

Using music in radio and television productions

Written by Mary Kozlovski

The information in this fact sheet is intended as a guide only and should not be relied upon as an alternative to legal advice.

Copyright

Copyright is the exclusive right of a person(s) to reproduce original material – or ‘works’ – that they have created. You cannot use copyright material without the permission of the copyright owner. When creating a radio program, television program, podcast or video, you must always keep copyright in mind.

Copyright is complicated and it applies variously to different mediums – radio, television, online – depending on the context. When seeking to use music in radio or television, remember that there may be more than one copyright holder in a song, music recording or music video.

APRA and PPCA

In Australia, the two main bodies relating to the use of copyright music in radio and television are the **Australasian Performing Right Association (APRA)** and the **Phonographic Performance Company of Australia (PPCA)**.

In most songs and recordings, there are two types of copyright:

- The copyright within the song (i.e. music and lyrics)
- The copyright in a particular recording/music video of the song

In the simplest terms, APRA grants licences for the public performance of music and lyrics and PPCA grants licences for the public performance of sound recordings and music videos. Both APRA and PPCA distribute royalties to performers and record labels in exchange for the use of their copyright material.

If you would like to publicly perform a song, which can include anything from playing a song on the radio to playing it in a bar or gym, it is likely that you will need a licence from both APRA and PCCA, or the permission of the copyright holder(s).

As a broadcaster, SYN pays annual fees to APRA and PCCA that allow programmers to play songs on-air. If you were using a music video on a television show, you would also need these licences. APRA and PCCA collect these fees and distribute royalties to performers and labels when their music is played and performed in public.

Podcasts and videos

The APRA and PCCA licences do not extend to podcasts or online videos, so you must remove copyright music from podcasts and videos unless you have the permission of the copyright holder(s). If you want to upload a live studio performance, the same rule applies. Remember that there may be more than one copyright holder of a song, video or recording.

Creative Commons

[Creative Commons](#) is an international nonprofit that encourages copyright owners to licence their material so that the public can legally share, reuse and remix it.

Always check the requirements of a Creative Commons licence. Creative Commons is a 'some rights reserved' system, so Creative Commons licences still have certain conditions. For instance, all Creative Commons licences require you to attribute the material to its original creator. For more information about Creative Commons, visit [Creative Commons Australia](#).

Royalty-free music

An easy way to include music in your podcast is to use **royalty-free music**. Royalty-free music is music that has been published under a Creative Commons licence and made publicly available.

If you use CC-licenced music in your podcast, you are not required to pay royalties. Just remember to *always* check the conditions of the licence. All CC licences require attribution and what you can do with a particular piece of royalty-free music depends on its licence. For instance, a song that is licensed under No Derivative Works cannot be used in a video because a video is a derivative work.

Websites that offer royalty-free music are a mixed bag. Some sites are easier to use than others. Have a play around and decide which ones you like.

Here are some sites to get you started:

- ccmixter.org – CC sound remix tool and archive
- www.opsound.com - CC music archive
- www.magnatune.com - CC record label
- jamendo.org - CC music distribution site
- freesound.iua.upf.edu – collaborative database of CC licensed sounds
- cchits.org – collaborative podcast where users can contribute, find and share music under CC licenses
- www.artistserver.com - music community
- soundtransit.nl – archive of ‘field recordings’ from various locations around the world published under a CC Attribution license
- freemusicarchive.org – free music downloads for use in podcasts and video production

If you can wield a musical instrument, another alternative to copyright music is using your own music. If you have created your own music, you own the copyright.

Further information about copyright and music

For more information, visit the [Australasian Performing Right Association \(APRA\)](http://www.apra.com.au) and the [Phonographic Performance Company of Australia \(PPCA\)](http://www.pcca.com.au).

The [Copyright Council of Australia](http://www.copyrightcouncil.org.au) has a set of free, online resources that delve into copyright issues. For more information about the legal implications of using music in your radio and television productions, check out these Copyright Council information sheets:

- [Music and copyright](#)
- [Music: playing music, APRA and PPCA](#)
- [Community broadcasters](#)

If you are interested in learning more about creating radio programs, check out SYN's Podcasting fact sheet and SYN's Adobe Audition tutorial video.

About the writer

Mary Kozlovski, 22, joined SYN Media in 2006. She has since worked at SYN as a reporter, presenter, executive producer, project manager and is currently a SYN radio trainer. Mary has a Bachelor of Arts (Media and Communications) from The University of Melbourne and her writing has been published in Farrago and Voiceworks. Mary has been a radio presenter at community stations 3CR and 3RRR.