

MUSIC IN A DRAMATIC CONTEXT: THEATRE, BALLET & SHOWS

Licensing Enquiries

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In Australia and New Zealand there are two types of music use in theatrical performances: 'Dramatic Context' and 'Grand Rights'.

Dramatic Context performances use pre-existing musical works to tell a story (i.e. songs that weren't written specifically for the show in which they are being performed). If a show meets the Dramatic Context definition a standard 'Blanket Licence' that provides access to all songs in our repertoire is not available.

Grand Rights refers to the staging of pre-existing musicals or ballets (e.g. Mary Poppins, Hamilton, The Rite of Spring). Staging a musical or ballet in its full context (e.g. performing the music alongside theatrical elements from the production such as costumes, characters or choreography) always requires licensing directly from rights holders – generally music publishers. Even in a non-theatrical setting, performing more than 25 minutes of music from a musical also requires direct permission.

Licensing your Dramatic Context event

For regular concerts and non-dramatic performances, we can usually issue a 'blanket licence' to perform any or all of our music on behalf of our members (composers and music publishers) and affiliates (societies like ours that operate in other countries, e.g. PRS in the UK).

However, if your show is Dramatic Context, special rules apply because we only act as an agent.

APRA AMCOS can provide a Dramatic Context licence for millions of songs, including for some of Australia, New Zealand and the world's leading music publishers. However, some artists and music publishers prefer to license Dramatic Context use of their songs directly to theatrical producers rather than through APRA AMCOS.

When we receive an event enquiry, we assess whether the performance meets the Dramatic Context definition, and if so, we review the availability of each individual musical work.

How to Apply for a Dramatic Context licence



Head to the APRA AMCOS website & select 'Theatrical Performances'

Fill out the application form. Do this a minimum 4 weeks before opening night.



Wait for a response from a Licensing Rep

Our staff will research your song list and advise which songs are available for use in your production.



Confirm your song list

Let us know which songs you're using and the duration of each work.



Sign your agreement

Your Licensing Rep will prepare a licence agreement for you to sign and return.

APRA AMCOS does not control rights for Dramatic Context use in our music and only acts as agent for its members. Arrangements are therefore different to most other licences you may have obtained from us. It is important that you are aware that copyright ownership in a song and/or the position of the songwriter may change from time to time. This means previous approval for the same or a similar show does NOT guarantee that approval will be given again for any new application. Accordingly, APRA AMCOS notes that any financial or other investment in your show, including the booking of venues, ahead of you obtaining a licence for all the works is entirely at your own risk.

Dramatic Context definition

Dramatic Context means the performance of musical works:

- A)** in conjunction with a presentation on the live stage that has:
- a **storyline**; and
 - one or more narrators or characters; or
- B)** as a Ballet.

Aside from Ballet, determining whether your show meets the Dramatic Context definition (a live presentation with a storyline and one or more narrators or characters) usually hinges on whether the show is deemed to have a **storyline**.

Any genre of show - symphony performance, tribute show, cabaret, pantomime, comedy - could be classified as Dramatic Context if it has a **storyline, and one or more narrators or characters**.

What is a **storyline**?

A storyline is a chain of events (whether factual, fictional or a combination), told in an interrelated sequence or narrative arc. In other words, the portrayal of a cohesive plot of events.

A storyline can be presented in or out of chronological order, and it is not a requirement that it be written down or scripted.

For example, the story of the life or work of a particular composer, artist or other music figure or event or indeed the performer of the show themselves may be a storyline.

What is not a **storyline**?

Any of the following would not be defined as a storyline in their own right:

- The expression of a theme, idea or topic;
- Genuine anecdotes or ad-libs between the performance of songs;
- Costumes or scenery to suggest the progress of time, or;
- A planned sequence of song performances in a concert setting.

However, the combination of two or more of these elements may well constitute a storyline or biographical treatment of an artist requiring approval from the relevant music publisher.

What is a character? A character is any person, animal, or figure (whether living, deceased or fictional) represented in a dramatic, musical, literary or artistic work

What is a narrator? A narrator tells the story, either live or recorded. The narration may be in the first or third person.



What is 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. Ballet does not include country or folk dancing, tap dancing or precision dancing sequences.

What can **APRA AMCOS** license?

When a copyright owner (usually a music publisher) permits us to license their songs for Dramatic Context, there may still be limitations on which of their songs we can license.

There are two publicly available lists to help navigate restricted songs:

	<p>An Owner Restricted list of songs and compositions that are not available for use in Dramatic Context. The list of Owner Restricted works may be different for different uses.</p>
	<p>A Go Direct list of songs and compositions that might be available and that the copyright owner will consider licensing directly with the show's producer.</p>

Additionally, copyright owners may elect to directly license their songs for productions over a certain size, or of a certain type. Some copyright owners chose to do all Dramatic Context licensing directly.

Please contact APRA AMCOS at least 6-8 weeks prior to the start of your show and consider having alternative songs ready.



What is the **cost** of an APRA AMCOS Dramatic Context licence?

Licence Fee is the greater of (excluding GST):

- 6% of Gross Box Office pro-rated*;
- \$15 per work; or
- minimum fee per show season or tour licence.

Gross Box Office	Minimum show season or Tour Fee excluding GST**
Less than \$100,000	\$90
\$100,000 - \$499,999	\$250
\$500,000 - \$999,999	\$500
\$1,000,000 and above	\$1,000

Gross Box Office means the total amount paid for admission, excluding booking fees charged by unrelated third parties, credit card charges, and government taxes.

*6% of Gross Box Office fees are pro-rated using percentage of music use against total show duration (Music Use Percentage, or MUP).

**The conditions and licence fees are the same for both Australia and New Zealand, subject only to the different GST rates of 10% for Australia and 15% for New Zealand. The rates quoted above are in each territory's local currency and exclude GST.

See [page 4](#) for an example of how the fees apply.

Primary and secondary schools should refer to information about their school's music licence [here](#).

What are the **limitations** of an APRA AMCOS Dramatic Context licence?

Some music publishers have elected to limit the availability of their music in a Dramatic Context. Where a publisher has limited the availability of their music in the following situations, we refer productions of that kind directly to the publisher for licensing:

- A venue with a capacity over 500
- A production that is a **Biographical Production** or contains **Controversial Themes**

Biographical Production tells the story of the life or work of a particular composer, artist or other music figure or event.

Controversial Themes means any theme that APRA AMCOS reasonably believes to be controversial including themes depicting strong violence or sexual abuse, political themes or any theme that is derogatory to the work or the artist.

Using **recorded music** in your show

If you are playing music from a commercially released sound recording (as opposed to the music being performed live or in a recording you have made) you will require direct permission (or a licence) from the relevant record label or rights holder for each sound recording. In some limited instances **Phonographic Performance Company of Australia (PPCA)** may be able to assist, depending on the circumstances.

To check if PPCA can provide a licence please contact business.affairs@ppca.com.au

Frequently Asked Questions

What about music used at the end of the show, or during curtain calls or bows?

Music used pre-show, intermission or post-show while the **house lights are on** is generally not considered to be Dramatic Context and may already be covered under a venue's OneMusic licence for background music.

Music used during an encore or curtain call **is always Dramatic Context**.

If music is expected to draw an audience's attention to the stage as a segue to or from the dramatic world of the presentation, it will generally be considered Dramatic Context. Contact us if unsure.

Can I alter lyrics or write arrangements of a song?

Making lyric changes and arrangements of musical works are not covered by an APRA AMCOS licence. If you plan to alter lyrics or make new musical arrangements, you must obtain permission from the relevant copyright owner (usually a music publisher) or the songwriter, if the musical work is unpublished.

APRA AMCOS will supply you with publisher contact details to obtain permission direct.

Feedback

Comments and feedback on your licence agreement or the information guides can be sent to us at licence@apra.com.au

Complaints

If you are not satisfied or have an issue with the manner or standard of your interactions with us you can review our [complaints procedure](#) and if you wish to proceed with a complaint you can send it to complaints@apra.com.au

Disputes

If you do not agree with how we apply a licence to your business, that is, you disagree about the licence agreement we have asked you to enter into, our rates or how your licence fees have been calculated - you can:

- send details directly to us at licencedispute@apra.com.au or 16 Mountain Street, Ultimo, NSW 2007; or
- lodge it directly with our independent third party Alternative Dispute Resolution facilitator, [Resolution Pathways](#).

More information on this process and how to lodge a dispute is available [the dispute resolution page](#) on our website.

If you want to know more about the differences between a “Complaint” and a “Dispute”, please see [complaints and dispute resolution](#) on our website.

APRA AMCOS is the trading name of APRA (Australasian Performing Right Association) and AMCOS (Australasian Mechanical Copyright Owners Society). APRA AMCOS grants licences for the live performance, broadcast, communication, public playing and reproduction of its members’ musical works. APRA AMCOS then distributes the net licence fees collected to its 100,000+ songwriter, composer and music publisher members and affiliated societies worldwide.

PPCA (Phonographic Performance Company of Australia Ltd) grants licences for the broadcast, communication or public playing of recorded music (such as CDs, records and digital downloads or streams) and music videos. PPCA then distributes the net licence fees collected to its licensors (generally record labels) and registered recording artists.

This fact sheet is a guide only. Refer to the licence for full terms and conditions.

Example of a Dramatic Context production

Twinkle Town Theatre group are staging a production written by a local playwright and are seeking to use music throughout the show.

Their producer uses the Song Catalogue search on the APRA AMCOS website to identify the details of each song, and then submits an application to the Theatrical team.

A Theatrical Licensing Representative confirms that we can only license 12 of the 17 songs.



The producer is provided publisher details for the 5 songs we cannot provide a licence for and is instructed to contact the publisher to obtain direct permission.

The total production length is **90 minutes**, the length of our licensable music being used (**12 songs**) is **37 minutes**.

The gross box office reported after the conclusion of the show is **\$40,000**.

The licence fee (excl. GST) is calculated at the greater of:

- 6% of Gross Box Office pro-rated: $6\% \times \$40,000 \times \frac{37 \text{ min}}{90 \text{ min}} = \986.64
- \$15 per work: $\$15.00 \times 12 = \180
- Relevant minimum fee per show season or tour licence = \$90

The APRA licence fee would therefore be **\$986.64 + GST**