

music copyright guide for schools



School is often the starting point of a lifelong love of music for musicians and songwriters

While the Copyright Act allows for certain uses of copyright material when used in the course of education, often schools want to use music in ways that fall outside of these allowances.

The OneMusic Schools Licence 'tops up' the rights provided to schools under the Copyright Act, allowing schools to make the most of music.

This guide is designed to give teachers an overview of both copyright and the OneMusic Schools Licence.



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WHAT IS COPYRIGHT?

Copyright is the cornerstone of creativity, and is the foundation on which artists can build their careers. The New Zealand Copyright Act, in line with similar statutes throughout the world, determines how original works can be used, providing a framework that balances both the access to copyright material, and incentives for those who create it.

Copyright protects a range of original works - including musical works, sound recordings, artistic works, literary works, broadcasts and films, creating a number of exclusive rights to the creators of those works.

In the case of musical works and sound recordings these include the exclusive right to:

- publicly perform the musical work or sound recording;
- reproduce the musical work or sound recording;
- publish the musical work;
- communicate the musical work or sound recording; and
- adapt (change) the musical work.

In addition to these exclusive rights, the Act acknowledges the needs of society (and educators specifically) by creating specific exceptions to the exclusive rights above. To use copyright works in education the use must either be included in one of the exceptions to the rules or covered by a licence.

Copyright protects an idea from the moment

it is written down or recorded in any form - creators do not need to register the song, composition or recording in order to be protected by copyright. A musical work is in copyright from the moment it is written down or recorded until 50 years after the death of the creator. A sound recording is protected for 50 years from the end of the year in which it was released.

HOW CAN SCHOOLS USE MUSIC UNDER THE COPYRIGHT ACT?

Under the Copyright Act, educational establishments can copy entire musical works for educational purposes, provided they are making only one copy of a work in preparation for use within the course of instruction. The Copyright Act grants educational establishments limited rights to both copy and perform music when used in the course of education.

Otherwise it can make multiple copies but only up to 3% or three pages of a work.



An educational establishment can perform, play, or show a musical work in the course of its activities but only to an audience of students or staff. Any other audience, including parents, makes the performance a public performance and requires a licence.

Students can also use a musical work for their own research or private study under the fair dealing provisions of the Copyright Act, but in this instance it only applies to the student themselves and any dealing with the work must be fair.

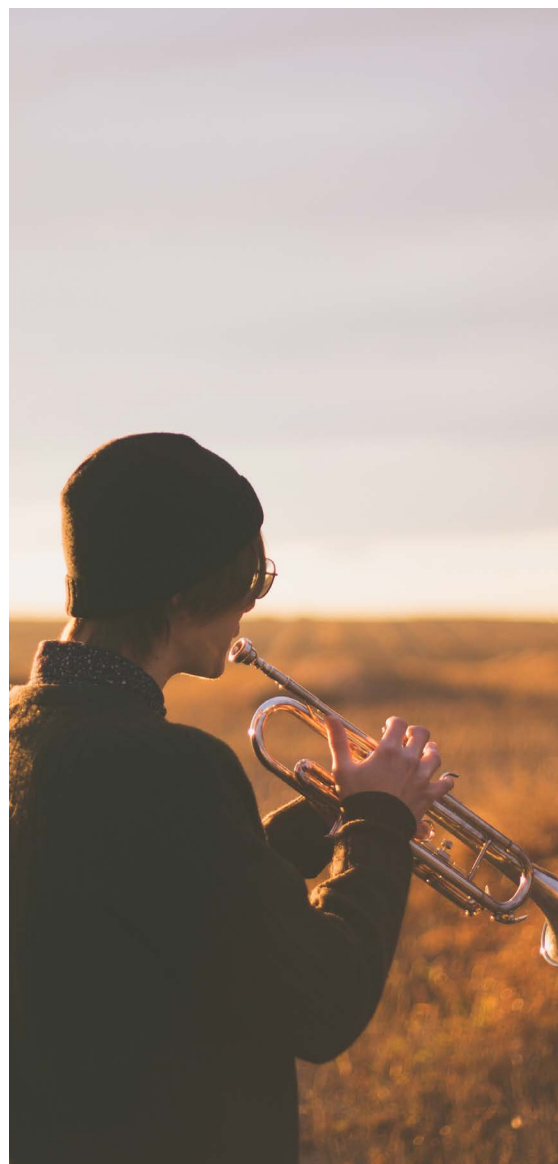
Frequently schools need to use music outside of these provisions. Some uses that fall outside these provisions include using music as a part of public performances, at school fundraisers, online, as music on hold, at open days and at sporting events.

The OneMusic Schools licence enables schools to use music in these ways and more.

WHO IS ONEMUSIC?

OneMusic is a joint initiative between two non-profit organisations that administer music rights in New Zealand, APRA AMCOS - who represent songwriters, composers and music publishers - and Recorded Music New Zealand (RMNZ) - who represent owners of sound recordings (usually recording artists and record labels).

Rather than deal directly with the thousands of businesses and organisations that want to use their music, through APRA AMCOS and RMNZ music creators appoint OneMusic to look after certain rights (granted to them under the Copyright Act) on their behalf.



Through the assignment of these rights, OneMusic are able to issue comprehensive licences on behalf of their members that give schools the permission they need to use music in the way that they need to. Through reciprocal agreements with similar organisations around the world, the OneMusic Schools Licence grants schools permission to use virtually all commercially released music from anywhere in the world.

Both APRA and Recorded Music NZ are non-profit member organisations, which means that after administration costs all licence fees collected are paid to music creators as royalties.

THE ONEMUSIC SCHOOLS LICENCE

Alongside Copyright Licensing New Zealand (CLNZ) and Screenrights, OneMusic has partnered with the NZSTA to create the Read More, Hear More, See More licensing initiative.

The Read More, Hear More, See More licences supplement the rights afforded to schools under the Copyright Act when using print material, music and screen content. The licences are based on a per-student rate per annum, and schools can choose to take out one, two, or all three licences depending on how they use copyright material.

The OneMusic Schools Licence (Hear More), gives schools the freedom to perform music at concerts, fundraising and social events, make recordings of performances for students and their families, create and copy digital music files for use in lessons, stream events from the school website, and extends photocopying allowances for sheet music.

The OneMusic Schools licence is administered through the NZSTA. To obtain a licence visit www.getlicensed.co.nz or call **0800 663 486**.



PLAYING & PERFORMING MUSIC

The OneMusic Schools Licence covers the 'public performance' of live or recorded copyright music.

A public performance is defined as any performance to an audience outside of the students or staff, such as parents or the general public.

These performances can be for educational purposes or at any event connected with the activities of the school.

The OneMusic Schools Licence allows schools to :

- Host concerts for parents and friends;
- Host fundraisers, either on or off the school premises. (NB: Strictly all proceeds must go back to the school);
- Play music at school balls and discos, either on or off the school premises;
- Play music at prizegivings, either on or off the school premises;
- Play music at school open days;

- Play music as a part of performing arts evenings (NB: If you are using dramatic elements, see the Dramatic Context section);
- Produce school musicals (there are however a number of restrictions when using music in a musical, see the Dramatic Context section);
- Participate in events such as the Big Sing and kapa haka competitions;
- Operate a Low Power FM radio station;
- Use music on the school telephone system when callers are on hold;
- Play music embedded in films (you will also need a licence from the Motion Picture Distributors Association for the rights to play the film)

LIMITATIONS ON PERFORMANCES UNDER THE ONEMUSIC SCHOOLS LICENCE

It is important to note that the OneMusic licence does not cover performances for the purpose of making a profit. When there is a charge for admission, strictly all proceeds must go back to the school, or be for cost recovery only. An APRA event licence is required for all performances conducted for profit.

For information on performances outside your OneMusic Schools Licence contact our team on 0800 800 663 or info@onemusicnz.com

USING WORKS IN A DRAMATIC CONTEXT

If you are performing a school musical, it is important to determine if it is a Grand Right Work or a work in a Dramatic Context.

Grand Right Works – Means works where the music and lyrics were written expressly for use in that context (e.g. Any Dream Will Do was written only to be used in the musical Joseph and the Amazing Technicolour Dream Coat and no other context).

If you want to perform a copyright Grand Right Work you need the permission of the copyright owner to do so. This permission is not covered under the OneMusic Schools Licence.

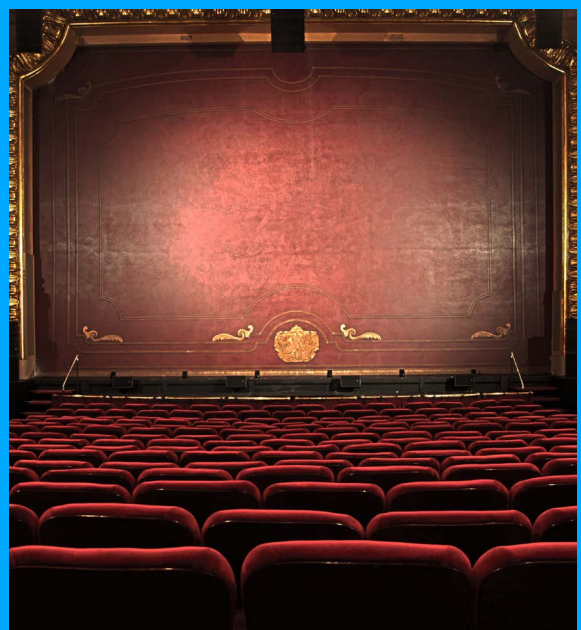
Works in a Dramatic Context – Means the performance of musical works: a) in conjunction with a presentation on the live stage that has: (i) a storyline (ii) one or more narrators or characters; or b) as a Ballet.

For example, a school-written narrative, which is performed as a “musical” using popular works as the musical accompaniment would be considered Dramatic Context.

With a OneMusic Schools licence primary and intermediate schools are able to perform works in a Dramatic Context without limitation.

It's important to note that under the OneMusic Schools Licence secondary schools are not permitted to perform works in a Dramatic Context. Secondary schools wanting to perform works in a Dramatic Context need to obtain an APRA licence for this use. Please contact APRA to discuss using music in theatrical productions in secondary schools.

www.apraamcos.co.nz/music-customers/licence-types/theatre/



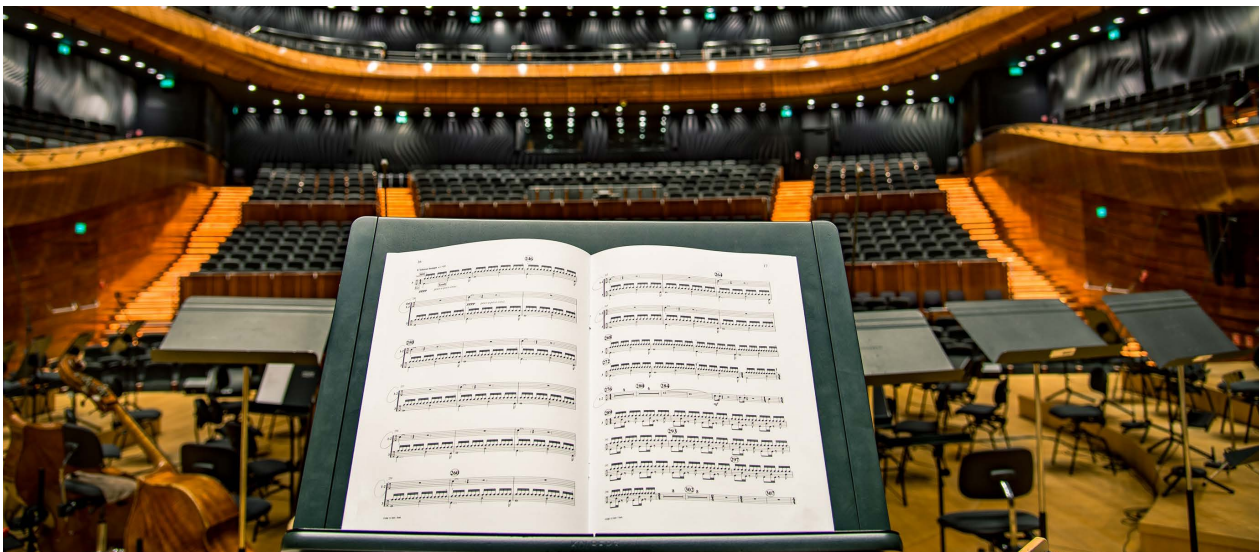
MAKING PHOTOCOPIES OF MUSIC

The OneMusic Schools licence essentially ‘tops up’ the allowances granted to schools to copy print music under the Copyright Act.

Under the Copyright Act, educational establishments can copy entire musical works for educational purposes, provided they are making only one copy of a work in preparation for use within the course of instruction. The Copyright Act also grants educational establishments the right to make multiple copies, but only up to 3%, or three pages of a work. Any copying outside of these allowances requires the permission of the copyright owners (a licence).

The OneMusic Schools licence grants schools the freedom to make as many copies of an original as is required for the members of a class, ensemble or congregation. It also grants schools the rights to make both physical and digital copies of print music.

It’s important to note that the OneMusic schools licence does not grant schools the rights to copy Grand Right Works (for example, musicals such as Les Miserables, The Phantom of the Opera and Cats). These rights need to be cleared with the publisher directly – please **contact us** if you would like help contacting the copyright owners of a Grant Right Work.



LENDING COPIES

Copies should not be lent to anyone except students or staff members of the school. It is important to remember copies are the property and responsibility of the school that makes them. Copies cannot be used by parents.

MAKING TRANSCRIPTIONS AND TRANSPOSITIONS

The OneMusic Schools Licence allows you to make both transcriptions of the lyrics and melody line, and transpositions of the score beyond the allowances of the Copyright Act. It's important to note that you cannot transcribe a song by ear and notate it, you must buy the original score first and transcribe from that.

LIMITATIONS ON PHOTOCOPYING UNDER THE ONEMUSIC NZ SCHOOLS LICENCE

Arrangements, adaptations, debasements or variations to a copyright musical work require the permission of the copyright owner. This also applies if you are changing or adding lyrics to a work.

This licence does not cover photocopying for external exams or by private music teachers or peripatetic tutors who operate out of the school. These kinds of photocopying are not covered by any blanket licence and need to be licensed directly through the copyright owner.

You cannot copy Grand Right Works (musicals such as Les Miserables for example) under this licence. You should use scores provided to you in the performance package from the copyright owner. For assistance in finding the owner of certain musicals, **email us**.

If the way you want to use music doesn't fall under the OneMusic Schools Licence, we can help put you in touch with the copyright owner. Email a list of composer/arranger/lyricist and title details to **info@onemusicnz.com** for more information.



USING & MAKING RECORDINGS

The OneMusic Schools Licence was developed to cover the use of both audio and audio-visual resources in schools. It gives teachers the right to make audio and video recordings which they can then copy and distribute to students or upload to the school's intranet system.

AUDIO RECORDINGS

Under the OneMusic Schools licence, schools are permitted to make audio recordings of music that is intended to be played at a school event, is of a school event, is for students to analyse as part of a course of instruction, or is for inclusion in an electronic presentation. If making recordings of recorded music, the copy must be made from an original (downloaded from an online music store, copied from an original CD etc).

In this circumstance recordings can mean existing commercial sound recordings or recordings of performances made by the school, for example recording the school choir.

VIDEO RECORDINGS

The Copyright Act allows schools to make video recordings of school events, recordings that are to be played at school events and recordings for educational purposes in a course of study.

In addition to these allowances the OneMusic Schools Licence allows parents of students or other members of the school community to make video recordings of school events for their own private and domestic use.

LIMITATIONS ON MAKING AND USING VIDEO RECORDINGS UNDER THE ONEMUSIC SCHOOLS LICENCE

It's important to note that OneMusic Schools Licence **does not** permit students, teachers or schools to upload Video Recordings to the Internet (other than a password-protected section of the school website).

In addition to this limitation, the licence does not allow students, teachers or schools to enter Video Recordings in festivals, competitions or any other public screenings.

To use music included in video recordings in either of the ways listed above a synchronisation licence is required from the copyright owners of both the works and sound recordings. Contact us if you would like assistance locating copyright owners.

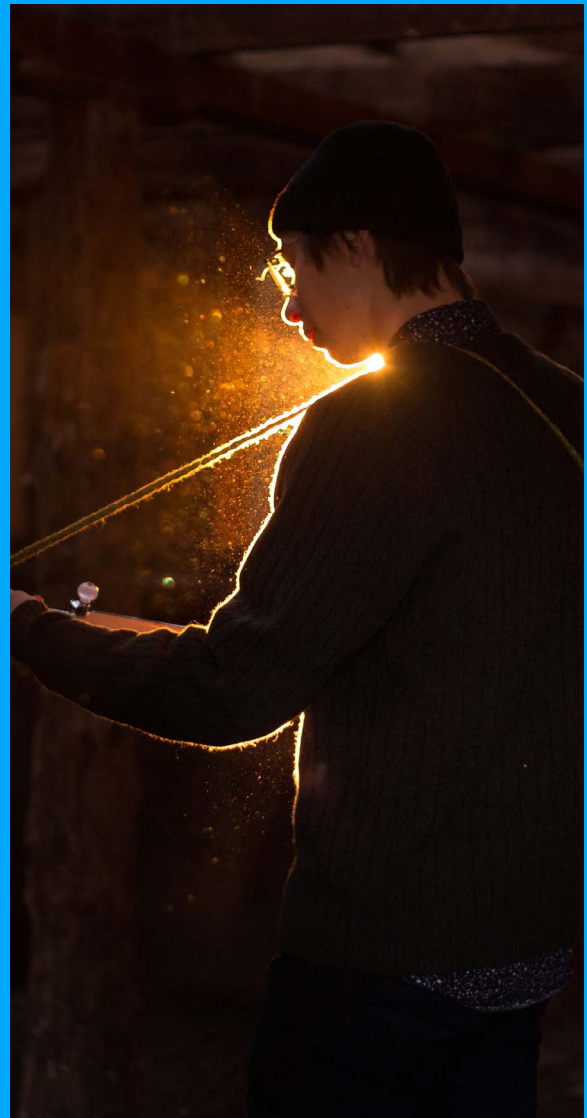
SELLING RECORDINGS

Under the licence schools are permitted to supply recordings either to the school community for their own private and domestic use, or to other schools covered by this licence for their educational purposes. They can supply these recordings to students or other schools either for no charge or to recover costs. If you are providing the recordings for profit, further licensing and copyright permission will be required.

Any copy of a recording that you make needs to have the following notice on it:

This recording has been made under a licence from OneMusic New Zealand for educational purposes only; and

- (i) [the title of the musical work];
 - (ii) [the name of the composer and arranger of the musical work];
 - (iii) [if the recording contains a Recorded Music NZ Sound Recording, the artist/ group name and the record company label].
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Please note that no advertising or promotional material may be on the recording or its packaging.

Schools may retain a copy of their recordings for archival purposes.

THE SCHOOL INTRANET

If your school has a password protected intranet server (content repository), the OneMusic Licence will cover you to upload both audio and audio-visual recordings made under the conditions above to that server for remote access by staff, students and distance education students.

USING MUSIC ONLINE

The OneMusic Schools Licence gives certain provisions to schools to use music online.

THE SCHOOL WEBSITE

The OneMusic Schools Licence allows schools to publicly live stream events on their website, and to upload and host music and recordings on password protected areas of the school website.

This includes:

- Uploading and hosting AV recordings of events, ceremonies, performances, and *theatre productions to a password protected area of the school website;
- Public live streaming of events, ceremonies, performances, and *theatre productions on the school website;
- Live streaming of a school radio station (the station must not include advertising or sponsorship);
- Playing a selection of music as website background music.

*Excluding Grand Right works (Cats, Phantom of the Opera etc), unless specified in the licence the school has with the publisher directly. Including secondary schools, provided they obtain a Dramatic Context Licence for the production.

LIMITATIONS ON USING MUSIC ONLINE UNDER THE ONEMUSIC SCHOOLS LICENCE.

While the OneMusic Schools Licence allows schools to use music on their own website, it is important to note that it **does not** give schools permission to upload music or AV recordings directly to third party websites, including video websites (e.g. Youtube) or social media websites (e.g. Facebook, Instagram, Snapchat).

If you wish to upload content to publically accessible third party websites you must first obtain a 'synchronisation' licence from the copyright owner(s). While the OneMusic Schools Licence allows schools to stream and host music and video recordings on their own website, it does not give schools permission to offer music or video recordings as a download.

The OneMusic Schools Licence does not give schools permission to upload or host music and recordings to public areas of the school website.

If you wish to use music in ways that fall outside of the allowances of the OneMusic Schools Licence, email **info@onemusicnz.com** for assistance in contacting copyright owners.

ADDITIONAL LIMITATIONS ON THE ONEMUSIC SCHOOLS LICENCE

Public broadcasts Contact us if you plan to publically broadcast a recording.
Email info@onemusicnz.com.

Making material available for download
If you plan to upload to the internet recordings for download you will require an additional licence. Email info@onemusicnz.com.

Recording a Grand Right Work You will need permission from the copyright owner. It is advised you talk to the company you purchased the performance rights from regarding recordings of the show.

Remixing, sampling, segueing This requires publisher permission. Permission from the copyright owner of the sound recording is also required. Email info@onemusicnz.com.

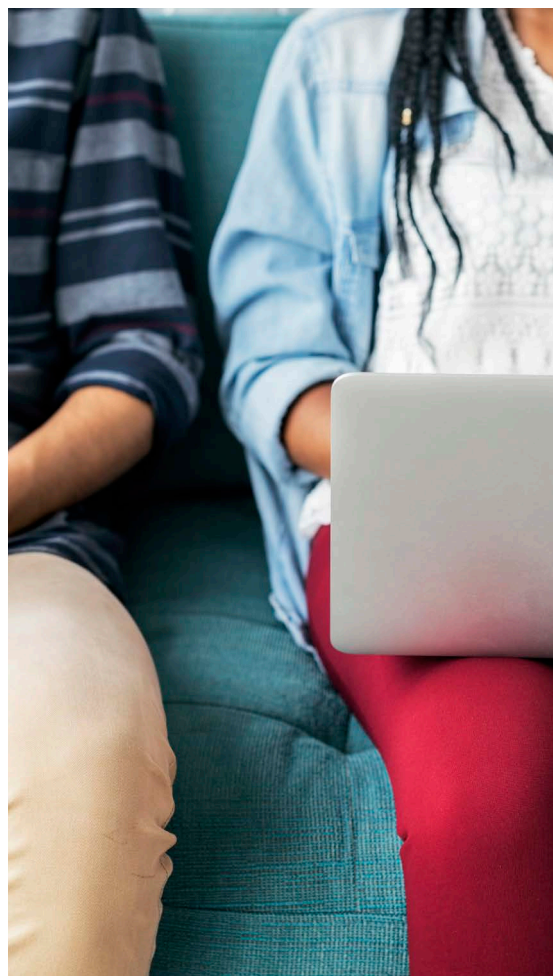
Recording a ballet Direct permission from the copyright owner is required.

Choral Works For the recording or performance of large choral works of more than 20 minutes duration, direct permission from the copyright owner is required.

DISTRIBUTION OF LICENCE FEES

After administration fees, all licence fees collected for the OneMusic Schools Licence are distributed to music creators as royalties. These licence fees are distributed based on information we collect from schools regarding the music they use.

To assist in our distribution process we may request information from you regarding the music used in your school. You can also contact us directly if your school would like to participate in our distribution sample.



QUICK REFERENCE GUIDE

Below is a checklist of activities allowed under the Copyright Act compared with the allowances under the OneMusic Schools Licence. This is a reference guide, and should be read in conjunction with the other information included in this guide.

ACTIVITY	COPYRIGHT ACT	ONEMUSIC LICENCE
Public performances of music associated with school activities, either on campus or off campus to an audience of students and staff.	✓	✓
Performing musical works in a Dramatic Context to an audience of exclusively students and staff.	✓	✓
Making photocopies and transcriptions of print music, less than 3%, or 3 pages.	✓	✓
Public performances of music associated with school activities, either on campus or off campus to an audience other than students and staff (e.g parents and the general public).	✗	✓
Primary and Intermediate schools performing musical works in a Dramatic Context to an audience other than students and staff (e.g parents and the general public).	✗	✓
Making photocopies and transcriptions of print music, more than 3% or 3 pages.	✗	✓
Digital reproduction of print music (more than 10%) – scanning physical print music and/or sharing digital files of print music	✗	✓
Recording a school performance and distributing copies within the school community.	✗	✓
Publicly live-streaming a school performance on the school website.	✗	✓

ACTIVITY	COPYRIGHT ACT	ONEMUSIC LICENCE
Hosting a recording of a school performance on a password protected area of the school website.	×	✓
Making digital or physical copies of sound recordings for performance, instruction or electronic presentation.	×	✓
Playing the music embedded in films for entertainment (e.g. rainy lunch time, bus trips, fundraising movie nights).	×	✓
Playing background music at school fairs, fundraisers, art auctions, and PTA meetings.	×	✓
Using hold music in the school telephone system.	×	✓
Secondary schools performing musical works in a Dramatic Context to an audience other than students and staff - separate licensing required.	×	×
Performing or photocopying more than three songs from a Grand Right Work or a choral work greater than 20 minutes duration – separate licensing required.	×	×
Photocopying print music for individual instrumental / vocal tuition (even if lessons occur at school), with the exception of music required for a school or Board of Studies examination.	×	×
Photocopying print music for external examinations.	×	×
Photocopying more than 10% or one chapter of tutor books, technical workbooks and learn-to-play books.	×	×
Making print arrangements that alter the nature of the work (eg. changing harmonies, lyrics or instrumentation) or mash-ups of sound recordings - permission of copyright owner(s) is required.	×	×

CONTACT ONEMUSIC

If you have any questions about your licence, or whether the way you want to use music falls within the scope of the OneMusic Schools Licence contact us on **info@onemusicnz.com** or 0800 800 663.

Other useful contacts

APRA AMCOS

0800 69 2772

www.apraamcos.co.nz

NZSTA (New Zealand School Trustees Association)

0800 782 435

www.nzsta.org.nz

Screenrights

0800 44 2348

www.screenrights.org

Recorded Music NZ

0800 88 77 69

www.recordedmusic.co.nz

Copyright Licensing NZ

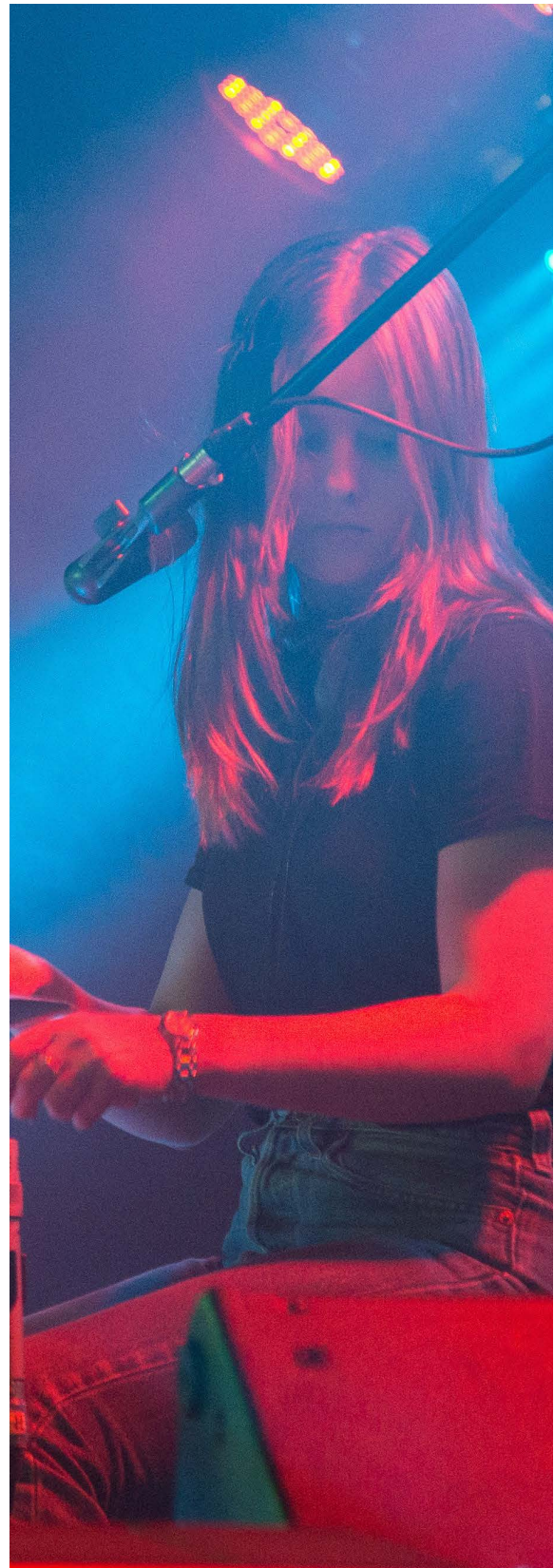
0800 480 271

www.copyright.co.nz

Motion Pictures Distributors' Association

09 361 4941

www.mpda.org.nz



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