

SERVICES FOR MUSIC PUBLISHERS



Publisher enquiries (02) 9935 7900 publisher@apra.com.au www.apraamcos.com.au

The Australasian Performing Right Association (APRA) collects and distributes licence fees for the public performance and communication (including broadcast) of its members' musical works.

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, DVDs and Blu-ray
- the sale of mobile phone ringtones and the use of production music
- digital download content, streaming services, webcasters, music portals and mp3; and
- the making of radio and television programmes

Since 1997, APRA has managed the day-to-day operations of the AMCOS business.

THE APRA AMCOS RELATIONSHIP:

APRA and AMCOS are separate not-for-profit organisations. Each has their own Board of Directors elected from and by their membership. Their members include Australian and New Zealand music publishers, songwriters and composers.

APRA and AMCOS share common concerns. A significant amount of their membership (for example, most music publishers) are members of both APRA and AMCOS. An increasing number of licencees – especially within new media applications – also require licences for both reproduction and communication rights.

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

The Australian Copyright Act (1968) gives music copyright owners a number of rights, including the right to:

- **Perform** the work in public: including in hotels, bars, nightclubs, cafes, retail shops, hairdressing salons, fitness centres, cinemas, concerts and events; and by any means including radio, television, film, CD players/personal devices, online streaming, DJ or live artist/performer.
- **Communicate** the work to the public by various means: including broadcast on radio or television, transmission by cable or subscribers (e.g. on pay TV), over the internet or as music on hold.
- **Reproduce** their work in material form e.g. CD, film soundtrack, ringtone, digital download, upload content on websites.
- **Make an adaptation** of the work: e.g. by translating or otherwise changing the lyrics, or making a transcription of the work.

These are exclusive rights. Nobody else can use the work in these ways without getting the owner's permission first, and if necessary, paying royalty for this use. For music publishers, keeping track of, and negotiating payment for, every use of every work you represent can be an expensive and demanding process.

This is where APRA AMCOS can help.

APRA AMCOS does collectively what would otherwise be difficult for music publishers to do on an individual basis. We licence music users to:

- Perform music in public
- Communicate music to the public
- Reproduce music in any recorded form

(Publishers usually choose to administer the adaptation rights themselves)

We collect licence fees for these uses, and pay royalties to the owners of the performing and reproduction rights for these uses of their music.

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To use the APRA AMCOS services, you need to become a member of APRA and/or AMCOS.

To maximise revenue from performing and mechanical licences, we recommend that the music publishers should become members of both APRA and AMCOS.

MONITORING INTERNATIONAL USE OF AUSTRALASIAN MUSIC

There are music copyright societies like APRA and AMCOS in almost every developed country in the world. APRA and AMCOS have reciprocal agreements with these societies. Under these agreements, the overseas societies represent our members in the same way that they represent the interests of their own members. Likewise APRA and AMCOS represent the interests of affiliated overseas societies in Australia and New Zealand territory.

Many publishers have sub-publishing agreements with publishers in other territories (who will collect the member's royalties in those territories through the relevant societies). In those territories where a publisher does *not* have sub-publishing agreements, APRA AMCOS can obtain royalties from these territories.

APRA: When an Australasian work is performed or broadcast in an overseas territory, the relevant performing right society will generally collect a fee for that use and pay that fee to APRA, less their administration cost. We then pass this royalty on to the relevant member(s).

AMCOS: A member can choose to appoint AMCOS to licence their rights in overseas territories. AMCOS can then claim mechanical royalties via affiliated mechanical copyright societies that arise when an Australasian work is released on a recording in another territory. We then pass these on to the member(s).

- APRA AMCOS has an established Performance Verification department that closely monitors overseas broadcasts of Australasian Film and TV productions.
- We do comprehensive analyses of foreign contemporary airplay and sales charts to verify royalty payments and to maximise our members' earnings in other territories.
- We work with affiliated societies to claim digital mechanical royalties arising from ringtone and digital delivery services based in overseas territories.

Royalty payments are subject to the existing copyright law in each country and the individual policies of the affiliated societies.

ROYALTY DISTRIBUTION

APRA AMCOS tries wherever possible to ensure that fees received from each licensee are paid directly to the musical works performed, broadcast or reproduced by them. The majority of licence fees are distributed this way.

APRA AMCOS is mindful to ensure that the cost of collecting and processing information about performance, broadcast and reproduction is commensurate with the value of the licence fees received. As a result, for certain licence types, APRA AMCOS distributes licence fees on the basis of a sample analysis or by reference to analogous revenue sources.

Royalties accrued from APRA AMCOS licences are distributed to publishers quarterly.

More detailed information on APRA AMCOS Distribution Rules and Practices is available on our website: apraamcos.com.au/about-us/governance-and-policy/distribution-rules-and-practices/

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JOINING APRA

You can become an APRA Publisher Member if you publish works that are being publicly performed or communicated through any medium.

To be eligible for membership, a publisher must:

- Be a registered business in Australia or New Zealand (ABN required for Australian businesses)
- Have a standard publishing agreement
- Control at least one work which has been recorded for commercial release or published in some other form
- Represent at least one writer who is a member of APRA or another performing right society

As a member of APRA you will reassign the performing right in the works you represent to APRA. You can choose to opt-out of APRA licencing for all your works for certain categories of use. You may also arrange a licence-back of a particular work, should you wish to licence directly yourself. To opt-out or arrange a licence-back, you will need written permission from any other parties that have an interest in the work(s).

CATEGORIES OF APRA MEMBERSHIP

FULL MEMBERSHIP – granted to publishers who are incorporated.

ASSOCIATED MEMBERSHIP – applies to publishers who are not incorporated, but who have a registered business name. Associated Members may not attend or vote at general meetings; nor can they be elected as publisher representatives on the APRA boards.

JOINING AMCOS

You can become a member of AMCOS if you are:

- A music publishing business registered in Australia or New Zealand
- At least one of the works you represent has been released for sale to the public in recorded form

As a member of AMCOS, you grant us an exclusive licence to administer the mechanical right for the writers and works you represent, in the lines of business you specify in your agreement with us. We understand that there are situations where individual owners and users may conveniently deal directly with each other. In these instances there will be no need for the collection and distribution facility provided by AMCOS.

Within your agreement you have a lot of flexibility to:

- licence-back works for specific purposes
- licence works to a specific licensee
- opt-out of certain business lines

APPLICATION FORMS

The first step to APRA AMCOS membership is to complete the Assessment of Eligibility for Publisher Membership form provided online at www.apraamcos.com.au

If you satisfy the basic criteria for membership you will receive Membership forms by email. You may also call Publisher Services on (02) 9935 7900 or email publisher@apra.com.au to inquire about applying for publisher membership and to have APRA AMCOS forms sent out to you.

You should encourage all new writers you will publish to become members of APRA so that they receive their share of performing right royalties.

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MEMBERSHIP COSTS

There is no joining fee or annual membership cost for becoming a member of APRA AMCOS.

ADMINISTRATION COSTS

Before distributing the money we collect from licences to our members and reciprocal societies, APRA AMCOS deducts a commission/administration fee to cover operational costs. The expense to revenue rate for these fees is traditionally one of the lowest of any collecting society worldwide.

AMCOS commission rates vary depending on the number of works controlled by the member and the line of business licenced as follows:

- for members with less than 500 works, the maximum commission rate is 17.5%;
- for members with more than 500 works, the maximum commission rate is 12%

Lower rates apply for certain lines of business, income collected from overseas societies and control account recoveries.

APRA AMCOS COPYRIGHT MANAGEMENT SYSTEM (CMS)

APRA AMCOS has developed a state-of-the-art online Copyright Management System (CMS) to help manage your works and royalties. CMS is an integrated database that stores and links information relating to works, copyright owners and their agreements. This includes:

- Television productions (cue sheets)
- Record releases that use those works; and
- Usage, invoicing, and distribution information.

Publishers often find CMS a valuable tool in running their day-to-day business. APRA AMCOS provides training and support for publishers who want to connect and use CMS. Once you become a member, a Publisher Representative will be assigned to you to look after your registration needs. They will provide information and further training, and be your personal contact at APRA AMCOS.

APRA AMCOS is currently developing an integrated Copyright and Licencing Enterprise Facility (CLEF) system, which draws on multiple technology tools to help staff and members run their business. At the same time we are creating a high functioning and accessible Publisher Portal that will enable members to manage their daily business online. Both are expected to launch in 2016.

REGISTERING YOUR WORKS

Once you become a member, you can register your agreements and musical works with us by:

1. using our online Copyright Management System (CMS)
- or
2. emailing us bulk data registration files which are then loaded onto CMS

Once you've registered your works, you need to keep us up-to-date about any new agreements you sign with writers and/or publishers, and any new works you come to represent.

If you publish music that is used in an audio-visual production, you or the writer must also supply Cue Sheets to APRA AMCOS, listing the music used and the type of use. A Cue Sheet guide is available on our website at apraamcos.com.au/music-creators/forms/submit-your-cue-sheets/guide-to-cue-sheets/

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FURTHER RESOURCES

- APRA AMCOS provides a list of unidentified and unregistered works and films available via CMS. This enables publishers to register claims for works that have received income, but for which we have no copyright information.
- We produce an email bulletin, *Antenna*, for our publisher members. This keeps publishers informed of APRA AMCOS business and developments in the world of music publishing.
- We host a biannual seminar session in Melbourne and Sydney 'Publisher pulse' offering information on the business opportunities, legal and international music industry updates.
- Our general publication *Aprap* is provided to members, keeping them informed of latest initiatives and developments across the music and copyright industries.