

Concert & Event Licences

Box Office Events: Licence fees for concerts, featured music events (like dance parties), festivals or events which generate a box office (ie. ticket sales) are generally based on a percentage of gross box office receipts. In all cases a minimum licence fee of \$50 + GST applies.

As part of administering this licence, you must ensure that all performers provide lists of the works they perform and return these to APRA within 30 days of the event. The song lists are important because they allow APRA to identify the composers who should receive royalty payments.

Sporting Events: Recorded music and live entertainment used during the course of a sporting event will also require a licence from APRA. Licence fees vary depending on the nature of performances that occur during the event and are subject to a minimum fee of \$50 + GST.

Corporate and Industry functions: If your event or dinner function is mainly for invited guests, you still need to take out an APRA licence to play copyright music. The licence issued for these types of events may involve collection of performers' song lists depending on the scale of the event, and are subject to a minimum fee of \$50 + GST.

Free Events: If your concert, festival or event is free to the public, you will still require an APRA licence to play copyright music. The licence fee can vary depending on the scale of the event, and will have a minimum fee of \$50 + GST.

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Music in your business

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Music – like good food or good furniture – doesn't just happen. It's created over hundreds or even thousands of hours by songwriters and composers around the world. Every minute of every day, all across the world, music is used in every type of business. Just like a good steak, or a comfortable dining chair; music deserves to be paid for.

Like any other craftsman or artisan, songwriters and composers are entitled to be paid for the use of their work. In New Zealand, this right is protected under the New Zealand Copyright Act (1994); and there are similar pieces of legislation worldwide including the Berne Convention. Copyright protection encourages and rewards creative and intellectual ability.

Exercising copyright law could be a logistical nightmare for music makers and music users alike, if it wasn't for collecting societies like the Australasian Performing Right Association (APRA). APRA provides music users with access to the world's repertoire of copyright protected music. This means you don't have to personally ask Neil Finn, Moby, Anika Moa or Madonna, for their permission to play their music in your business. They've authorised us to give you this permission on their behalf.

In most situations, this means we can issue you with a blanket licence enabling your business to play whatever music you want, when you want, without worrying about whether it's legal or not.

Obtaining a licence is a simple process. The licence fees vary depending on how music is used and the size of your business. For example, a licence for a medium sized café (up to 300 m²) to play CDs, starts at \$96* per annum (incl. GST). Having a licence in place ensures that you have the legal right to play copyright protected music in your business, and you can feel good about the fact that you're not doing a fellow business owner (the songwriter) out of earnings. Your licence fees will be distributed back to the respective songwriters and composers so they will be fairly remunerated for the use of their product, just as you would expect to be.

*Prices correct as at time of printing, April 2008

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“Music relaxes, unwinds, excites and stimulates. The hospitality industry offers just that, a place to go to be influenced by atmosphere, people and above all a mood. Music is an integral part of the offerings at our establishment, and will always be.”

Hannah Dobbie

Owner – Mea Culpa

APRA Licensee since 2005

The **Australasian Performing Right Association (APRA)** collects and distributes licence fees for the public performance and communication (including broadcast) of its members' musical works. Public performances of music include music used in pubs, clubs, fitness centres, shops, cinemas, festivals, whether performed live, on CDs or played on the radio or television. Communication of music covers music used for music on hold, music accessed over the internet or used by television or radio broadcasters.

The **Australasian Mechanical Copyright Owners Society (AMCOS)** collects and distributes 'mechanical' royalties for the reproduction of its members' musical works for many different purposes. These include the manufacture of CDs, music videos and DVDs, the sale of mobile phone ringtones and digital downloads, the use of production music and the making of radio and television programs. Since 1997, APRA has managed the day-to-day operations of the AMCOS business.

You can find out more about APRA|AMCOS at:
www.apra.co.nz




APRA|AMCOS: who we are, what we do

APRA's and AMCOS' joint objective is to secure the fairest and highest level of payments for our members, provide the strongest defence possible of their rights and the best customer service for both our members and our licensees.

APRA|AMCOS: who we are, what we do

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How music can make a difference in your business

The music playing in a business can attract passing customers into a retail outlet or alfresco dining area. What's more, the right music can keep your customers in your business longer, leading to an increased chance of a sale or the purchase of additional items.

Tough competition for the consumer dollar has seen retail and hospitality business owners turn to a variety of promotional mediums, including music, to raise awareness of their business and products.

Creating an image

In many organisations, decisions about using music and about the type of music used have become key components of marketing and promotional strategies. Creating an image, identity or brand can help differentiate your business from others competing in the same market. One of the most cost-effective ways of reinforcing image is by using music. When customers walk into your business, they're not just looking for a product, they're seeking an experience. Research shows that music is a subliminal and critical way of fleshing out that experience and engaging customers emotionally.

Hiding unwanted noise and distractions

Music also acts as a masking agent: it can hide unwanted noise from the back of the kitchen or store room and focus your customers' attention more directly on their experience of your service or product. Traffic or pedestrian noise, if not masked by appropriate background music, can make customers feel rushed and distract them from the products or service you are selling. In hospitality businesses especially, background music provides your customers with a degree of privacy when holding conversations at the bar or dinner table.

Creating the perfect atmosphere

The music you play in your business will help determine whether or not customers enter your establishment, how long they stay and their overall perception and experience. It will be a determining factor in whether they return in the future or recommend your business to colleagues and friends.

"Music plays a large part in how we operate – it's essential to create the fun and inviting atmosphere we want you to experience."

Bert Haines
General Manager –
Winnies Bar & Restaurant
APRA Licensee since 2001

Music research

APRA has reviewed studies by researchers from around the world relating to the way in which music influences business and consumer behaviour. In addition to these international findings, APRA has conducted local research focusing on how music affects consumer behaviour and perception.

What we've found is that music is a relatively cheap, but very powerful business tool which, when effectively matched to other marketing elements of a business, can have a real impact on actual sales. The results consistently demonstrate that music shapes customer behaviour and perception and has an impact on customer spend.

How to get the right licence

step one **Select the right APRA licence to match your business' music needs**

If you haven't already received a licence with this brochure, refer to 'Annual Licences' on page 9 for a quick guide or contact APRA on licencenz@apra.com.au or 0800 692 772 and choose option 2 from the menu - we can help you select the right one.

step two **Complete the licence application form**

All APRA licence application forms are available for downloading from the Music Users section at www.apra.co.nz. Alternatively, contact us and we can send you a hard copy for you to fill in and return to us. If you have any questions about completing the application forms, please call us on 0800 692 772 and choose option 2 from the menu.

step three **Submit your application to APRA**

You only need to apply for your APRA licence once. Once you have a licence, a renewal notice will automatically be sent to you each year for payment of your annual fee. This is when we'll let you know of any changes relating to your licence or use of music.

If you are using music on hold, or playing CDs, tapes or video clips in your business, you may also need a licence from the Phonographic Performance New Zealand (PPNZ). This is because APRA only licences the public performance and communication rights in musical works. PPNZ represents the owners of copyright in sound recordings, namely record companies and recording artists. For more information about PPNZ licences, go to www.ppnz.org.nz or phone 0800 887 769.

What happens if I don't get a licence?

APRA will take all reasonable steps to ensure that you are fully aware of your legal obligations and allow you time to obtain a licence. However, if you continue to use copyright music and fail or refuse to obtain an APRA licence, this may lead to the copyright owner taking legal action against you for copyright infringement and you may become liable to pay damages and costs.

Where does the money go?

The licence fees paid by businesses for the use of radio and background music systems are distributed according to our analysis of radio playlists. APRA regards radio playlists as representative of background music performed in businesses, restaurants and hotels. Commercial radio stations in New Zealand provide APRA with a full census of works broadcast, while community radio is sampled at intervals throughout the year. APRA also receive regular music logs from television stations which are analysed for distribution purposes.

APRA retains a portion of the licence fees received annually to cover administration costs. The remaining amount is returned to music copyright owners in the form of royalty distributions. APRA's administration costs are regularly among the lowest of any copyright collecting society in the world.

FAQs

I've already paid for a CD. Why do I need a licence?

When you buy a CD, you don't purchase the right to perform or communicate the musical works in public. If you want to play music in your business or on your telephone to callers on hold, you must get the copyright owner's permission. This takes the form of an annual APRA licence.

I can play music at home without a licence. How is music used in my business different?

Music played at home, in personal transport, or in hotel rooms is considered to be a domestic use of music and as such is not considered a 'public performance'. Businesses playing copyright music for the benefit of clients and/or staff are publicly performing or communicating the music to the public and so may require a licence from APRA.

I only play music from a foreign country. Do I need a licence from APRA?

Yes. APRA is part of a worldwide network of collecting societies, all of which have reciprocal licensing agreements. This allows APRA to look after New Zealanders musical rights all over the world, and the rights of overseas songwriters and composers in Australia and New Zealand.

APRA already licenses radio stations for their music broadcasts. Why is another licence needed to play the radio in a business?

Songwriters and composers have a number of separate rights under the Copyright Act to enable them to make a fair financial return on their work. They have the right to authorise the broadcast of their music – hence the APRA licence for radio stations to broadcast copyright material – and, quite separately, the right to control the public performance and communication of their work by radio, TV or any other means. Businesses playing copyright music by radio or TV are giving a public performance and those who use music on hold are authorising a communication to the public. Both uses require an APRA licence.

More information To find out more about:

- **APRA | AMCOS**
go to www.apra.co.nz or Tel 0800 692 772
- **PPNZ**
go to www.ppnz.org.nz or Tel 0800 887 769
- **Copyright**
go to the Copyright Council of New Zealand site www.copyright.org.nz or Tel 09 486 6250 or the Copyright Tribunal Tel 04 462 6660.

This section gives you an indication of the types of APRA Music Licences available. Current licence fees are printed on the licence application/s enclosed. Licence applications can also be obtained by emailing licencenz@apra.com.au or by phoning 0800 692 772 and choose option 2 from the menu.

Annual Licences

Background music: When you play music in your business you are authorising a public performance. This includes performances by radio, tape/CD player, television (including free to air, Sky TV, cable channels) or via audio or video jukebox.

Music on hold: For the use of radio, tape, CD or pre-recorded messages and music via a telecommunication system to callers on hold; annual fees vary according to the number of external telephone lines. Licence fees for the use of copyright music on hold are based on the total number of external telephone lines for your organisation.

Live performances: This licence is to cover performances by performers in your business i.e. bands, groups, solo acts. Annual fees are calculated on 2% (plus GST) of gross expenditure on live-artist performers plus 1.5% (plus GST) of gross admission receipts where 'door deals' occur. Annual fees start at \$50.00 (plus GST).

Featured recorded music: To authorise musical performances at the premises by means of featured recorded music selected or pre-programmed by DJs.

Karaoke: For music used at a premises, being a club, hotel, nightclub, restaurant or similar venue by means of recorded music (other than those contained in a coin operated machine), where the music is provided for the purpose of accompanying singing by patrons (Karaoke).

Fitness/Aerobic class: Most gyms use music in some way, for example, during aerobic classes, in the cardio theatre or in their café. APRA has a licence specifically designed for the purposes of using music in a fitness centre. The scheme applies to both Fitness Centres and Fitness Teachers.



Music in the workplace: APRA's licence permits musical works to be publicly performed in the areas of your business where the general public are not admitted. Performances may include (but are not limited to):

- training / presentations / corporate promotion videos
- as background music caused by means of tape or CD players
- the usage of television sets or radio receivers, whether at a work station, in staff recreation areas or other rooms within a business premises
- during conferences, staff parties such as Christmas parties by means of DJ, jukebox or live band
- during gym or aerobic classes provided by an employer for the benefit of employees.

Cinema/Drive-in: For performances of music occurring via the film soundtrack and by recorded means.

Dance classes: This licence covers recorded music used during dance classes.

Hall/Function centre: This licence authorises the performance at a premise (being a hall, function centre or similar venue which is primarily let to third parties for particular functions) during functions held. This licence does not cover functions where the venue is let to an event or concert promoter or events where there is a gross expenditure on live artists which exceeds \$2500.

Church: There are many church activities where copyright music is publicly performed outside of the typical worship ceremony or order of service. Churches, like other organisations playing copyright music in public, require a licence from the copyright owner.

While APRA grants a voluntarily exemption to certain performances of music (ie music used in worship services, weddings, funerals) all other performances will require a licence from APRA.

It is important to note that APRA's annual Church licence does not extend to cover performances of copyright music at events where admission fees are charged or where professional musicians receive a form of payment or honorarium. Churches which hold events that fall outside of the voluntary exemption or the scope of the annual Church licence may require an additional licence and will need to contact APRA to discuss the specific circumstances of their event.

Community performance band, choir, group: For works performed by a community band, performance group or choir, at community functions that do not generate a box office.

Dramatic Context: When a musical work is to be performed in a Dramatic Context i.e.: in conjunction with acting, costumes, scenic accessories, scripted dialogue and other dramatic effects, specific approval must be obtained from the copyright owner. Contact APRA to obtain a licence for a musical work performed in a Dramatic Context, or for a Music in Theatre brochure that further outlines Dramatic Context.

CONTACT APRA | AMCOS

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