



Policy on Copyright

Introduction

What is copyright?

Copyright is a legal right that grants the creator of an original work exclusive rights to its use and distribution, usually for a limited time, with the intention of enabling the creator (e.g., the composer of a song or the author of a book) to receive compensation for their intellectual effort. It is a form of intellectual property and rights includes reproduction of the work, derivative works (for example, cover songs), distribution, public performance and "moral rights" such as attribution. In Australia, copyright law is contained in the Copyright Act 1968 and is automatically applicable to all creative works, regardless of the format in which they are recorded.

Whilst the copyright may have run out on the music itself (e.g., it's by Mozart) the actual performance will still be copyright as will the production of the media.

Both the Presenter and KCR jointly own the copyright to the **programs** that go to air. No other station can rebroadcast them without permission and Presenters need KCR's permission to use their program for another purpose.

Why you need to know

Community broadcasters generally need permission to broadcast material protected by copyright, such as music. Rather than needing to approach each individual rightsholder, this permission is obtained via two licenses: one from APRA AMCOS (Australasian Performing Right Association and Australasian Mechanical Copyright Owners Society) and one from the PCCA (Phonographic Performance Company of Australia Ltd). One of each licence covers the whole radio station. KCR holds both these licences. The reason that we need to hold two licences is because there are at least two copyrights in most recordings and music videos:

The copyright in the song (lyrics, composition etc.) is covered by APRA broadcast licences. The copyright in the recording and/or music video of the song (a particular recorded performance) is covered by PCCA broadcasting licences.

APRA AMCOS represents authors, composers and music publishers, licensing organisations to play, perform, copy, record or make available their members' music, and in turn distribute these royalties to their members.

PPCA represents the interest of record companies and Australian recording artists. The PCCA grant licences for the broadcast, communication or public playing of recorded music and music videos and, in turn, distribute the licence fees collected to the record labels and Australian recording artists.

KCR Policy on Copyright

Music content that **can** be broadcast by KCR

- Any musical item from an authentic and commercially available recording (vinyl record, CD, music cassette or internet download) that is legally owned by KCR or a Presenter (or by family members of the Presenter who live at the same location). This includes legitimate original music that has been donated to KCR or to the Presenter, or a download **purchased** from a legitimate internet source such as iTunes.
- A digitalised copy of a legitimate original musical item, copied for the purpose of broadcasting. Such copies however may only be retained for a period of 12 months, after which they should be destroyed.
- “Production Music” used in the creation of Sweeps, Sponsor Messages, CSAs, etc.

Music content that **cannot** be broadcast by KCR

- Any musical item that is not commercially available, i.e., a live recording or CD from a local band, of which copyright conditions are not clearly labelled, and for which written permission to broadcast by KCR has not been obtained from the copyright owner.
- Any musical item which has been illegally copied and is therefore in breach of Copyright Law.
- Any musical item that has been modified without the written permission of the Copyright Holder.
- Any musical item which has been borrowed from a fellow Presenter, friend, library etc., and for which ownership cannot be claimed.
- Any musical item digitally copied for the purpose of broadcasting, which has been retained for a period longer than 12 months and for which a licence to retain the item beyond the 12 months period has not been obtained from APRA AMCOS or PPCA.
- Any musical item which has been downloaded from a “P2P File Sharing” facility or similar source (including YouTube and Spotify) where proof of purchase cannot be demonstrated and where copyright ownership may be in question.
- The repeated use of a copyright musical item as the regular introduction (theme tune) to or during a Presenter’s program unless permission has been obtained for this.
- Musical content that lasts more than 20 minutes without a break.

The golden rule

If there is any doubt about the authenticity of a musical item, proof of purchase, or its copyright ownership, **“DON’T PLAY IT ON AIR”**

Breach of copyright is a serious matter and could lead to loss of KCR’s Broadcast Licence