

MUSIC IN CINEMAS, FILM FESTIVALS & IN ONE-OFF SCREENINGS



Licensing Enquiries 1300 852 388 cinema@apra.com.au www.apraamcos.com.au

APPLY NOW

These licences covers the use of music in cinemas, multiplexes, drive-ins, film festivals, open-air film events and one-off public screenings.

These licences allow you to:

Play music at your cinema, multiplex or drive-in

- To screen movies (including movie previews, advertisements etc)
- To play background music in your cinema's public areas from any source including movie previews, radio, TV, tablets, streaming services and CDs.

Play music at your film festival or one-off movie screening (including movie previews, advertisements etc).

Why do I need a licence?

If you use copyright music in your cinema, film festival or in a one-off screening, you need permission (a licence) from the authors of that music. Securing an APRA AMCOS licence will meet your legal obligations under the Copyright Act. The Australian legislation is based on the authority of the Australian Constitution.

Who is APRA AMCOS?

APRA AMCOS (which stands for the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society) is an organisation which licenses rights in music on behalf of 100,000 members linked with 170 affiliated similar organisations worldwide. We pay your annual licence fees directly back to the songwriters, composers and publishers who own the music you're using. Legal alternatives to securing an APRA AMCOS licence are on page 3.

You can get independent information at www.copyright.org.au.



Music's vital movie role

"There is no question of the importance of music in film. Because of the growth of the Australian film industry since the 1970's, talented composers have emerged and made invaluable contributions to hundreds of films. Music is emotional, in fact it's nothing else, its contribution can be immense.

An appropriate music score can be used to cover up the fact the director has not achieved the mood they were striving for - and is dependent on the score adding the sentiments they failed to achieve with the actors, staging or editing."

- **Bruce Beresford** (Breaker Morant, Driving Miss Daisy, Mao's Last Dancer)

"Music and cinema fit together naturally. Because there's a kind of intrinsic musicality to the way moving images work when they're put together. It's been said that cinema and music are very close as art forms, and I think that's true."

- **Martin Scorsese** (Taxi Driver, Raging Bull, Wolf of Wall Street)

How much does it cost per year?

The licence fee is **0.462% of gross box office receipts** with a **minimum of \$63.17 (ex GST)**. The minimum fee will increase by CPI each year.

Cinemas pay a provisional fee (based on the previous year's fee) in two annual instalments (October and April) which is adjusted after receipts are known. If it is established that we do not control the rights for some music in movies you screen, we will discuss different licence terms with you.

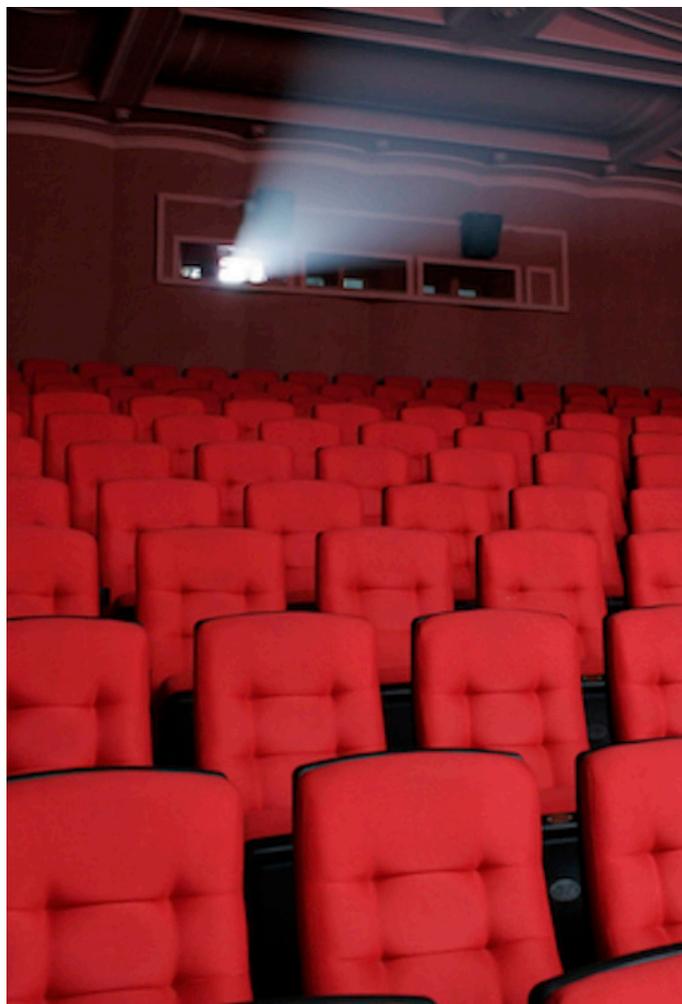
Film Festivals pay the same rates as cinemas but the fee is charged after box office receipts are totalled.

Free screenings (e.g. Cinema in the Park) are charged the minimum fee.

You may need other licences if you have **other music uses** not covered above such as:

- Music in the workplace including background music in non-public areas of the cinema and head office buildings
- Music on Hold

Rates include 10% GST and are not negotiable. Fees will increase by CPI each year. Licence fees are renewed and may be reassessed each year to take into account any changes in your music use.



Example.

Batton Royal Theatre had \$1,000,000 in gross box office receipts for the financial year ending 30 June 2017. Their licence fee for the year approaching (2017) will be 0.462% x \$1,000,000, or \$4,620. They will be invoiced in two equal instalments on 1 October 2017 and 1 April 2018.

The gross box office receipts for the financial year ending 30 June 2018 turned out to be \$1,100,000. Their licence fee should have been 0.462% x \$1,100,000, or \$5,082.

If they ceased trading on this date they would only need to settle the \$5,082 - \$4,620 difference (\$462).

As they are continuing in their thriving business, they again base their licence fee on the year past, now 2017.

Again, this is based on 0.462% x \$1,100,000 or \$5,082, in one 50% instalment of \$2,541 plus the \$462 balance (\$3,003) and the second instalment of \$2,541.

What does APRA AMCOS do with my fees?

We care about ensuring the licence fees you pay are distributed in the most economical and accurate way possible. We deduct our expenses from the revenue we receive and then distribute your fees to the songwriters, composers and music publishers whose works we have licensed to you.

This means for every dollar we collect, about 86 cents is returned to music creators. At 13.6 per cent, our operational costs compare very favourably to organisations providing the same service overseas.

APRA AMCOS obtains **cue sheets** (a list of the music used in a film) for films released in Australia and is provided with **film box office shares** from the Motion Picture Distributors Association of Australia (MPDAA). The licence fees we receive from cinemas are allocated each quarter to films according to their box office share. Each film's share is then distributed to the music used in the film **according to the duration and use of each track** (i.e. as theme, background or featured music).

How long does the licence last?

For our Cinema Licence, the licence year runs from 1 July to the following 30 June. Our Film Festival/One-Off Screening Licence is needed for **each event**.

How was this rate set?

The current scheme followed consultations and agreement between APRA AMCOS and the cinema industry in 2006.

Will the rates change?

Apart from yearly CPI reviews, APRA AMCOS will not increase or change licence fees without first consulting the industry. There will be no other fee increases before 1 July.

Do I have to go through APRA AMCOS to play music in my cinema?

There are a couple of ways to get permission to play music in your cinema:

APRA AMCOS Licence. When a **film producer** is commissioning or licensing film music, the copyright owner in the music generally reserves the **performance and broadcast rights**. This means that when you show the film in your cinema you will almost certainly need a licence from us for the music. If the film is shown on TV, the **broadcaster** will also usually need our licence. We believe our licence provides the easiest and most cost-effective way to access public performance rights to music.

Direct Licensing. Our members may license their music directly to music users and you are free to discuss this with them for specific films or generally. If you license music directly for your cinema, you may be entitled to a reduction in your APRA AMCOS licence fee. You can find more details on our website under **Dealing directly with copyright owners**.

Comments and complaints

We care about the service we give you and we welcome your feedback. If you'd like to comment on our service, email licence@apra.com.au.

Read about our **formal complaints procedure here**.

Disputes

If you do not agree with how we apply this licence to your business, with our fees, or with any of our services, you can use our convenient dispute resolution system. Email disputes@apra.com.au or call 02 9935 7900.

Read about our **dispute resolution system here**.

Other licences

If you are using sound recordings controlled by PPCA (Phonographic Performance Company of Australia) contact PPCA at ppca.mail@ppca.com.au (02) 8569 1111.

APRA AMCOS (the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society) is a collective management organisation which licenses performing, communication and reproduction rights in music on behalf of 100,000 members and 145,000 licensees with 170 affiliated organisations worldwide.

This fact sheet is a guide only. Refer to the licence for full terms and conditions.



Need more information?

Contact our Customer Support Team on 1300 852 388 or email cinema@apra.com.au.