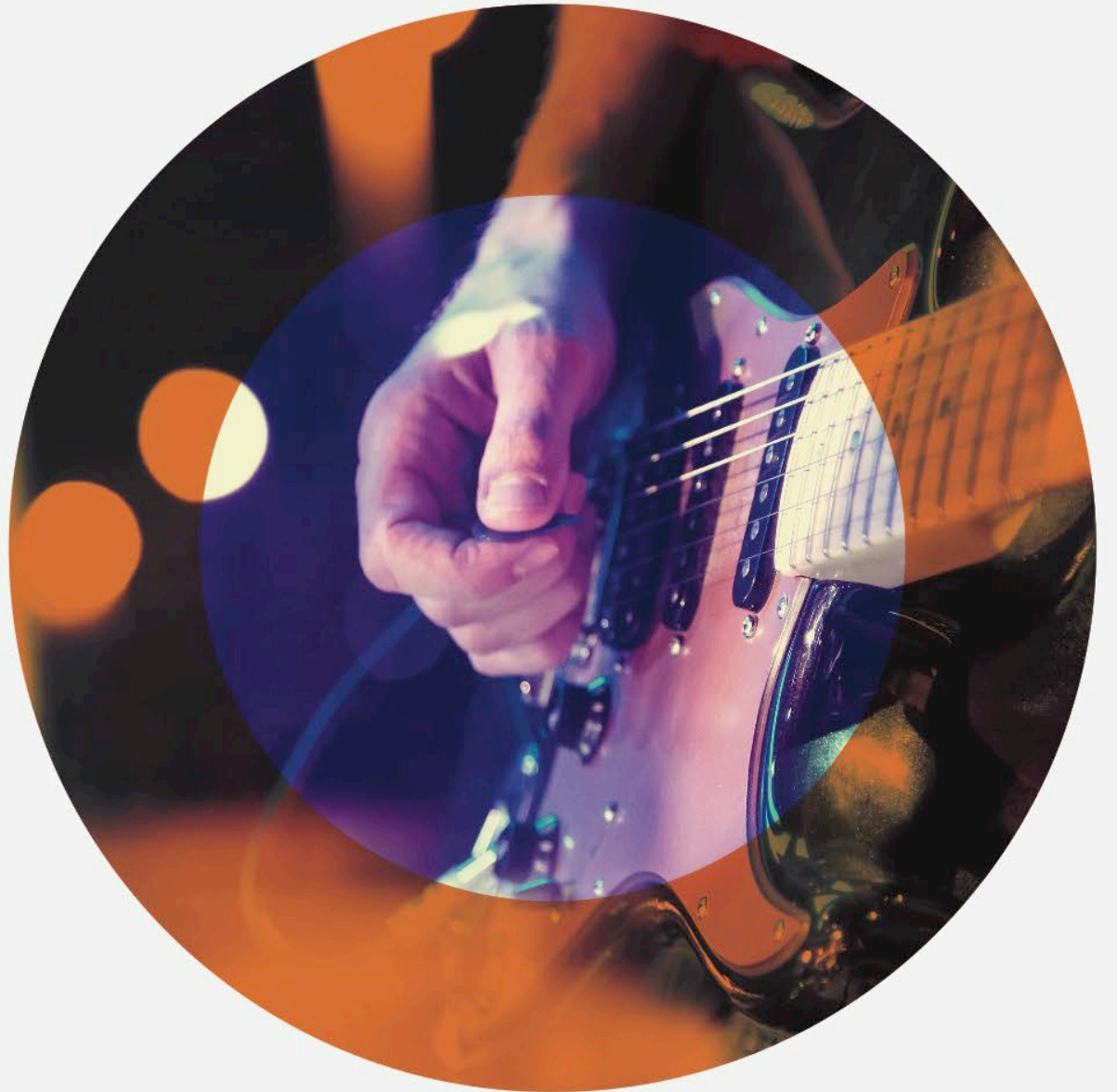


**ONE MUSIC.**  
**ONE LICENCE.**

**OneMusic**  
AUSTRALIA

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# Changes to Dramatic Context

## Summary of Proposed Changes

November 2019

# Background

- APRA licenses concerts and events under its input agreement with its members
- Dramatic Context rights are excluded from the input agreement
- APRA seeks an agency appointment from its members to license music into theatrical and dance shows for Australia and New Zealand

# Dramatic Context Definition

**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) as a Ballet.

**Ballet** means a choreographic work having a story, plot or abstract idea devised or used for the purpose of interpretation by dancing and/or miming. Ballet does not include country or folk dancing, tap dancing or precision dancing sequence.

# Background...continued

Music in Theatre is treated differently internationally.

- a. U.S. and Canada: DC is licensed directly by music publishers
- b. UK has Dramatic Rights included in its input agreement and publishers/writers notify PRS if they wish to directly license their works.

# What is a storyline?

A **storyline** is a chain of events (whether factual, fictional or a combination of both), told in an interrelated sequence or arc (presented *in* or *out* of chronological order) within a show (even if the storyline is not written down).

In other words, the portrayal of a cohesive plot of events with a beginning, middle and end (even if the portrayal of events is not in chronological order) about one or more characters or events.

This may include the story of the life or work of a particular composer, artist or other music figure or event.

# What is not a storyline?

Any of the following would not constitute a storyline on their own:

- The expression of a theme, idea or topic;
- Anecdotes or ad-libs between the performance of songs, or;
- A planned sequence of song performances.

# What is a character?

A **character** is any person, animal or figure represented in a literary work.

# What is a narrator?

A **narrator** tells a story, live or recorded. The narration can be in the first or third person.



# Changes: Venues 500 capacity and under

1. Box office thresholds to venue capacity
2. Base agency appointment:

Except for Owner Restricted and Go Direct, APRA AMCOS can license works or shares it represents made available by publishers and non-published songwriters immediately.

Publishers can also activate the conditions of:

- Controversial themes

- Biographical show

- Where more than two works from the same songwriter are used.

## Owner Restricted List

Songs and compositions not available for use in Dramatic Context.

## Go Direct List

Songs and compositions that **may** be available for use in Dramatic Context and the Publisher/songwriter **will review** licensing direct with the show's producer.

# No Owner Referred List

To ensure that OneMusic can immediately license works into a Dramatic Context, there will no longer be a 'clearance' process undertaken.

If works are **Owner Restricted**, they are **unavailable** for use in a Dramatic Context.

If works are **Go Direct**, OneMusic will give you the publisher details and you can **negotiate directly** with the publisher/songwriter.

Where a publisher hasn't given us any Agency Appointment (such as Universal Music and Hal Leonard) the works are Go Direct.

If the publisher has activated the Controversial Themes, or the Biographical Show or the Potted Production definition for a work, OneMusic will notify you and you will be required to contact the publisher directly to negotiate the fee.

# Changes: Fringe and Cabaret Festivals

Publishers will supply lists of Owner Restricted and Go Direct works for named Fringe and Cabaret festivals. All other works will be made available for licensing immediately.

Publishers can also activate the conditions of:

- Controversial themes
- Biographical show
- Potted Productions where more than two works from the same songwriter are used.

# Changes: Fringe and Cabaret Festivals

## Named Fringe and Cabaret Festivals

Sydney Cabaret Festival (NSW)

The Sydney Fringe (NSW)

Electrofringe (NSW)

Darwin Fringe Festival (NT)

Queensland Cabaret Festival (QLD)

Adelaide Cabaret Festival (SA)

Adelaide Cabaret Fringe Festival (SA)

Adelaide Fringe Festival (SA)

Fringe at the Edge of the World (TAS)

Bright Cabaret Festival (VIC)

Melbourne Cabaret Festival (VIC)

Melbourne Fringe Festival (VIC)

Fringe World, Perth (WA)

New Zealand Fringe Festival (NZ)

Dunedin Fringe Festival (NZ)

Nelson Fringe Festival (NZ)

Auckland Fringe Festival (NZ)

Auckland Live Cabaret Festival (NZ)

# Definitions

## **Biopic/Biographical Productions/Shows:**

A show that tells the story of the life of a particular composer, artist or other music figure or event.

## **Controversial Themes:**

The depiction of strong violence, sexual abuse, political themes, or derogatory treatment of the work or artist.

More than two works by the same composer.

# Changes: Venues capacity over 500

Publishers can get OneMusic to license works performed in venues with a capacity over 500. They can supply a different list of Owner Restricted and Go Direct works. All other works or shares of works that OneMusic can represent will be made available for licensing immediately.

Publishers can also activate the conditions of:

- Controversial themes
- Biographical show
- Where more than two works from the same songwriter are used.

# Licence Fees for APRA Works

	Go Direct or Owner Restricted list applies?	Fee for APRA Works (excluding GST for AU & NZ)										
<b>Primary Schools</b> <b>OR</b> <b>Secondary Schools where shows fall within the limits of the schools blanket licence</b>	No	Licence arrangements and fees are covered by the <a href="#">schools blanket licence</a> and there are no further licence fees or clearances required.										
<b>Any show where the venue capacity is 500 or under</b> <b>OR</b> <b>Secondary Schools where shows don't fall within the limits of the schools blanket licence.</b>	Yes	Licence Fee is the greater of: <ul style="list-style-type: none"> <li>• 6% of Gross Box Office <b>pro-rated</b>;</li> <li>• \$15 per work; or</li> <li>• minimum fee per show season or tour licence – see table below.</li> </ul>										
<b>Any show at a named Cabaret or Fringe Festival</b>												
<b>Any show where the venue capacity is over 500</b>												
		<table border="1"> <thead> <tr> <th>Gross Box Office</th> <th>Minimum show season or Tour Fee (excluding GST for AU &amp; NZ)</th> </tr> </thead> <tbody> <tr> <td>Less than \$100,000</td> <td>\$90</td> </tr> <tr> <td>\$100,000 - \$499,999</td> <td>\$250</td> </tr> <tr> <td>\$500,000 - \$999,999</td> <td>\$500</td> </tr> <tr> <td>\$1,000,000 and above</td> <td>\$1,000</td> </tr> </tbody> </table>	Gross Box Office	Minimum show season or Tour Fee (excluding GST for AU & NZ)	Less than \$100,000	\$90	\$100,000 - \$499,999	\$250	\$500,000 - \$999,999	\$500	\$1,000,000 and above	\$1,000
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\$1,000,000 and above	\$1,000											

The conditions and licence fees are the same for both Australia and New Zealand, subject only to the different GST rates of 10% for Australia and 15% for New Zealand. The rates quoted above are in each territory's local currency and exclude GST.



# Grand Rights

**Grand Rights** include shows such as operas, operettas, oratorios, musical plays, revues and pantomimes for which the music has been specifically written. Stage musicals such as *Phantom of the Opera*, *Wicked*, *The Book of Mormon*, or *West Side Story* for example, have to be licensed by the relevant music publisher or agent.

Cinematic musicals such as Disney's *The Lion King*, or *Mary Poppins*, are also dramatico-musicals when adapted for the stage and narrative concept albums such as The Who's *Tommy* or *Pink Floyd's* *The Wall* are also Grand Right works when performed on the stage.

# OneMusic Australia

OneMusic Australia is a joint initiative between APRA AMCOS and PPCA. It protects the value of music for both the copyright in the original music and lyrics, and the copyright in the recording of that music as well as music videos.

The copyright in the music and lyrics is owned by APRA AMCOS' members (writers and publishers) and affiliate members of other rights management organisations across the world and those rights are assigned to APRA AMCOS to administer.

The copyright in the sound recording and music videos is owned by PPCA's and ARIA's licensors (labels and registered artists) and affiliate members of other rights management organisations across the world and those rights are assigned to PPCA to administer.

# Copyright

There can be many recordings of an original song. Eleanor Rigby was written by John Lennon and Paul McCartney (musical work) and the Beatles first recorded the song (sound recording), and this musical work it has been re-recorded many times by various artists and record companies.

# Royalty Distribution

OneMusic distributes the fees it collects to APRA AMCOS and PPCA, the bodies behind the licensing initiative. Both entities are similar in that, after the deduction of administration and operational costs, all fees collected are distributed to members, licensors or affiliates according to a range of direct data for film screenings, sample data and other data sources for other uses of music.

# PPCA Sound Recordings

In our experience, some but only a limited number of Dramatic Context productions will play music direct from an original sound recording. In which case you should contact the relevant sound recording rights holder (generally the record label) for permission.

Details can be provided by PPCA 02 8569 1111

# Questions?

November 2019

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AUSTRALIA