

Screenrights royalties for live performances recorded from radio

The purpose of this information sheet is to explain the circumstances in which Screenrights pays educational copying royalties to rightsholders in performances, and why.

What is Screenrights?

Screenrights distributes royalties for educational copying from television and radio under provisions in the Australian Copyright Act that allow schools, TAFEs and universities to copy from TV and radio provided they pay the copyright owners. Screenrights is the non-profit company that has been appointed by the Australian Government to administer these provisions. Screenrights monitors copying, collects royalties and distributes this money after deducting its administrative overheads only.

Who does Screenrights pay royalties to and why?

Each film and television program contains a number of separate components that are protected under the Copyright Act. Under the provisions of the Act, Screenrights must allocate the royalties it collects for each copied title to each of the separate rightsholders in that title. For most programs, the Act requires Screenrights to allocate royalties to the following copyrights:

- Film
- Literary or Dramatic Work
- Musical Work
- Sound Recording of Musical Work
- Artistic Work

Changes to copyright legislation giving performers certain rights over their performances, mean that in some circumstances Screenrights also allocates royalties to performers for the use of their performances.

When does Screenrights pay rightsholders in performances?

The Performers Protection provisions of the Copyright Act give performers limited rights over recordings of their live performances. The Act provides for many exemptions to these rights, making the circumstances in which Screenrights pays rightsholders in performances limited.

A rightsholder in a performance will be allocated Screenrights royalties when an educational institution makes an audio copy (in practical terms, a copy of a radio program) from a live to air broadcast of a live performance of any of the following:

- Musical, Dramatic or Literary Works
- Circus or Variety Acts
- Expressions of Folklore.

How much does Screenrights allocate to rightsholders in performances?

When a live to air radio broadcast of an appropriate live performance is copied, Screenrights allocates royalties to the performer(s) in that performance. In this situation, the performer is allocated a share of the program value equivalent to the sound recording allocation for the portion of the program containing the relevant performance.

How do I claim the royalties?

You will need to complete a warranty stating that you own or control the performers protection rights in the relevant performance. Screenrights is happy to assist you with this.

Questions?

Contact Member Services. Our details are below.