

# SERVICES FOR MUSIC PUBLISHERS



**Publisher enquiries** (02) 9935 7900 [publisher@apra.com.au](mailto:publisher@apra.com.au) [www.apraamcos.com.au](http://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/](http://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:

- You have registered and are operating a bona fide music publishing business in Australia, New Zealand and/or a South Pacific Nation.
- You must have a signed standard publishing agreement with a minimum of one writer who is a member of APRA or an affiliated international PRO (Performing Rights Organisation), or who has a signed sub-publishing agreement with a foreign publisher that represents a minimum of one writer who is a member of an affiliated international PRO.
- You control copyright in a minimum of one work which has been recorded for commercial release or published in some other form (by right of above publishing agreement).
- You must have a local bank account located in Australia, New Zealand or a South Pacific Nation.
- You can provide a Certificate of Registration of a Business Name or Company from ASIC or the NZ Companies Office, which must match the company/business name on your application.
- The 'status' of your ABN, IRD or NZBN on your application must be active/registered and cannot change once elected.
- You can provide a document listing the names, email addresses and phone numbers of the office holders of the Company. We will also expect details on legal songwriter agreements with writers.

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 Music Publishing Corporations (Pty Ltd or Ltd) incorporated in Australia, New Zealand or South Pacific Nation who are a publisher of a copyright work

**ASSOCIATED MEMBERSHIP** – applies to Sole-Traders with a registered music publishing Business, Music Production Companies or Corporations (Pty Ltd or Ltd) which own or controls the rights in a copyright work, but is not in the business of music publishing. 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

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## APPLICATION FORMS

The first step to APRA AMCOS membership is to complete the Assessment of Eligibility for Publisher Membership form provided online at [apraamcos.com.au/music-creators/music-publishing/thinking-about-becoming-a-publisher-member/](http://apraamcos.com.au/music-creators/music-publishing/thinking-about-becoming-a-publisher-member/)

If you satisfy the basic criteria for membership you will receive Membership forms by email. You may also email Publisher Relations at [publisherapp@apra.com.au](mailto:publisherapp@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.**

## 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 programmes (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. CMS allows you to register works/agreements directly into our database. However, please note that CMS can only be installed on a PC running Windows. While CMS will not run on a Mac, some of our Apple users either install some Software required to operate Windows on a Mac such as Boot Camp or Parallels.

## REGISTERING YOUR WORKS

Once you are an elected Publisher Member you must submit registrations to notify us of:

- agreements the company has signed with writers or other publishers (publishing and sub-publishing agreements)
- musical works (titles) in which the publishing company or business has a publishing or sub-publishing interest (by virtue of agreements it has signed).

Agreement and work registrations must be submitted in a timely manner. Publisher members may register agreements and works by registering directly into our Copyright Management System (CMS) database. Publishers who have the software to create CWR files may also submit work registrations in CWR format.

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/](http://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 UDS within CMS. This enables publishers to register claims for works that have received income, but for which we have no copyright information.
- We produce a regular Publisher Update email mail out for our publisher members. This keeps publishers informed of APRA AMCOS business and developments in the world of music publishing.
- We also host regular 'Publisher Working Group' sessions in Melbourne and Sydney which go into more specific topics around Copyright and PM Licensing.
- Our general publication APRAP is provided to members, keeping them informed of latest initiatives and developments across the music and copyright industries
- We host regular 'Publisher Pulse' seminar sessions in Melbourne and Sydney offering information on the business opportunities, legal and international music industry updates. We are always on the lookout for new topics to discuss!
- We are also always on the lookout for new ways to engage with our Publisher members. Our new initiative is our 'Publisher Showcase' sessions where we have a publisher invite one of their songwriters into the building and learn more about their business while having the artist perform for the staff.
- Some useful Publisher Resources can be found here on our website:  
[apraamcos.com.au/music-creators/music-publishing/apra-amcos-publisher-member-resources/](http://apraamcos.com.au/music-creators/music-publishing/apra-amcos-publisher-member-resources/)