

Fact Sheets

Sheet Music

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 sheet music?

There is generally more than one owner of copyright in any given piece of sheet music. The composer who wrote the music owns copyright in the musical work. The lyricist who wrote the lyrics owns copyright in the literary work. If the work has been arranged, there is copyright in the arrangement of the work. Finally, the publisher of the sheet music owns copyright in the published edition of the musical work.

What rights do the copyright owners have?

The copyright owners of musical works and lyrics have a number of exclusive rights, including the rights to:

- Reproduce the music;
- Perform the music in public;
- Communicate the music to the public;
- Arrange or transcribe the musical work; and
- Translate the lyrics.

I bought a book of sheet music, can I photocopy it for other people?

No, buying a book of sheet music does not give you the right to copy it without the copyright owners' permission. The only exception to this is where copyright in the music and the typesetting has expired. For musical works and lyrics this is at least 70 years after the year in which the creator died. For published works, namely the typesetting, copyright expires 25 years from the end of the year in which the work was first published. Make sure that you check whether all types of copyright - in the published work, the music and the lyrics - have expired.

Can I photocopy sheet music for myself?

Yes, if you can prove that you are copying the music for the purposes of research or study and the copying constitutes a 'fair dealing' with the work. "Fair dealing" is where copyright material is used for the purpose of research or study and the use is 'fair'. Copying up to 10% of a hardcopy of a piece of music is deemed fair if it is for research or study and if the musical work has been published in an edition of 10 pages or more. However you cannot rely on the fair dealing exception to:

- copy a whole piece of music, as this would not be 'fair';
- copy music for a performance, as this would probably not be for research or study;
- copy music for someone else as this is not for your own research or study; or
- copy the main theme of a piece of music even if it is only 10% of the work, as this would not be 'fair'.

Can I photocopy sheet music from a library?

No, unless all copyright has expired or the use could be considered a fair dealing for the purpose of research or study.

I teach privately. Is it ok for me to photocopy sheet music for my students to use?

Only if the copyright in the music and the typesetting has expired.

I teach at a school. Can I photocopy sheet music for my students?

Yes, if your school is covered by the AMCOS Schools' Photocopying Licence and you observe all conditions of the licence. Under the licence, school teachers can copy sheet music if it is for the educational purposes of their students but your school must own the original sheet music. All Government schools are covered by the licence. If you teach at a non-Government school you should check with your peak education body whether your school is covered.

Who should I contact to seek permission to photocopy music?

If you know who the copyright owners of the sheet music are then you should contact them directly. Alternatively, you may contact APRAIAMCOS on (02) 9935 7900 who can assist you with locating the appropriate contacts.

Can I lend sheet music to others?

Yes, as long as the other person does not photocopy the sheet music while it is in their possession. You should be aware that you may be liable for authorising copyright infringement if someone copies sheet music owned by you without the copyright owners' permission.

Can I copy music out by hand?

Teachers and students can make copies and arrangements of music by hand in the course of educational instruction, but outside of this you cannot copy music by hand unless either:

- you have permission from the copyright owners;
- copyright has expired; or
- the use could be considered a fair dealing.

Can I arrange or transpose a piece of music without permission?

No, you must seek permission from the music publisher to arrange or transpose a piece of music if copyright has not expired.

What about scanning sheet music and posting it on the internet?

You must have permission from the copyright owners to scan sheet music and post it on the internet if copyright has not expired.

Can I download sheet music from the internet?

The basic principle is that you cannot copy sheet music including downloads from the internet without the permission of the copyright owners. If you are in doubt about whether a particular site is appropriately licensed to distribute sheet music, contact APRA/AMCOS.

What if I download sheet 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 sheet music files to your PC located in Australia without the copyright owners' permission, you are committing an infringement of copyright under Australian law.

Need More Information?

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| Music Rights Australia | www.musicrights.com.au (http://www.musicrights.com.au/) | info@musicrights.com.au (mailto:info@musicrights.com.au) | (02) 8569 1177 |
| APRA/AMCOS | www.apra-amcos.com.au (http://www.apra-amcos.com.au/) | apra@apra.com.au (mailto:apra@apra.com.au) | (02) 9935 7900 |

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