

MAKING ADAPTIONS

What's copyright?

When someone creates a piece of music (or a piece of text, a graphic, a photo, a film or anything else that is protected under copyright laws), a whole system of legal rights and obligations come into play. These rights and obligations outline what someone can and can't do with the material.

Who owns the copyright in a piece of music?

There is generally more than one owner of copyright in any given musical track. For example, the song writer who wrote the music owns copyright in the musical works – this copyright is often represented by a music publisher. The maker of the recording (typically a record company) owns copyright in the sound recording.

What rights do the copyright owners have?

The copyright owners have a number of exclusive rights in their work. So, if you:

- make copies of the tracks (including the synchronisation of those tracks with visual images);
- perform music in public;
- communicate the tracks to the public (including broadcast and online use);
- make an adaptation of the work; and
- use 'sample's from the work

You will need to obtain their permission and/or permission from the relevant copyright collecting society.

I want to make an adaptation of someone else's work – how can I do this legally?

You will need to seek permission from the owner of the copyright in the musical work. You can find out who owns the copyright in the musical work by contacting APRA AMCOS on 1300 852 388 , or by emailing mechres@apra.com.au. Further information on APRA AMCOS research service is available at - <http://www.apraamcos.com.au/music-customers/licence-types/research/>

Will I own the copyright in my adaptation?

This will depend on the adaptation and will vary on a case by case basis. In order for the adaptation to be protected by copyright, it will need to be sufficiently original. If the new work is sufficient original, the work may be protected by copyright in its own right, even if it is derived from a pre-existing work.

What about sampling music in a mix CD?

Sampling is the taking of a 'substantial' or recognisable portion of another artist's work – including lyrics, melodies, rhythms and even the recording itself. You have sampled an artist's work if it is still recognisable as that work, regardless of whether you have altered the original excerpt or placed it into a new context. Like copying music, sampling is only legal if you have been granted permission



from both the owner of the sound recording (generally through the Licensing Department of the relevant record company) and the owner of the musical work (through the Music Publisher).

Can I record a cover version of a song?

If you want to record a cover of a song you must get a licence from the owner of the musical and literary works (usually through AMCOS) for the reproduction of those works.

What if my adaption is going to be distributed for free?

Regardless of whether you are making a profit or not from your work, copying or sampling music without the permission of the copyright owners breaks the law.

Need more information?

Music Rights Australia	www.musicrights.com.au	info@musicrights.com.au	(02) 8569 1177
APRA AMCOS	www.apra-amcos.com.au	apra@apra.com.au	(02) 9935 7900
ARIA	www.aria.com.au	Licensing.aria@aria.com.au	(02) 8569 1144