

## APRA Dramatic Context Licence

### Key Points:

- A new definition for the APRA Dramatic Context Licence came into effect on 1 January 2018.
- Under these changes, shows that portray a *'storyline'* and have *'one or more narrators or characters'* will be required to attain a Dramatic Context Licence to be licensed by APRA. This may include shows that were previously licensed under a music event or concert licence.

LPA has been in extensive consultation with the Australasian Performing Right Association (APRA) regarding its review of the Dramatic Context Licence.

APRA has now finalised changes to the definition and licensing of Dramatic Context ("DC") works, which came into effect on 1 January 2018.

### 1. What are the changes?

#### New definition

Under these changes, shows that portray a 'storyline' and have 'one or more narrators or characters' will be required to attain a DC Licence to be licensed by APRA. This may include shows that were previously licensed under a music event or concert licence.

- **NEW definition from 1 Jan 2018:** *Dramatic Context means the performance of musical works*
  - a) in conjunction with a presentation on the live stage that has: (i) a storyline; and (ii) one or more narrators or characters; or
  - b) the performance of musical works as a ballet.

#### New Fee Conditions

The licence fee rate has not changed. However, APRA has introduced the following changes:

- Shows with a Gross Box Office Estimate of **under \$20,000 per season** will NOT be subject to individual song clearance requirements (subject to conditions).
- **Minimum fees** per work and per show season have been introduced. These fees are tiered depending on Gross Box Office.

Please refer to the [Dramatic Context Guide \(available here\)](#) and [FAQ's \(available here\)](#) for further information on how the new definition will be applied and changes to the licence fee conditions.

### 2. Are there transitional arrangements?

**YES.** APRA has agreed to our request for phase-in conditions for existing shows currently licensed as concerts or events which will be affected by the change in the Dramatic Context definition. These shows will be treated under the existing definition of Dramatic Context for the 2018 calendar year, if satisfactory evidence is given to APRA that performances for 2018 have been booked.

These events:

- Will NOT be subject to individual song clearance requirements, and
- Will be charged a licence fee the greater of 4.4% GBO pro-rated (incl. GST) or \$16.50 per work. Taking into account that the DC Licence is pro-rated and music event licences are not, a DC show with 70% music use will effectively be charged a licence fee of 3.08% of GBO. The concert licence rate for 2018 is 2.2%.

### **3. What has LPA's response been to these changes?**

- Throughout our consultation with APRA, LPA strongly warned of our concerns, as informed by our Members, of the potential negative impact that the revised Dramatic Context definition may have on presenting shows in Australia. We have continued to insist that the Dramatic Context Licence needs to provide clarity, certainty and consistency to licensees.
- Now that the revised Dramatic Context Licence has been finalised LPA will continue to maintain our strong involvement in working to ensure that the implementation of the Licence is clear, workable and fair to both copyright holders and licensees.

### **4. What should LPA Members do if they have any questions or concerns?**

- We strongly encourage you to contact LPA to discuss any problems you expect to arise or have already arisen due to these changes via the contact details below. You can learn more about avenues for resolving copyright complaints or disputes [here](#).
- You are also welcome to contact APRA directly by emailing [theatre@apra.com.au](mailto:theatre@apra.com.au).

#### **For more information**

**Should you have any queries, concerns or feedback with regard to APRA's Dramatic Context Licence, please contact LPA email at [info@liveperformance.com.au](mailto:info@liveperformance.com.au) or phone 03 8614 2000.**