

APRA AMCOS

Changes to music licensing requirements

BY MARIANNE SCHULTZ

Are you or your dance students planning a public performance this year? If so, have you organised the music licensing for all copyright music included in this production? In 2018, APRA (Australasian Performing Right Association) have introduced new rules and definitions in regards to the use of copyright music in public dance performances. As in the past, most copyright music used in a performance with 'Dramatic Context' is licensed for use from APRA, including one-off performances, dance recitals and performances in theatres and alternative venues. In November 2017 APRA's Board agreed to update the definition of 'Dramatic Context'. The new definition of '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.

The key feature in determining where a production is defined as 'Dramatic Context' is if the performance includes a storyline, narration or characters or is a 'Ballet'. Importantly, APRA states the 'expression of a theme, idea or topic' does not constitute a storyline and therefore the music used in these types of performance do not come under the new 'Dramatic Context' rules, again as long as the production is not defined as a 'Ballet'.

If, for instance, your production presents a narrative with characters and with a plotline consisting of a beginning, middle or end, a biopic e.g this may include the story of the life or work of a particular composer, artist or other music figure or event then any music used in the performance must be licensed as 'Dramatic Context' for use. Also, there is some music that can not be licensed for 'Dramatic Context' performances, referred to

as 'Owner Restricted', while other music, referred to as 'Owner Referred Works', needs to be referred by APRA to the copyright owner for approval. Keep in mind that APRA cannot licence a Grand Right e.g *Cats* or *Phantom of the Opera* in its entirety but can licence individual works within a Grand Right subject to the copyright holders guidelines.

Costs vary for licence fees, one of the key changes made to this revised definition is the implementation of gross box office brackets, as an example if your production's 100% gross box office is estimated to be less than \$20,000 (excluding GST), then the music licence fee would amount to 6.0% + GST of gross box office (pro rata). More information about the 'Dramatic Context' change is available in an easy to read Guide published by APRA. This is available for view at www.apraamcos.co.nz. Select Music Customers, Licence Types, Theatre to view the Guide.

In the case of free events which are not 'Dramatic Context', such as in a park or other public space, APRA collects a minimum fee of \$75.00 + GST.

Emma Fleetwood, from APRA, explains that there is currently no change to the One Music Dance Class licence that dance schools and studios must obtain in order to cover any pre-recorded music used in dance classes and assessments. The annual fee is based on the number of classes held each week. However, the One Music Dance Class licence does not include permission to use this music in a public performance.

It is worth taking the time to get your licences in order with APRA well in advance of your production so that you and your students can focus on dancing rather than legal headaches. ■

For queries concerning the Dramatic Context Licence please contact Emma Fleetwood at APRA: efleetwood@apra.co.nz

For queries concerning the One Music Dance Instruction Licence contact Greer Davies: greer@onemusicnz.com

NZSD GRADUATE GEORGE LIANG CHI CHIEH, 2017
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