

KARAOKE – ARE YOU DOING THE RIGHT THING?

This guide has been created to let you know the do's and don'ts of using music for karaoke.

Music is the backbone of the karaoke industry. However the use of pirate music for karaoke is having a major effect on this industry. With less legitimate music being sold, peoples' livelihoods are being affected including composers, lyricists, distributors and artists. Honest Karaoke Jockeys (KJs) may be forced out of business because they can't compete with the pricing of the pirate KJ. Further, as a result of piracy there is less money to be invested in making new karaoke discs, which ultimately means less music for your next gig.

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), there is a whole system of legal rights and obligations that comes into play. These rights and obligations, called copyright, outline what someone can and can't do with the material.

Who owns the copyright in karaoke music?

There is generally more than one owner of copyright in any given karaoke track. The composer and lyricist who wrote the tune and lyrics respectively own copyright in the musical works – even if their original voices or recording are not used. In addition, the maker of the recording (typically the karaoke manufacturer) owns copyright in the sound recording or backing tracks.

What rights do the copyright owners have?

The copyright owners separately (i.e. the owner of the work and the owner of the recording) have a number of exclusive rights, including the rights to:

- Make copies of the karaoke track;
- Perform music in public (eg. by playing the karaoke tracks); and
- Communicate the karaoke track to the public.

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

I am a manufacturer of karaoke discs, do I need any licences to make my discs?

Yes, as a manufacturer of karaoke discs you need to obtain a reproduction licence from AMCOS, an organisation which represents music publishers and writers from around the world. The reproduction licence gives you the right to copy the tune and lyrics necessary for making your karaoke discs.

I bought some karaoke discs from eBay. How do I know whether discs are legitimate or not?

The best way to pick out a pirated karaoke disc is to look closely at the disc and its price. Here are a few tips:

- The back of a legitimate disc is likely to be silver, however a copied disc will be on a CD-R or DVD-R with a blue, green or even gold back;
- The centre hole of a legitimate disc carries the manufacturer's identification number and bar code hologram, whereas a copied disc may be labeled as a CD-R or DVD-R; and
- If the price seems too good to be true eg. 1300 tracks for \$99, then it is unlikely to be a legitimate disc.

Can I buy karaoke discs from overseas?

Yes, you can buy karaoke discs that are legitimately made in the country of origin, however, as an importer the onus is upon you to prove the discs are legitimate.

I bought some legitimate karaoke discs. Can I make copies of these?

The purchase of a karaoke disc, whether in CDG, CDGM, VCD or DVD format, 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 the music, including onto your computer without the permission of all relevant copyright owners, is an infringement of copyright except in very limited circumstances. The Copyright Act allows you to "format shift" music for **personal use only**. However, this does not extend to commercial music used by a KJ.

If you want to "back up" your original karaoke discs into a more convenient format or copy them onto your computer, you must get:

- Permission or a licence from the manufacturer of the karaoke discs; and
- 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.

I bought a computer with pre-loaded karaoke music. Is this legal?

Unless the seller of the computer obtained the permission of the relevant copyright owners, it is likely that your computer contains illegal copies of karaoke tracks for which you can be held criminally or civilly liable.

Is it illegal for me to copy karaoke music from the internet and use it for my karaoke gigs?

The basic legal principle is that you cannot copy or distribute music, including from the internet, without the permission of all relevant copyright owners. If you are unsure whether the website is appropriately licensed, you can contact AMCOS and seek their advice.

Is all file-sharing illegal?

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 to use for my karaoke gigs from a site from 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 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.

Can I go to jail for using pirate karaoke discs?

Under the Copyright Act, infringement of copyright by illegally copying (including over the internet), selling, distributing, importing, performing or having in your possession illegal karaoke discs, attracts maximum penalties of \$60,500 or 5 years imprisonment for each track infringed.

Do I need any licences to play legitimately purchased karaoke discs at a pub?

Yes, generally the venue (for example, the club, hotel, nightclub, restaurant or similar venue) needs an APRA public performance licence in order to allow you to play the karaoke music. However, in circumstances where you are playing karaoke at a venue that would not ordinarily require a licence, you may need to get an APRA public performance licence in your own right. If you are using music between sets then you may need additional licences from APRA and PPCA.

I own a bar. Can I be responsible if the KJ is using pirate karaoke discs?

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

KARAOKE CHECKLIST - ARE YOU DOING THE RIGHT THING?

IFYOU ARE A KARAOKE DISC MANUFACTURER:

- Do you have a reproduction licence from AMCOS? For more information contact AMCOS.

IFYOU ARE A KARAOKE JOCKEY (KJ):

- Are you using legitimate karaoke music – not burnt copies or illegal MP3s? If you have any concerns contact MIPI.
- If you have "backed up" your original karaoke discs into another format or onto your computer, do you have permission from the manufacturer and an AMCOS reproduction licence? For more information contact AMCOS and the manufacturer themselves, whose details should be on the karaoke disc.
- If you are doing a karaoke gig at a venue that does not normally require a licence (such as a school hall or party) do you have a public performance licence from APRA? For more information contact APRA.
- If you are playing music between sets at a venue that does not normally require a licence (such as a school hall or party), do you have a public performance licence from APRA and separately from PPCA? For more information contact APRA and PPCA.

IFYOU ARE A VENUE THAT HOSTS KARAOKE:

- Is the KJ using legitimate karaoke music – not burnt copies or illegal MP3s? If you have any concerns contact MIPI.
- Do you have a public performance licence from APRA? For more information contact APRA.
- If the KJ is playing music between sets or you otherwise play music in your premises, do you have a public performance licence from APRA and separately from PPCA? For more information contact APRA and PPCA.

Need more information?

MIPI	www.mipi.com.au	(02) 8569 1177
APRA/AMCOS	www.apra.com.au	(02) 9935 7900
PPCA	www.pcca.com.au	(02) 8569 1111

To access an online form to work out what licences you may need go to: <https://transactions.business.gov.au/BLIS/musiclicence.aspx>.