

# DRAMATIC CONTEXT LICENSING

## FREQUENTLY ASKED QUESTIONS



Customer enquiries (03) 9426 5223 theatre@apra.com.au www.apraamcos.com.au

### How will APRA determine if a show is considered Dramatic Context?

If it is a presentation on the live stage that has a storyline and one or more narrators or characters, or is a Ballet, APRA would consider this a Dramatic Context production.

How will APRA determine if a show that is improvised or not scripted is Dramatic Context?

As part of the application process, APRA requires any script or program notes to be attached. These will be reviewed and if a storyline is present, and it has one or more narrators or characters, this would be considered a Dramatic Context show.

### How will APRA determine if a show has 'controversial themes'?

Controversial themes means reference to violence, political, sexual themes and drug or other substance abuse. If a show contains these references it will be referred to the copyright owners for review.

### When can publishers set their own licence fees?

When a work is **Owner Referred**, it means that the work may be available for use in a Dramatic Context show, but requires individual approval from copyright owner including setting the licence fee for the work. Owner Referred restrictions will not apply for a show season or tour that has a gross box office under \$20,000, unless there are controversial themes, or tells the story of the life or work of a particular composer, artist or music figure and event or is a Potted Production. APRA will manage all processes in conjunction with the rights holders.

### If songs in a show are cleared to be licensed in an overseas territory like the US or UK does that guarantee they will be cleared for use in the same show in Australia?

No. In the US territory, the clearing process is different. There, a client would seek permission directly from the local sub-publisher and not a Performing Right Organisation. In most instances this will cover shows being staged in the US. In the UK, theatrical rights sit with PRS for Music (the UK Performing Right Organisation), unless a copyright owner opts out for their work for a particular production.

### In the UK if a publisher does not respond to a reasonable request for permission to use music works then the music can be used, is this the same in Australia?

No and this is not the case in the UK either. If an approval is not received in sufficient time prior to the start of a production, APRA will advise – in advance – that the work is unavailable for use, and the client should have an alternative work in mind.

### How many songs from any one musical am I able to do?

A maximum of three songs from any one musical is generally permitted. If you are performing more than two songs sequentially and more than three from any one musical, you would need to clear these rights directly with Grand Rights owner. APRA can assist with providing the copyright owner's details.

### I'm using less than 8 seconds of a song; do I need to include this in my application?

A licence is required regardless of how much music you use in your production.

### I want to sing *Phantom of the Opera* as part of a Dramatic Context show and I want to wear the phantom mask and cape. Is this OK?

Works from musicals cannot be performed with the same visual or dramatic representation as the original Grand Right musical. If you wish to include visual or dramatic elements from musical (e.g. costumes, choreography, dialogue) you will need to seek permission directly from the Grand Right owner of the musical. APRA can assist in providing the copyright owner's details.

### Do I need to include music used at the end of the show during curtain calls or bows?

You need to apply for a dramatic context licence for music used during the production (once the house lights are off). Music used pre-show, intermission or post-show while house lights are on are not considered to be part a production and may be covered under a venue's APRA licence for background music. Music used within a production and curtain calls when the house lights are off are considered to be part a production and licensed under the Dramatic Context licence and subject to approval processes outlined in the [Licence Guide](#).

### Can I perform a cover version if a work is restricted and unavailable for use?

The musical work has been restricted, not the 'version' of the work so it still **unavailable** for use.

### Why is a work that was referred to the copyright owner (Owner Referred) made unavailable for use?

An Owner Referred work may become restricted and unavailable for use if the Copyright Owner reviews the request and does not grant permission for way the work is to be used or cannot reach an agreed price for the licence fee for that use. This explains why it may be that the same work may be licensed for one show, but not another.

### How soon should I apply?

To ensure you have the best chance of getting your preferred songs incorporated into your production, we require a submission time of six to eight weeks prior to performance, with three weeks as a minimum. This allows for time for music research to determine copyright ownership, publishing and availability. Music clearances that are referred to publishers by APRA can take between **six to eight weeks**.

### Can I alter lyrics or parody a song?

Lyric changes and parodies are not covered by the APRA licence. If the production contains performances of works with altered lyrics, you will need to obtain permission from the relevant copyright owner (usually a music publisher) or the songwriter, if the songwriter isn't published. APRA will submit this request with the provided lyric changes/parody through to the publishers on your behalf, for their consideration.

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### Other licences you may require

You will likely also require a licence from the Phonographic Performance Company of Australia (PPCA) who represent the owners of copyright in sound recordings (record companies and recording artists). The PPCA can be contacted on (02) 8569 1100 or [www.pcca.com.au](http://www.pcca.com.au)

Additional licences may also apply if you are intending to create video/audio recordings or live stream your performance. For more information please contact us ([email link](#)).