



## AMPAL Guide to Live Streaming Licensing

### About AMPAL

AMPAL (Australasian Music Publishers' Association Limited) is the industry association for Australian and New Zealand music publishers. AMPAL's members include the vast majority of commercially active music publishers across the two territories, and its membership and Board of Directors reflects the full spectrum of music publishers from sole traders through to major music publishing companies. For more information on AMPAL, see the AMPAL website [here](#).

### Live Streaming

This guide builds on information provided by APRA AMCOS to licensees and members on its website [here](#). During the COVID-19 pandemic, we have all seen the growth in the number of live streaming performances taking place. Aside from the current situation, it is likely that live streaming will continue to be a popular way of bringing music performance to increasing audiences. It is important that clear licensing principles are recognised, established and maintained, so that songwriters and artists are appropriately rewarded by this growing form of delivery.

### Synchronisation Licence Requirements for Live Streaming / Pre-recorded Performances

It is important to contact the relevant copyright owner(s) of all songs to be live streamed well ahead of the performance, to discuss the relevant synchronisation licence requirements. In most cases for commercially available music this will be a music publisher/s. This applies where the songs being performed are written by the artist and where the songs being performed are covers of songs written by other songwriters. The relevant music publisher details can be obtained from APRA AMCOS [here](#) using the search facility at the top of the page. If you do not have contact details for the music publisher/s, these can be provided by APRA AMCOS. The AMPAL website also lists certain contact details for AMPAL members [here](#).

[www.ampal.com.au](http://www.ampal.com.au)

**Note:** This information is for guidance purposes only, it does not constitute legal advice, and is correct as at 28 July 2021. Various exceptions may apply under the Copyright Act 1968 (Cth) and Copyright Act 1994 (NZ), and readers are advised to seek independent legal advice.

Importantly, if a live stream performance of music is pre-recorded, shared, saved, or stored online, the usage will require a synchronisation licence from the relevant music publisher/s. Please contact the relevant music publishers directly. Additional licences may also be required from record labels. This will typically apply if an artist has granted a record label their exclusive recording services in relation to all their sound recordings. As much live streaming involves a live performance incorporating songs the recording of which is saved and often posted or shared online, in many instances licences will be required from both a music publisher/s and a record label.

### **APRA AMCOS Licences for Live Streaming**

In addition to any synchronisation licences required for live streaming performances, a summary of APRA AMCOS licence requirements and other information follows:

#### Facebook / Instagram / YouTube

For Facebook / Instagram / YouTube, APRA AMCOS has licences in place with these platforms that allow you to live stream APRA AMCOS repertoire in performances provided there is no charge to users. If you want to use these platforms and charge a fee to view/access the performance or are otherwise commercialising the stream you need to contact APRA AMCOS for advice from which party/ies you need to obtain a licence. Please be aware the licences in place with APRA AMCOS cover the right to live stream a performance on the licensed platform and this is separate and in addition to the synchronisation rights discussed above. Please forward requests to [online@apra.com.au](mailto:online@apra.com.au).

#### Other websites / platforms

For other websites or platforms not licensed by APRA AMCOS, an APRA AMCOS licence will be required to be obtained to cover that streamed performance. Please forward requests to [online@apra.com.au](mailto:online@apra.com.au).

For live streaming performances where a fee is being charged to view/access the performance of APRA AMCOS music, the current licence fee will be the greater of 8.25% of gross revenue or a minimum fee of \$82.50 per event (including GST). This rate is available on an interim basis until 31 December 2021 and remains under review and may be subject to change. However, you should be aware that APRA's standard rates for streaming concerts online start from 12% of gross revenue.

If the streaming service will earn less than AU\$25,000 in gross revenue per annum, an APRA Online Mini Licence for webcasting will cover you for ongoing activity over 12 months.

Again, synchronisation licences may also be required from music publishers and record labels with respect to the reproduction of the songs and the live sound recordings.

### Live music venues

If a live music venue (ie a OneMusic licensee) wishes to stream live performances, it will need to contact APRA AMCOS to determine the additional live stream licence required, at [online@apra.com.au](mailto:online@apra.com.au). Additional licences may also be required from record labels.

For fitness / dance studios, this may be covered under their existing OneMusic licence – please contact [hello@onemusic.com.au](mailto:hello@onemusic.com.au).

### Artists performing their own songs, and performance claims

If an APRA AMCOS member is only performing their own songs (ie: songs they wrote themselves) in a live stream on their own website, or on a platform other than Facebook, Instagram or YouTube, APRA AMCOS suggests the songwriter/composer contact them at [writer@apra.com.au](mailto:writer@apra.com.au) to arrange a 'licence back' for their songs, so no licence fee is payable. APRA AMCOS notes that the administration fee is usually waived and only payable on complex licence back requests.

Songwriters/composers do not need a licence back if they wish to perform their own songs on Facebook, Instagram or YouTube provided they are not commercialising the stream.

Note that APRA AMCOS members are now able to submit performance claims for Australian or New Zealand based live performances of their works, streamed on Facebook, Instagram or YouTube, like submitting set lists via Performance Reports (or LPRs) for physical concerts. This is set out on the APRA AMCOS website [here](#).

### Other APRA AMCOS information

Important information about APRA AMCOS licences in relation to live streaming:

- APRA AMCOS licences only apply to Australia and New Zealand. For information on live streaming licensing in territories outside of Australia and New Zealand, the relevant rights holders will need to be contacted. The relevant Australian / New Zealand music publisher/s can provide further information on this.
- APRA AMCOS licences do not cover sound recordings (except for licences issued by OneMusic).
- APRA AMCOS licences generally do not cover synch rights (see above).

For general enquiries on live streaming, please contact [online@apra.com.au](mailto:online@apra.com.au) or the relevant music publishers.