

## MUSIC IN THE JUKEBOX – ARE YOU DOING THE RIGHT THING?

This guide has been created to educate you on the do's and don'ts of using music in your jukebox.

As a jukebox owner it is important that you understand the copyright implications of using unlicensed music on your jukebox. It is also important to respect the music you use and the artists who created it - after all what would a jukebox be without music?

### Some simple facts

#### **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 comes 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. The composer who wrote the music owns copyright in the musical works. The lyricist who wrote the lyrics owns copyright in the literary works. The artist who performed the music owns copyright in a sound recording of their live performance. Finally, 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 (i.e. the owner of the work and the owner of the recording respectively) have a number of exclusive rights, including the right to:

- Make copies of the tracks;
- Perform music in public; and
- Communicate the tracks to the public.

### How do I know if I am doing the right thing?

#### **Can I copy legitimate CDs I own onto my jukebox to play at pubs or hotels?**

The purchase of a CD only gives you the right to own the physical disc, to play it privately, and to pass on the same physical disc to another person. This means that copying music from a CD, without the permission of all relevant copyright owners, is an infringement of copyright except in limited circumstances. Recent changes to the Copyright Act allow you to copy music legitimately obtained for your **private and domestic** use on another device that you own eg. from CD to iPod. **However, this does not extend to copying music to play on a jukebox which is used in a commercial setting.**

If you want to copy your legitimate CDs onto your jukebox you must get:

1. Permission or a licence from the record company that controls the copyright in the sound recordings (contact ARIA or the Licensing Department of the relevant record company); and
2. A licence from AMCOS for the reproduction of the music. Generally AMCOS will offer a "blanket" licence which allows you to be covered for all reproduction of musical and literary works for certain purposes.

#### **What about if a friend lends me a copy of a CD or gives me a burnt CD to put on my jukebox?**

You cannot copy a friend's music, or accept a burnt CD, either for your own personal use or for use in your jukebox. If you legitimately buy music from iTunes or other legal online distributors you should check their terms and conditions to make sure that you are licensed for the relevant purpose, including for using the music in a jukebox. If you want to copy music onto your jukebox you must obtain the music legally (for example by buying a legitimate CD) and hold the appropriate licenses to copy as outlined above.

#### **Is it illegal for me to copy music from the internet onto my jukebox?**

The basic legal principle is that you cannot copy or distribute music including from the internet without the permission of all relevant copyright owners. There are a number of legitimate download sites in Australia which are listed on the MIPI website under Links. If you are unsure of whether a particular website is appropriately licensed, you can contact MIPI.

### ***What about using music sourced through file-sharing?***

Unless authorised, the vast bulk of P2P 'file sharing' is considered illegal copying and transmission of copyright material. This activity hurts sales of music and the livelihoods of people in the business.

### ***What if I download music from a site overseas where the law might be different?***

Internet activities of this sort typically involve acts of copying, transmission, or distribution in both the 'receiving and sending' countries and the laws of each will apply. Be aware that if you download music files to your PC located in Australia, without the copyright owners' permission, you are committing an infringement of copyright under Australian law.

### ***Why should I bother to ask for permission to copy CDs onto my jukebox?***

Not bothering to ask for permission may seem like the quickest and cheapest option when you decide to copy music, however there are a number of other reasons why you might want to think twice:

- Musicians deserve to be compensated for their hard work.
- If people aren't willing to pay for the music they love, the music industry will find it increasingly difficult to commit the kind of resources it takes to discover and develop new Australian talent.
- It is wrong. You wouldn't steal a mobile phone, so why would you steal music?
- Under the Copyright Act, infringement of copyright by illegally copying (including over the internet), selling, distributing, importing, performing or having in your possession illegal discs, attracts maximum penalties of up to \$60,500 or 5 years imprisonment for each infringement.

### ***Do I need any licences to play music from a jukebox at a club or other venue?***

Yes, generally the venue (for example, the club, hotel, nightclub or restaurant) needs a public performance licence from APRA and PPCA in order to allow legitimately obtained music to be played in public. However, in circumstances where your jukebox is being used at a venue that would not ordinarily require a licence, you may need to get an APRA or PPCA public performance licence in your own right.

### ***I own a bar. Can I be responsible if the jukebox plays pirate music or illegal MP3s?***

As the owner or operator of premises you may be held liable for authorizing copyright infringement at your premises by allowing the jukebox operator to use pirate music or illegal MP3 files.

## **Respect copyright in music**

Music piracy has a major effect on the music industry. The makers of the music, the composers, lyricists and all the other people involved in the music industry are paying the price with less legitimate music being sold. People's livelihoods are affected. Honest jukebox operators may be forced out of business because they can't compete with the pricing of the pirate operators. As a result of piracy there is less money to be invested in making new music discs, which ultimately means less music for you to play.

## **Need more information?**

MIPI	<a href="http://www.mipi.com.au">www.mipi.com.au</a>	(02) 8569 1177
APRA AMCOS	<a href="http://www.apra.com.au">www.apra.com.au</a>	(02) 9935 7900
PPCA	<a href="http://www.pcca.com.au">www.pcca.com.au</a>	(02) 8569 1111