



MUSIC & MUSIC VIDEO LICENCING

QBLAI & THE COPYRIGHT ACT

THE PLAYING OF MUSIC & MUSIC/VIDEOS AT BLUE LIGHT EVENTS

Up until 2019 there used to be two main bodies that collected fees on behalf of artists for the use of their music & video.

Phonographic Performance Company of Australia – (ppca)

- PPCA provided the sound recording copyright licence. This covered the recorded version of a composition and belonged to artists and their record companies.
- PPCA provided the Cinematographic Film copyright licence. This covered music video clips, which fall within the definition of “cinematographic film” in the Act.

Australasian Performing Rights Association – (apra)

- APRA provided the musical work copyright licence. This covered the composition itself (notes & lyrics) and belonged to songwriters, composers and their publishers.

Queensland Blue Light’s music licencing

- **APRA FEES** - QBLAI had an agreement where we paid a set amount per Branch per year to APRA. This covered the musical work copyright, which is the song itself (notes & lyrics). We only paid for Branches that were active and holding events. A list of these were provided to APRA each year.
- **PPCA FEES** - As a registered charity, QBLAI was exempt from paying the sound recording copyright licence provided by PPCA. This falls under Section 106 of the Copyright Act 1968. We received legal advice in 2009 to this effect, which was passed on to PPCA. We have not paid PPCA fees since.
(Reference Note 1 – Excerpt of Copyright Act 1968)
(Reference Note 2 – McInnes Wilson Lawyers)
- **MUSIC VIDEO FEES** - PPCA have never raised the issue of playing music video clips at our events. The fee for this is calculated based on the screen size used. There was a loophole in the legislation, where if you were using a projector to show the clip, you could quote the size of the screen inside the machine as your screen size. Hence it may only be 1 – 2 inches, even though you are projecting the image onto another surface at an inflated size. This is still an expensive licence, with the lowest fee for the smallest screen size over \$500.00.
- **PURCHASE OF MUSIC FOR COMMERCIAL USE** - Even though we paid APRA fees, and were exempt from PPCA’s sound recording fees, we still had to purchase our music through a source that is licenced to sell music for commercial use. QBLAI is still classed as a commercial entity despite being a registered charity. Branches were advised to purchase their music or music videos through Visual Sounds, who have the correct commercial licencing.



- **WHY WE CAN'T USE ITUNES** - QBLAI cannot legally use any music purchased online through iTunes, or taken from CD's etc. This music is sold to the end user, and intended for personal use only. As a personal user you can copy it and put it on multiple devices, as a business you can do none of this. The music acquired through Visual Sounds is not technically sold to us; it is basically hired to us on a permanent basis. The music in one form or another always belongs to the originators. The term 'sale' implies a transfer of rights which cannot happen with a commercial entity.
- **HIRING A DJ** – DJs should technically be paying for their own APRA & PPCA licences. Apparently APRA simply can't be bothered to chase mobile DJs, as they consider them too 'small' and not worth the hassle. However, if we hire a DJ that doesn't have licencing, it is unclear whether we then become responsible for it or not. Further investigation needs to be done into this issue.

(Reference Note 3 – Further Advice Needed)

IN 2020 APRA & PPCA MERGED TO FORM 'ONEMUSIC'

This merger was intended to simplify the licencing process. Onemusic have been provided with the details of all operational Blue Light branches, the usual number of patrons that attend events and the location of those events. There is a chance that we may be exempt from paying any fees in council owned premises, as they are negotiating a blanket licence to cover them all over Queensland.

Blue Light is yet to receive a quote for a new music licence, or advice around our possible exemption in council owned premises.

24/2/2021 - Onemusic have been advised that branches are about to recommence events in 2021 after the forced shutdown caused by COVID in 2020. Branches will be advised as soon as we have additional information. In the meantime, please operate under the pre-existing APRA requirements.