



## MUSIC & COPYRIGHT - the Tertiary Music Licence

An agreement – the Tertiary Music Licence (TML) – is in place between Australia's music societies and universities covering the use for educational purposes of a wide range of music and sound recordings.

Under the TML, each University makes an annual royalty payment in order to reproduce, communicate, and perform material from an extensive **repertoire** in which copyright belongs to members of these societies:

- [Australasian Mechanical Copyright Owners Society \(AMCOS\)](#)
- [Australian Performing Rights Association \(APRA\)](#)
- [Phonographic Performance Company of Australia \(PPCA\)](#)
- [Australasian Record Industry Association \(ARIA\)](#)

## WHAT THE LICENCE COVERS

### Making Audio Recordings

Under the terms of the agreement, staff at Murdoch University may play and make copies of copyright music or sound recordings from the music societies' **repertoire** for educational and research purposes, provided the copies are:

- for use by students in a course of instruction;
- of a university event; or
- to be played at a university event.

### Some of the activities permitted are:

- playing ©music directly from an original source in a lecture;
- copying ©music from an original disc into another format to play in a lecture;
- dubbing multiple copies of ©music onto discs and distributing to students;
- audio or video recording of a lecture with ©music;
- copying recorded lecture onto disc and distributing discs to students;
- delivering a lecture that includes ©music via **Lectopia**;
- archiving the recorded lecture with ©music;
- providing students with ©music 'listening' via ECMS<sup>1</sup> or **Lectopia**.

**NB** music to be used for activities under the licence may **not** be sourced from an internet site – even where that site is a legitimate vendor, their licences do not cover such use.

<sup>1</sup> Delivery via ECMS is currently unavailable

## Delivering music to students via the intranet

It is University policy that any ©music files provided online to students will be provided only via ECMS/[Lectopia](#); with the added TML conditions that:

- the music is from the [repertoire](#);
- the file is created from an original recording e.g. a commercial cd;
- the music is not sourced from the internet;
- the material is not used for acts not covered by the licence;
- the creator's moral rights are not infringed; and
- a [TML notice](#) is displayed.

## Making Video Recordings

Staff and students of Murdoch University may make video recordings that include ©music or sound recordings from the [repertoire](#) for educational and research purposes provided that the video recordings:

- are of a university event; or
- are made as part of a course of instruction and are only played at a university event.

Staff and students of Murdoch University may also synchronise works from the [repertoire](#) with video recordings as described above.

When making a video recording under the licence you must:

- only copy the music to an 'allowable format' i.e.:
  - for audio recordings: cassettes, compact discs, CD recordable, DVD recordable, and delivery via intranet systems; and
  - for video recordings: video cassettes in the VHS or Betamax formats, DVD or CD recordable, and delivery via intranet systems.
- not use the material for acts not covered by the licence;
- not infringe the creator's moral rights.

## Performances

Murdoch University staff and students may perform ©music for educational and research purposes:

- as part of a course of instruction;
- at a university event; or
- for the sole benefit of University employees in the workplace.

## Making recordings of University Events

Murdoch University may make audio or video recordings of a University event at which ©music or sound recordings from the repertoire are played or performed. Copies of such recordings may be made for students or staff of Murdoch University, strictly for private or domestic purposes, at no cost or on a cost-recovery basis only. A copy may be held in University archives for access by staff and students of the university only.

Recordings may not include any advertising or promotional material.

## Music on Hold

The licence covers the playing of music on hold on telephones throughout the university.

## WHAT THE LICENCE DOES NOT COVER

(NB: some of these uses may be covered by other licences, e.g. [ScreenRights](#))

The licence does **not** permit:

- the use of infringing copies of music – only original recordings may be used;
- downloading music from an internet site – even when that site is a legitimate commercial vendor – for use in copying, communicating, or any other educational purpose;
- communicating ©music files via:
  - email;
  - the internet;
  - WebCT or any intranet site other than ECMS or [Lectopia](#);
- emailing copies of a recorded lecture with ©music in it;
- making copies of ©music video recordings;
- making infringing copies of ©music or sound recordings;
- broadcasting any ©musical work or sound recording.

The licence does **not** cover performances of, or making video recordings of, performances of the following:

- a Grand Right Work or excerpts of that work (this includes any opera, musical play, ballet, review or pantomime to the extent that it consists of words and music written expressly for it – these works are not in the repertoire);
- musical works and associated words composed for a ballet if that performance is accompanied by a visual representation of that ballet or excerpts of that ballet;
- a Choral Work of more than 20 minutes duration or excerpts of that choral work;
- a musical work or excerpts of that work performed in a dramatic context;

or of

- any music and associated words so as to burlesque or parody the work; or
- of any musical work with new or substituted lyrics, or any lyrics which have been notified by APRA as prohibited.

### Student Guild functions and facilities

Guild activities are not covered by this music licence.

### Performances in public

The licence covers the performance of ©music or sound recordings at University Events on Murdoch University premises, but **not** at any event or occasion where a fee for entry is charged.

The licence does **not** cover any use of the premises by the Student Guild or outside parties. Individual licences must be arranged in such cases.

### MUSIC OUTSIDE THE SOCIETIES' REPERTOIRE

Please note that, although the licence covers material produced by the members of the societies that are party to this agreement, it does **not** cover all music and sound recordings.

If the copyright owner is not in the societies' repertoire then it will be necessary to get copyright permission from the owner to reproduce or perform it; or to confirm that it is available under e.g. a Creative Commons licence.

- **NB** sound recordings by **AC/DC** are expressly excluded from this Agreement

### Music videos and other copyright material

The music licence agreement does **not** permit reproductions of any cinematograph film or video; or any literary, dramatic or artistic work associated with a musical work or sound recording. This includes lyrics and video clips of songs.

(**NB** the recording and educational use of off-air broadcasts of film and video clips, and radio broadcasts, is covered by our **Screenrights** licence.)

### Print or Sheet Music

The music licence does not apply to the copying of print or sheet music.

However, the terms of our Licence with the Copyright Agency Limited (CAL) allow staff to copy and communicate up to 10% of a printed musical work (e.g. a score) for educational purposes (a greater proportion may be copied if the work is unavailable for purchase within a reasonable time, or if it is not separately published); otherwise permission must be obtained from the relevant copyright owner or owners.

## OTHER REQUIREMENTS OF THE TERTIARY MUSIC LICENCE

### Labelling copies

Copies of recordings made under the agreement must be labelled with this information:

This recording has been made by Murdoch University under the express terms of an educational licence between it, ARIA, AMCOS, APRA and PCCA and may only be used as authorised by Murdoch University pursuant to the terms of that licence.

Title of musical work:  
Composer:  
Lyricist:  
Arranger:  
Artist or Group name:  
Record Company label:

The **TML notice** is to be attached to:

- ©music copied onto disc or other 'allowable formats';
- any compilation of ©music tracks/extracts created by a member of staff for an educational purpose such as playing in a lecture or tutorial;
- copied discs distributed to students for an educational purpose;
- video or audio recordings of a University Event incorporating ©music that are to be provided to students or staff;
- recorded lectures containing ©music; and
- soundfiles of ©music delivered via ECMS or **Lectopia**.

### Survey of licensed use of ©music

The licence provides that sound recordings of ©music held in the University's central digital repository will be surveyed annually on 1st October.

The only digital repositories for the electronic copying, storage, and communication of licenced sound recordings at Murdoch University will be the Electronic Course Management Service (ECMS), and **Lectopia**.

## SOME DEFINITIONS FROM THE AGREEMENT:

### Allowable formats:

- in relation to audio recordings: cassettes, compact discs, CD recordable, DVD recordable, and streaming audio on intranet systems; and
- in relation to video recordings: video cassettes in the VHS or Betamax formats, and DVD or CD recordable.

**Broadcast:** has the same meaning as in the *Copyright Act 1968*;

**Choral work:** a musical work written to be sung by a choir or other group of singers, with or without any instrumental accompaniment;

**Download:** the process of making a digital copy of audio or audiovisual materials from an intranet/internet server onto a storage device including but not limited to a personal computer hard drive, server, mobile phone or any peripheral device;

**Dramatic context:** use in conjunction with acting; costumes; scenic accessories; and scripted dialogue or other dramatic effects, or as a ballet;

**Educational purposes:** the sole purpose of using in connection with a particular course of instruction or course of study and/or research of the Participating University, including the necessary administration and assessment of that course of instruction or study, but not including commercial activities and commercial research;

**University Event:** an event at the Participating University (or some other venue) organised or authorised by the Participating University.  
[Such an event may include a graduation ceremony, lecture, memorial ceremony, etc. but no fee for attendance may be made.]

for further information please also see

**[Q & A about the Tertiary Music Licence and University activities](#)**

or

contact the Copyright Coordinator by phone on 9360 7491 or by email at [copyright@murdoch.edu.au](mailto:copyright@murdoch.edu.au).