

DRAMATIC CONTEXT AGENCY APPOINTMENT



APRA
AMCOS

Enquiries nz@apra.co.nz www.apraamcos.co.nz

Member _____

Address _____

Dear Writer Member

CHANGES TO DRAMATIC CONTEXT AGENCY APPOINTMENT

You may be aware that APRA has been reviewing its arrangements for licensing performances of music in a dramatic context.

This letter sets out the terms on which you appoint APRA as your agent to license the public performance of Musical Works owned or controlled by you for Australia and New Zealand, in a Dramatic Context. Where commencing with a capital letter, terms in this letter have the same meaning as in the APRA Constitution.

This letter includes:

- A grant of non-exclusive rights, exclusions and rules around how APRA will manage dramatic context licensing of your music under this agency appointment;
 - Schedule 1A and 1B, on which you are able to list Owner Restricted and Go-Direct works/composers for licensing at venues with a capacity of up to 500;
 - Schedule 2, on which you can set out additional restrictions (e.g. controversial themes and biographical productions);
 - Schedule 3A and 3B, on which you are able to list Owner Restricted and Go-Direct works/composers for licensing at venues with a capacity of more than 500 if you have given APRA approval for such uses in Schedule 2;
 - Schedule 4, on which you should set out whether you approve the use of your music at named cabaret and fringe festivals; and
 - Schedule 5A and 5B, on which you are able to list Owner Restricted and Go-Direct works/composers for licensing at cabaret and fringe festivals if you have given APRA approval for such uses in Schedule 4.
1. You appoint APRA as your non-exclusive agent to license the public performance of Musical Works in a Dramatic Context by (a) primary school students, and (b) secondary school students provided there are no admission fees and the production is not advertised outside the secondary school community.
 2. Subject to this letter you appoint APRA as your non-exclusive agent to license the public performance of Musical Works excluding the Musical Works listed in Schedule 1A and 1B in a Dramatic Context in venues with a capacity of up to 500. Subject to this letter, you may amend Schedule 1A and 1B by notice in writing from time to time in good faith having regard to administrative burden. We may publish Schedule 1A and 1B on our website. You may place additional restrictions on this agency appointment, and/or permit us to license Dramatic Context performances in larger venues, in accordance with Schedule 2 and where relevant Schedule 4. Subject to this letter, you may amend Schedule 3A and 3B by notice in writing from time to time in good faith having regard to administrative burden. We may publish Schedule 3A and 3B on our website.

DRAMATIC CONTEXT AGENCY APPOINTMENT

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3. You may impose additional restrictions on this agency appointment with respect to performances at the fringe festivals or cabarets listed in Schedule 4 and where relevant Schedule 5A and 5B. Subject to this letter, you may amend Schedule 5A and 5B by notice in writing from time to time in good faith having regard to administrative burden. We may publish Schedule 5A and 5B on our website. We may amend Schedule 4 from time to time on reasonable written notice to you.
4. You agree that amendments to any of the Schedules to this agreement are subject to any prior Dramatic Context licence granted by APRA.
5. We will ensure that licence applications identify the proposed production in sufficient detail, including the Musical Works to be performed and their respective durations, and the venue and context of the performance.
6. We will calculate licence fees in accordance with the published licence scheme, which must be based on our industry experience and consultation with licensee representative bodies or determined by the Copyright Tribunal.
7. We will use our best endeavours to collect licence fees under licence agreements entered into in reliance on this agency appointment, and will allocate and distribute revenue collected in accordance with our Constitution and Distribution Rules from time to time.
8. You acknowledge that if licence fees for a production are calculated on the basis of a minimum fee per Musical Work, APRA will make distributions equally to all works in the production licensed by APRA.
9. You warrant that the information given in this letter is, and that any amendments you make to the Schedules will be, complete and correct.
10. You warrant that none of the Musical Works infringes the copyright in any other work.
11. You indemnify APRA against all damages, losses, costs, and expenses incurred by APRA arising out of any breach by you of a warranty or of your obligations under this agreement.
12. This agency appointment may be terminated by either party on three months' written notice, but termination will not affect any licence agreements already granted by APRA in reliance on this appointment.
13. Nothing in the letter permits APRA to license performances in public of Grand Right Works or any production that contains three or more Musical Works (or two or more Musical Works performed consecutively) from a Grand Right Work.

Please confirm your acceptance of these terms by completing the Schedules, signing where indicated below and returning a copy of this letter to us.

Yours sincerely

APRA

I confirm that this letter and the attached schedules contain the terms of my appointment of APRA to license Dramatic Context performances of Musical Works owned or controlled by me.

[signed by member]

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SCHEDULE 1A –

OWNER RESTRICTED WORKS FOR PERFORMANCES IN VENUES WITH A CAPACITY OF UP TO 500 PERSONS

(Please list those writers and/or works where you wish to place a blanket restriction on their use in a Dramatic Context in the [excel spreadsheet provided](#))

SCHEDULE 1B –

GO DIRECT WORKS FOR PERFORMANCES IN VENUES WITH A CAPACITY OF UP TO 500 PERSONS

(Please list those writers and/or works where you wish to directly license and invoice their use in a Dramatic Context in the [excel spreadsheet provided](#))

SCHEDULE 2 – ADDITIONAL TERMS

THESE DO NOT APPLY TO THE SCHOOL PRODUCTIONS DESCRIBED IN THE LETTER TO WHICH THIS SCHEDULE IS ATTACHED

I restrict the use of all Musical Works owned or controlled by me for Australia and New Zealand in venues with a capacity 500 or under

- Where the production contains Controversial Themes
- Where the production is a Biographical production
- Where the production is a potted production and contains two or more works written by the same songwriter

Please place a tick in each box above where you wish to restrict the use.

- I **do not permit** the use of all Musical Works owned or controlled by me for Australia and New Zealand in venues with a capacity over 500

Please place a tick in the box above if you wish to restrict this use.

Subject to Schedule 3A and 3B I **permit** the use of all Musical Works owned or controlled by me for Australia and New Zealand in venues with a capacity over 500 but restrict the use of those works

- Where the production contains Controversial Themes
- Where the production is a Biographical production
- Where the production is a Potted production and contains two or more works written by the same songwriter

Please place a tick in each box above where you wish to restrict this use.

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

Biographical Production means a performance in Dramatic Context that tells the story of the life or work of a particular composer, artist or other music figure or event.

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SCHEDULE 3A –

OWNER RESTRICTED WORKS FOR PERFORMANCES IN VENUES WITH A CAPACITY OF OVER 500 PERSONS

(Please list those writers and/or works where you wish to place a blanket restriction on their use in a Dramatic Context in the **excel spreadsheet provided**. If the list is the same as the list provided at Schedule 1A please indicate.)

SCHEDULE 3B –

GO DIRECT WORKS FOR PERFORMANCES IN VENUES WITH A CAPACITY OF OVER 500 PERSONS

(Please list those writers and/or works where you wish to directly license and invoice their use in a Dramatic Context in the **excel spreadsheet provided**. If the list is the same as the list provided at Schedule 1B please indicate.)

SCHEDULE 4 – FRINGE AND CABARET FESTIVALS

- I do not permit the APRA to license any Musical Work owned or controlled by me for Australia and New Zealand at the named fringe and cabaret festivals listed in this Schedule and as amended from time to time by APRA under paragraph 4 of this letter.
- Subject to Schedule 5A and 5B I permit APRA to license any Musical Work owned or controlled by me for Australia and New Zealand at the named fringe and cabaret festivals listed in this Schedule and as amended from time to time by APRA under paragraph 4 of this letter.

Note that this permission includes performances in Dramatic Context whether or not the productions is a Biographical production or contains Controversial Themes. Uses outside of the festivals will be subject to normal restrictions as you have set out elsewhere in the schedules.

- Sydney Cabaret Festival (NSW)
- The Sydney Fringe (NSW)
- Electro-fringe (NSW)
- Darwin Fringe Festival (NT)
- Queensland Cabaret Festival (QLD)
- Adelaide Cabaret Festival (SA)
- Adelaide Cabaret Fringe Festival (SA)
- Adelaide Fringe Festival (SA)
- Fringe at the Edge of the World (TAS)
- Bright Cabaret Festival (VIC)
- Melbourne Cabaret Festival (VIC)
- Melbourne Fringe Festival (VIC)
- Fringe World, Perth (WA)
- New Zealand Fringe Festival (NZ)
- Dunedin Fringe Festival (NZ)
- Nelson Fringe Festival (NZ)
- Auckland Fringe Festival (NZ)
- Auckland Live Cabaret Festival (NZ)

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SCHEDULE 5A -

OWNER RESTRICTED WORKS FOR FRINGE AND CABARET FESTIVALS

(Please list those writers and/or works where you wish to place a blanket restriction on their use in a Dramatic Context in the **excel spreadsheet provided**. If the list is the same as the list provided at Schedule 1A or 3A please indicate.)

SCHEDULE 5B -

GO DIRECT WORKS FOR FRINGE AND CABARET FESTIVALS

(Please list those writers and/or works where you wish to directly license and invoice their use in a Dramatic Context in the **excel spreadsheet provided**. If the list is the same as the list provided at Schedule 1B or 3B please indicate.)