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Authorised Civil Marriage Celebrant

COPYRIGHT POLICY and PROCEDURES

Preamble

The *Copyright Act 1968* (Commonwealth) ('the *Act*') grants exclusive rights to a copyright owner in respect of copyright material, including the right to reproduce or copy, publish, perform, communicate or adapt the material. However, use of copyright material may be authorised by obtaining permission, by exclusions within the *Act*, by contractual licence or agreement, or by statutory licence under the provisions of the *Act*.

The purpose of this policy is to ensure that the Australian legislative requirements are adhered to relating to the copying, communication or performance of copyright material in a marriage ceremony.

What is copyright?

Copyright is a bundle of exclusive economic rights granted to the copyright owner under the *Act* for a limited period of time.

Under Australian law and through international conventions and treaties a wide variety of material is protected by copyright, including literary and academic texts, dramatic works, musical works, artistic works, radio and television broadcasts, and other audio-visual material. Material in all formats is covered including hard copy, electronic and on the Internet.

Scope and Limitations

The Marriage Celebrant advises clients that any unauthorised copying of copyright material is an infringement of the *Act*. This is the case even if the material is copied for personal use or to provide a back-up copy.

The wedding ceremony

The celebrant is responsible for ensuring that all aspects of the wedding ceremony comply with Australian law. As such, the celebrant will undertake to obtain any copyright licences required for the wedding ceremony.

Licence fees

The costs of any licences obtained by the celebrant on behalf of the client will be additional to the celebrant's fee for performing the ceremony.

The wedding reception

The celebrant will not be responsible for any copyright licences required for the wedding reception. However, as far as possible, the celebrant will provide the client with relevant information about obtaining copyright licences.

In order to ensure that the obligation to obtain any necessary copyright licences for a wedding reception is not inadvertently transferred to the celebrant, the celebrant will require written evidence that any such licences have been obtained.

Types of copyright material

Material commonly used in marriage ceremonies that may be copyrighted includes:

- **Music**
- **Sound Tracks, Lyrics and Sound Recordings**
- **Film footage**
- **Poetry and other literary or dramatic works**
- **Performers' rights**

Licensing Procedures

- **Music**

The requirement to obtain licences for the public performance of music during a civil ceremony is exempted under the *Act* in recognition of the traditional role of music in wedding ceremonies. This includes music or other material played during the ceremony using equipment such as CD players, cassette recorders and TV and radio sets as well as live performances.

Clients should note that while there is an exemption from the Australian Performing Rights Association (APRA) and the Phonographic Performance Company of Australia (PPCA) for live and recorded music played at wedding ceremonies, a licence *is* required from the PPCA for public playing of sound recordings including CDs, tapes or DVDs, at wedding receptions (see www.pcca.com.au).

Generally, the owner/occupier of a wedding reception venue is responsible for obtaining this licence.

The celebrant is not responsible for obtaining copyright licences for the wedding reception. However, in order to ensure that the obligation to obtain the copyright licence has not inadvertently transferred to the celebrant, you are required to provide the celebrant with evidence that such a licence (if relevant) has been obtained.

- **Sound Tracks, Lyrics and Sound Recordings**

If it is necessary to photocopy sheet music for your ceremony, or if you are dubbing a sound recording onto a compilation CD, or if you are using recorded music on a video of your ceremony, permission is required from the music publisher, the record company or other owner of the copyright as shown on any labels. If this material is required for the wedding ceremony, the celebrant will arrange the necessary licences.

Note that, even though an original musical work may be out of copyright, there may still be copyright protection in some circumstances – for example, if a new arrangement of the work has been made, or if a new translation has been made of the lyrics.

If the licences are required for performances at the wedding reception, the clients are responsible for making the necessary arrangements. Further information can be obtained from the Australian Mechanical Copyright Owners' Society (AMCOS) on www.amcos.com.au or APRA on www.apra.com.au.

- **Film Footage**

Copyright may exist in additional material included in a wedding video. It is the responsibility of the client to ensure that any necessary licences for a wedding video are obtained. You can get further information from www.screen.org.

- **Poetry and other literary and dramatic works**

A reasonable proportion of a published literary or dramatic work may be used in a marriage ceremony without a licence, provided the work is acknowledged. This is exempted under the *Act*.

However, if such material is printed on the order of service, a licence should be obtained. The celebrant will assist with obtaining the necessary licence.

- **Performers' rights**

The consent of any performer at a wedding ceremony must be obtained prior to any audio or video recording to be made of the performance during a ceremony.

The celebrant can assist with obtaining this consent which is required in writing.

The celebrant is not responsible for obtaining consent for live performances at the wedding reception. However, in order to ensure that the obligation to obtain the consent has not inadvertently transferred to the celebrant, you are required to provide the celebrant with evidence that such consent (if relevant) has been obtained.

Downloading, reproducing or communicating copyright music via the Intranet, Internet or email systems

It is not permitted to:

- reproduce, download or convey to any other parties, all or part of any copyright musical work via the Internet or email systems;
- reproduce, communicate, transmit or perform any infringing copy of a copyright sound recording (ie a sound recording that has been obtained or downloaded illegitimately, and is therefore itself in breach of copyright);
- make any unauthorised recordings or video recordings or performances contrary to the *Act*.

For further information about the Copyright Act, go to www.austlii.edu.au

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