

## COLLECTING SOCIETIES

A summary of what your collecting society is, how it's run and what it does for you.

### GENERAL

First arose in France.

Application of the principle that creative artists have a "right" to receive remuneration for performance and reproduction of their works.

"Sister" organisations are set up in many countries throughout the world - collective strength world-wide to administer and protect rights on a reciprocal basis for each of their respective Members.

**Berne Convention** - copyright rules for all countries who are members of it. Minimum level of copyright protection to be enacted in all Member countries.

International copyright protection led to international affiliations with other collecting societies set up in Member countries.

The Collecting Societies agreed to apply broadly similar rules to their Members and to collect royalties for Members of affiliated Collecting Societies of other countries.

### RIGHTS

Copyright - a diverse bundle of rights

Vary according to whether we are talking about:-

- \* musical works (i.e. the tune)
- \* literary works (the lyrics)
- \* the recording itself
- \* the video

- \* the broadcast

© in each may be owned by different parties.

Whoever owns usually controls right of exploitation and is normally entitled to the money when used/exploited.

MONEY flows from rights acquired either by:-

- \* creating the copyright work

Or

- \* buying/acquiring that right from the owner/creator

**Eg. Music Publisher acquires rights in music and lyrics in certain songs from the composer.**

BUT uneconomic for individuals to grant and enforce licences and collect licence fees.

STRENGTH in numbers - particularly for certain rights that are used often and by many. (Eg. a record played on radio needs licence of copyright owner in the music, the lyrics and the sound recording - could all be different people/companies!)

### **PRIMARY TASKS of Collecting Societies**

COLLECTION SOCIETIES are LIKE UNIONS for copyright owners whose rights they administer and they

- **document** the many works and copyright owners for each work **administered** by them;
- enable third parties to go to the **ONE SOURCE** to get their **licence** to use those rights administered by the particular Collection Society, and
- **collect** licence fees/moneys from those third parties, and
- **identifies** the songs/records (etc.) being used by those third parties (**reporting and sampling - imperfect but only sensible system until technology helps us further**)

- **distributes** that money to the copyright owners whose rights have been used by those third parties, and
- **police and enforce** use and payment for use, and
- does this for a relatively **small administrative fee**.

## **THE SOCIETIES**

### 5 Main Ones

- \* **AMCOS (the Australasian Mechanical Copyright Owners Society)**
  - represents music publishers to collect (mainly) **mechanical income** that flows from reproducing songs on records (other rights too but mechanical/reproduction right is the main one);
- \* **APRA (the Australasian Performing Right Association)**
  - represents (mainly) **the public performance right and the broadcasting rights** on behalf of songwriters and music publishers
- \* **PPCA (the Phonographic Performance Company of Australia)**
  - represents record companies to collect income from the **performance of records in public**

\* CAL (the Copyright Agency Limited)

- represents authors and publishers to collect income from the **photocopying of books and articles** in schools, government departments and corporations.

\* AVCS (the Audio Visual Copyright Society)

- represents the various copyright owners involved in the **videoing of television broadcasts for use in education.**

**A SIXTH ONE (Recently Formed)**

- \* VISCOPY - which represents visual artists whose **artistic works are reproduced**, whether in magazines, ads, merchandising (etc.)

**THE MOST IMPORTANT ONES IN MUSIC ARE:-**

\* **AMCOS,**

\* **APRA &**

\* **PPCA.**

**A. AMCOS**

**Currently about 200 Music Publisher Members of AMCOS.**

**Individual Songwriters** without a Music Publishing deal can direct APRA to act as their Agent to collect and distribute to them income collected by AMCOS in respect of their songs

**OR**

Songwriters (if successful) can form their own publishing company which can then become a member of AMCOS..

- In Australia - Major Music Publishers will licence record companies directly for use/reproduction of “their songs” on records.
- But, useful for smaller music publishers and independent owners are greatly assisted by the licensing, collection and distribution facilities offered by AMCOS for record companies and the like who wish to “cover” and reproduce those musical compositions on records.
- Also, AMCOS will now act as the administering body for **MUSIC VIDEOS** - under this Scheme the record company producing the music video will pay the music publisher of the song recorded/filmed on that video a basic royalty of 6.5% of the PPD of “sell-through” Music Videos - AMCOS will collect and distribute back to appropriate music publishers it represents.

**AMCOS LICENCES MANY TYPES OF USERS**

**B. APRA**

Incorporated in 1926 - the Oldest and most established.

A non-profit organisation.

Represents over 99% of all songwriters whose works are publicly disseminated.

Is affiliated with comparable societies in most other countries.

If YOU are a songwriter - worthwhile becoming a member of APRA.

Writer-Members **assign** the public performance right in their songs to APRA at the time of joining. Useful in this context for:-

- \* establishing effective licensing schemes, and
- \* suing infringers of that right on Songwriters behalf but in APRA's own name.

### Eligibility Requirements for APRA

- (i) for Songwriters - evidence of the **public performance or broadcasting of at least 1 musical composition;**
- (ii) for Publishers - Evidence of bona fide publishing activities
  - Usually satisfied by proof of ownership or control of publishing rights to **at least 2 commercially recorded or published musical compositions.**

### Licensing - APRA's Main Task

Main source of income is from licensing of:-

- \* radio and television broadcasters;
- \* venues (eg. cinemas and live music performance venues)
- \* public places where recorded music is performed (eg. hotels, clubs, gyms and shopping centres)

**Blanket Licences** - One general licence obtained by/granted to these parties enabling them to use any work controlled by APRA. Venue/Broadcaster etc. reports back to APRA with lists of songs "performed" every day.

### **“Grand” Use Rights in Musical Works**

- i.e. when songs are performed in, say, opera or a stage musical production or show. (eg. Jesus Christ Superstar Songs)
- NOT handled by APRA
- Must go direct to Party which owns or controls the rights in the Songs in question ( eg. music publisher or individual composer - as applicable)

### **“Tribute Shows”**

- Eg. ABBA Tribute Shows
- Also Not licensed by APRA - separately licensed by Music Publisher/Composer (as the case may be)

### **“Small Rights”**

- i.e. musical works for performance at Concerts
- ARE licensed by APRA

### **Distribution of Collected Income by APRA**

Very Complex Formulae.

Basically based on a % of gross income.

Each Type of Use has a different formula.

Involves **Identification** of,

- \* the Titles being performed, and
- \* the Number of times they have been performed,
- \* the relevant Owner to be paid collected income.

**A system combining reporting and sampling.**

**BUT, Calculation of Royalties for Songs/Compositions performed in CONCERTS based on actual Songs/Compositions performed and reported.**

**Self-Reporting** - Important for You to report to APRA YOUR OWN performances of YOUR OWN Songs.

**Also, You should report to APRA any broadcasts of YOUR Songs (just in case it was broadcast in a period that was not the subject of an APRA survey for that station.**

**APRA Accounting Periods** - 6 monthly at end of June and December (with distribution made about 6 months later)

**Overseas Income** - collected from Overseas Collection Societies also accounted for and distributed in this way.

**C. PPCA**

Incorporated in 1969. Owned by the Major record companies.

For licensing of broadcast and public performance rights in sound recordings.

Main Source of Income - Licensing of Broadcasters.

PPCA has about 30 Members which represent about 800 record labels between them - Both Major & Independent Labels.

Not much income yet - but a review may happen soon. Currently, Copyright Act sets a limit on amount to be paid by parties wishing to broadcast/publicly perform copyright sound recordings at just 1% of the gross annual income - but less paid in actuality.

**ARTISTS** can register themselves with PPCA and receive **direct from PPCA**, a **20%** share of income collected in respect of recordings for which they are the **FEATURED/PRIMARY ARTIST (not just a session muso/vocalist)**

**GOOD VALUE!**

**BUT YOU WILL MISS OUT IF YOU ARE NOT REGISTERED.**

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