

## USING COPYRIGHT PROTECTED MUSIC ON COMMUNITY RADIO

These are three ways in which you can use copyright protected music in the context of Murdoch Radio, Radio Fremantle, and other community broadcasters:

- 1) under the radio station's licence;
- 2) under the 'fair dealing' provisions of the Copyright Act;
- 3) with permission of the copyright owner(s).

1) The station's licence covers playing the whole of a song or music track in the context of a program such as *South Street* i.e. not as part of an edited story.

2) The 'fair dealing' provisions only apply if the music is the subject of a story, i.e.:

- a) Fair Dealing for the purpose of reporting a news item;
- b) Fair Dealing for the purpose of review or criticism;
- c) Fair Dealing for the purpose of parody or satire.

You do not need to seek permission from the copyright owner or make any royalty payment if the music is used for any of the 'fair dealing' purposes. However, you must acknowledge the title etc of any item used under the first two of these provisions.

3) In all other cases – for instance when a clip of music is used in a radio feature or documentary, etc. – the student must get the permission of the item's copyright owner (usually the publisher), who may require a royalty payment.

## HOW TO SEEK PERMISSION

You can find contact details for all the major music publishers, both in Australia and overseas, from APRA/AMCOS. You can contact the educational division of APRA/AMCOS for publisher details by emailing [kbaylis@apra.com.au](mailto:kbaylis@apra.com.au) or by phoning 02 9935 7994.

You should then write to the relevant publisher for permission to use their material e.g. [W] seconds of [X] song by [Y] artist on [Z] CD, and the catalogue number.

You should explain the context of the use (e.g. in a documentary, and its topic); that your program is being made for educational purposes; and that it is to be broadcast by community radio stations in Australia and online by [www.radio.murdoch.edu.au](http://www.radio.murdoch.edu.au) .

The publisher will then let you know the terms of granting their permission, e.g.: for free; with a royalty fee; and/or with other conditions.

## Template Request Letter

## OTHER POSSIBLE SOURCES OF MUSIC

### The Public Domain

When copyright protection expires the work enters the Public Domain. Sound recordings made *before* the 1<sup>st</sup> January 1955 are in the public domain and can be used freely for any purpose.

The copyright in sound recordings made after 1.1.1955 lasts for 70 years after the date of publication.

(TV and radio broadcasts made before 1<sup>st</sup> May 1969 are also in the public domain.)

### Creative Commons

The Creative Commons licences allow copyright owners to cede some of their rights – such as that of ‘communicating’ – and allow other people to use the licenced works in certain circumstances and for certain purposes without having to seek permission or pay any royalties.

There is a range of licences: some permit commercial use, some encourage users to modify the original work, and so on.

CC licenced audio works can be found through <http://search.creativecommons.org/#> ; the CC home page is at <http://creativecommons.org/> where you can also find options for licensing your own work.


### Australian Creative Resource Online


Amongst other resources, ACRO offers a digital repository of audio and visual materials under CC licences that you can edit and re-use in your own work.

Their website is <http://www.acro.edu.au/> .

If you have a query about this, or any other copyright matter, please do not hesitate to contact  
Kate Makowiecka, the University’s Copyright Coordinator

[copyright@murdoch.edu.au](mailto:copyright@murdoch.edu.au)

 (08) 9369 7491

 (08) 9310 2780