



COPYRIGHT, MUSIC, AND THE INTERNET

Copyright in Australia is automatically granted to the creator of a work. Material such as music is protected regardless of the format in which it is recorded. In terms of a CD, there may be lyrics, musical score, graphics, text, computer software, as well as the sound recording itself, which can all be separately protected under Australian law, as well as the rights of the performers. Except when format-shifting recordings that you already own, for your private use, you will nearly always require permission from the copyright owner if you want to copy, record, download, communicate, or perform music.

The University has a licence covering certain uses of music and other sound recordings by students and staff (but please note that the licence does not cover Guild activities). See these information sheets – [Music & Copyright: the Tertiary Music Licence](#) and [Music & Copyright: Lectopia and other activities](#) – for further details.

Music and the Internet

Material on the web is nearly always protected by copyright even if that is not immediately obvious. Under Australian copyright law down-loading material or printing material is 'reproduction'. You will usually require permission from the copyright owner if you want to copy, record, download, or communicate music from the net. Under the 'fair dealing' provisions of research and study, and review and critique, there may be limited scope for you as a student to copy music from the net for use in assignments and other educational purposes.

See this information sheet on ['fair dealing'](#)

Format-shifting – private copying of music

It is now legal for an individual to make copies of a sound recording that they own, such as a CD, into other formats to use on other players that they own, such as MP3s, p.c.s, etc.

The requirements below (copied from fact sheets available on the Attorney General's website at <http://www.ag.gov.au/>) must be taken into account:

- You must own the original copy and it must not be a pirate copy.
- Any copy you make must be made solely for your own private and domestic use.
- Any copy you make must be made for use with a playing device you own (that playing device could be a CD player, portable device such as an iPod, car sound system, personal computer or home entertainment media centre).
- Any copy you make must not be made from a 'podcast' of a radio broadcast or similar program (unless the podcast is licensed for private use).

- You cannot sell, swap, lend or give away any later copy to someone else. However you can lend it to a member of your family or household.
- If you sell, swap, lend or give away your original copy of a sound recording you must not keep any copy you have made.
- A business cannot use this exception to make a copy of a sound recording for you unless they have the permission to do so from the relevant copyright owners.
- You are not allowed to upload a copy of a song to the Internet.
- The new exception does not authorise you to remove technological protection measures applied to the sound recording. However many CDs, and all vinyl records, do not have such protection.

Stealing Music and File Trading

Whilst it's fine to use legal download sites where artists get paid for their creative work, or where they have chosen to make their music available for free, there are many illegal sites and P2P file trading programmes which enable users to pass music files around without paying for the privilege. In almost all cases this will be a copyright infringement and will leave you vulnerable to penalties from the University and MIPI (the Music Industry Piracy Investigators).

Music and the University network and computers

The Internet is not anonymous. It is not difficult for investigators to trace illegal activity back to your computer through your IP address.

If you are found to have illegal music files (MP3s or other formats), or to be making available any infringing material (whether audio or visual) you will be in breach of the University's IT regulations, and also liable to prosecution by MIPI - the Music Industry Piracy Investigators - under the Copyright Act. Students in Australian universities have already been charged by MIPI and the Federal Police for these activities, as well as the selling of illegally copied movies.