



APRA Music Essentials

Dramatic Context Guidelines



APRA normally licenses concerts and other non-dramatic performances of musical works. In the theatrical context music can be used in a number of different ways; some performances can be licensed by APRA, while others cannot.

APRA does not license “**grand rights**” performances. These are theatrical performances where the music has been expressly written for the production - operas, operettas, musical plays, revues and ballets (not including country or folk dancing, tap dancing or precision dancing sequences) oratorios, and large (exceeding 20 minutes) choral works. If you are performing an opera, choral work or musical play as described above (that is, where the music was written as part of the production), you must contact the publisher of the musical works for permission to perform.

Where APRA may be involved in licensing theatrical performances is in the area of performances occurring in a **Dramatic Context**. Dramatic context means

- (a) in conjunction with:
 - (i) acting;
 - (ii) costumes;
 - (iii) scenic accessories; and
 - (iv) scripted dialogue or other dramatic effects; or
- (b) as a ballet*

*A ballet is defined as a choreographic work having a story, plot or abstract idea devised or used for the purpose of interpretation by dancing and/or miming, but does not include country or folk dancing or precision dancing sequences.

While APRA does not own the rights for music performed in a dramatic context, music publishers will frequently allow APRA to issue licences, acting as an agent on their behalf. The publisher retains the right, however, to approve or deny a licence. The music publishers advise APRA of works and catalogues that have restricted use, and all requests must be cleared by the publishers before a licence is granted. This list may be amended from time to time after consultation with the publishers. When determining whether a production is dramatic context, APRA examines each of the elements of dramatic context as they appear in the production.

Acting – the performers must be assuming some sort of a role. Impersonation may constitute acting. APRA does not make judgments about the quality of the acting.

Costumes – in APRA’s view, a costume must be intended to convey that the person wearing it is playing the part of a person other than himself or herself. Whether clothing is a costume may depend on other aspects of the performance.

Scenic accessories – scenic accessories are things that belong on a stage, which set a scene. Although full scenery would fall within the definition of scenic accessories, scenic accessories can be less than a full stage set. For example, a painted backdrop or individual items of scenery would be “scenic accessories.”

Scripted dialogue – scripted dialogue must be written down somewhere (although not necessarily published), and must be an exchange between at least two people – a monologue could not, by definition, be scripted “dialogue”; **however**

Other dramatic effects – even if there is no scripted dialogue, a performance can still be in a dramatic context if it contains “other dramatic effects”. These would be any devices that assist in relaying the story that is being told, or that add to the drama in some way. So a monologue or the presence of a narrator would be dramatic effects as would (in most contexts) sound effects or smoke.

In summary, APRA will examine the production (including the script and the stage manager’s copy of the script) for evidence of characters (acting), costume, scenic accessories, and either scripted dialogue or other dramatic effects. If one of these elements is absent, the production will be able to be licensed under a general performance tariff. So, a performance in costume by a person assuming a character, on a stage with some scenery will not be dramatic context if there is no scripted dialogue or any other dramatic effects. Similarly, a performance in a concert setting (with no scenery) by a person assuming a character and wearing a costume, with some dialogue or narration, will not be dramatic context because of the absence of scenery. Please contact APRA early in your production process to discuss the appropriate licensing regime.

How do I obtain a Licence?

Simple...Call Sam Cooke on 03 9426 5200 or email scooke@apra.com.au. We’ll advise you on what is required and send you a licence application. **Website** www.apra.com.au and visit Licences > Theatrical Productions



Dramatic Context Guidelines - FREQUENTLY ASKED QUESTIONS

Q: I want to sing “Phantom Of The Opera” as part of a cabaret show and I want to wear the Phantom Mask and cape. Is this OK?

A: Probably not. A grand right may be infringed if you perform a song from a grand right musical, as it would appear if you were doing the entire musical. This applies even if you are doing only one song. If in doubt, contact the copyright owner of the grand right. This will usually be a publisher and they will advise how far you can go before the grand right is infringed.

Q: I’ve got a Dramatic Context Licence, what else do I need?

A: Another collecting society, the Phonographic Performance Company of Australia (PPCA) represents the owners of copyright in sound recordings, namely record companies and their recording artists. So in addition to your APRA licence, you may be required to take out a PPCA licence where CDs, tapes or video clips are used in your production. Further information is available from PPCA on 02 8569 1100.

Q: I want to video my Dramatic Context production. Am I allowed to do this?

A: APRA cannot grant licences for the videoing of the performance. You will need to obtain permission from each of the music publishers that owns a work being used in the show. APRA will provide publisher details as part of your Dramatic Context licence.

Q: How many songs from any one musical am I allowed to do?

A: Show-tunes are a popular addition to many stage plays. Most show-tunes require permission from local and overseas publishers before they can be included in a stage production. Theoretically, there is no limit to the number of show-tunes that can be included in a production, as long as they are not performed in the same way as they appear if you were doing the entire musical that the song comes from. In practice, however, publishers are reluctant to allow more than three songs from any one musical.

Q: When should I let APRA know that I am using music in my stage production?

A: The sooner the better. APRA recommends that music selections be submitted around six to eight weeks prior to opening night. Most songs can be cleared and licensed in much less time. However, some songs require overseas clearance. The eight-week “buffer” also means that if any song is denied usage there is plenty of time to select an alternative. There’s nothing worse than trying to teach a song to a cast the night before opening!

Q: One of the songs I’ve requested has been denied usage. Why?

A: There are many reasons why a song is denied usage. The most common reason is that the composer has requested that his/her work not be performed in certain contexts (e.g. excessive swearing, drug use etc) as it may demean the work in question. APRA will let you know if a work is not available as soon as an application form is received, in order to provide maximum time to select a replacement. A work may also not be available if it is in ownership dispute.

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