (Moodle), EUS (Course Readings), etc</li> <li>• purpose is non-commercial and non-promotional</li> <li>• any reproduction sold (physical copy or digital download) done so on non-profit basis, available to the university community only for private and domestic viewing</li> </ul>	Make available to public for 30 days from initial communication, then password protected in LMS
<b>UNI EVENTS</b> Available for SALE	Sell such recordings in a <b>physical</b> format only for the purpose of cost recovery only and for private and domestic viewing	Sell in <b>digital download</b> or physical format to University audience, cost recovery only and private and domestic viewing	Change from only being allowed to sell in physical form (CD/DVD/USB) to now include digital download, all formats

<b>GRADUATIONS Performance</b>	Play or perform featured or background music* at Graduation ceremonies as free University event	Play or perform featured or background music* at Graduation ceremonies (no matter the ticketed price)	No restriction on ticket cost
<b>GRADUATIONS Reproduction</b>	Make audio and video recordings of free university graduation ceremonies at which APRA /PPCA works are performed	Make audio and video recordings of university graduation ceremonies at which APRA /PPCA works are performed	FREE has been removed – no ticket cost threshold
<b>GRADUATIONS Storage and communication</b>	Store under password protected LMS or in physical format	After 30 days from initial communication must only be available via password protected LMS (Moodle), EUS (Course Readings), etc	Change from always under password protection online, to being available for up to 30 days freely on specific pages
<b>GRADUATIONS Communication</b>	<p><b>Streaming not allowed external to university.</b> Communicate only by <b>physical</b> format only for the purpose of cost recovery only and for private and domestic viewing</p>	<p><b>Live/delayed streaming allowed with time and page type limitations.</b></p> <p>Communicate recordings of events and graduations made above via university website on the basis of:</p> <ul style="list-style-type: none"> <li>• <b>live streams only available for 30 days</b> after initial communication</li> <li>• anything more than 30 days must go via password protected LMS, EUS, etc</li> <li>• purpose is non-commercial and non-promotional</li> <li>• any reproduction sold (physical copy or digital download) done so on non-profit basis, available to the university community only for private and domestic viewing</li> </ul>	Change – live/delayed/on demand streaming allowed with limitations
<b>GRADUATIONS Available for SALE</b>	Sell such recordings in a <b>physical</b> format only for the purpose of cost recovery only and for private and domestic viewing	Sell in <b>digital download</b> or physical format to University audience, cost recovery only and private and domestic viewing	All formats

<b>UNIVERSITY SPACES</b>	<b>Student spaces / University retail spaces not covered</b> outside of defined University events	<p><b>Student/University retail spaces background music* covered.</b> Background music* in 100% university owned and run university spaces (Clubs, Guilds, Unions, Businesses)</p> <p>100% university owned and run, not open to general public (except retail, art gallery/museum and food and beverage, whose purpose is to service staff and students but may incidentally be used by friends and family of staff and students)</p> <p><b>Does not include</b> open to public gyms, childcare, business with any substantial selling of music, recordings, or the performance of music or recordings</p>	<p>Change: Covers University retail spaces and student areas not covered previously</p>
<b>UNIVERSITY SPACES – Staff offices</b>  <b>Music on Hold on telephone system</b>	<b>Workplace music*</b> – staff only spaces covered for background music* Music* on hold covered	<b>No change</b>	
<b>SYNCHRONISATION</b>  <b>(Reproduction of music* onto film )</b>	<b>No</b>	<p><b>Yes.</b> For university purposes only, on the basis that:</p> <ul style="list-style-type: none"> <li>reproductions are made for non-commercial and non-promotional purposes;</li> <li>are communicated on password protected university platforms , university websites or official social media pages only [ARIA “in context “only]</li> </ul> <p>ARIA Sound Recordings captured “in context” can be made available on University website/social media; If created <b>post-production</b> ARIA recordings can only be under password protection (LMS etc)</p>	<p>Allows video with commercial music* added to be made available on website or social media - with limitations</p>

\*Music refers to works and sound recordings licensed in the repertoire of APRA, AMCOS, PPCA, and ARIA, which cover most commercially available music in Australia excepting Grand Rights & Dramatic works which are licenced by other agents.