



COPYRIGHT HANDBOOK

BARBERSHOP HARMONY NEW ZEALAND

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Disclaimer: This guidance document has been prepared by Barbershop Harmony New Zealand for the benefit of its members. While every effort has been made to ensure the accuracy and completeness of the information provided, this document is not intended to be legal advice and should not be relied upon as such. BHNZ accepts no responsibility or liability for any errors or omissions in the information provided, or for any actions taken or not taken based on this document. Members are encouraged to seek their own independent legal advice on any matters of concern.

1.1 Summary

This handbook provides guidance on copyright compliance for all BHNZ choruses and quartets. Although copyright laws and licensing requirements can be complex, the basic rules are very simple:



Sheet Music

Purchase one copy for each singer. Purchasing from online retailers such as sheetmusicplus.com is the easiest way to ensure compliance.



Public Performances

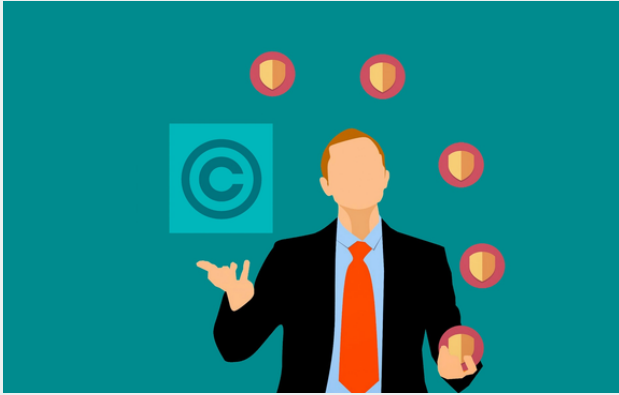
Joining the New Zealand Choral Federation is the easiest way to ensure chorus concerts are properly licensed. Most other public performances do not require licensing.



Recordings

Arrange audio manufacture licensing through APRA AMCOS for CDs/Vinyl, and ensure sync licensing is in place for online videos.

1.2 Introduction



In this guidance, we will cover three main types of copyright of interest to BHNZ members:

- Printed Music
- Public Performances
- Recordings, including online videos and learning tracks

Although copyright can be complicated, proper compliance is important:

Legal Compliance

Copyright laws exist to protect the rights of creators and owners of original works. Violating copyright laws can lead to legal action, which can result in fines and legal penalties.

Respect for Intellectual Property

Copyright compliance shows respect for the intellectual property of creators and owners of original works. It acknowledges their efforts and contributions to society and the economy. We love our barbershop composers and arrangers, and want them to be fairly compensated for their work.

Reputation

Copyright compliance is also important for BHNZ and its affiliated groups, as it protects our reputation and helps to avoid legal and financial consequences that may arise from non-compliance. Respect for copyright laws will result in trust and respect from our communities, promoters, and stakeholders.

1.3 Copyright Basics _____

What is copyright?

Copyright is a property right that exists in original literary, musical, or artistic works, sound recordings, films, etc.

The owner has the exclusive right to:

- Copy the work
- Issue copies of the work to the public
- Play/perform/show the work in public
- Make an adaptation of the work (e.g., a barbershop arrangement)

The original copyright holders often assign their rights to publishers, who control the owner's rights. This makes licensing easier, as prospective users of copyrighted works can deal with publishers or copyright clearinghouses, not the original artists.

The original owners retain the “moral rights” to be identified as the author/composer/creator of the particular work.

Did you know...

It is an offence under section 131 of the Copyright Act 1994 to perform a musical work where the performer knowingly infringes copyright in that work. The maximum penalty is a fine not exceeding \$150,000, or 5 years imprisonment.

Any infringement of copyright (knowingly or not) is actionable by the copyright holder. It could lead to takedown notices, injunctions, and/or damages being awarded against the infringing parties.

2. Sheet Music ---

It is important for all BHNZ choruses and quartets to obtain sufficient legal copies of sheet music for each member, for every song in the group's repertoire.

2.1 Buying Published Arrangements

The easiest way to ensure copyright compliance for sheet music is to purchase published arrangements.

BHS Online Store

The Barbershop Harmony Society has an extensive collection of sheet music available for purchase at shop.barbershop.org. Search for the arrangements that have international availability (many of the titles are only licensed for sale in the US and Canada).

SAI Online Store

The Sweet Adelines International [website](http://www.sweetadelines.org) has a large range of arrangements for upper (SSAA) voices, all of which have been cleared for international sale. There are "published" arrangements, available to anyone, and "Arranged Music", available only to SAI members.

Sheet Music Plus / Sheet Music Direct

These are increasingly useful databases, owned by Hal Leonard. Visit sheetmusicplus.com and sheetmusicdirect.com. They have extensive barbershop sheet music collections.



Many BHS-published arrangements are available worldwide on Sheet Music Plus and Sheet Music Direct, even if they are not available through BHS directly, or are limited to North American buyers. Search for “Barbershop Harmony Society” to find all the BHS-published arrangements.

You can also search for your favourite arrangers, many of whom self-publish their arrangements on these websites. You’ll find hundreds of Tom Gentry, Kevin Keller, Alex Morris, and Rowena Harper arrangements, to name just a few.

If you purchase sheet music from sheetmusicplus.com or sheetmusicdirect.com, you know you are buying properly licenced sheet music, which complies with all necessary licensing laws.



2.2 Unavailable/Unpublished Arrangements

Many of the BHS-published arrangements are not available to be purchased in New Zealand. Further, many unpublished arrangements managed by BHS can only be licensed by special order.

To obtain legal copies of these arrangements, you have various options:



2.2.1 BHS Clearance Service

Use the Barbershop Harmony Society's copyright clearance service to help with all unpublished or unavailable arrangements

- This is the easiest option – the BHS library staff are responsive and excellent to deal with.
- It can take a few weeks for the copyright clearance to come through, so allow yourself time before contests, etc.
- The cost is usually around USD130-150 for a quartet, and USD150-280 for a chorus.
- Use the clearance request form: <https://www.tfaforms.com/4886963>
- Note: If you decide not to proceed with the clearance (e.g., if the rights are too expensive), a cancellation fee is charged by BHS.

2.2.2 Do It Yourself

Organise the copyright clearance yourself, by approaching the relevant publisher



This can be quicker and cheaper, but is more complicated:

1. Determine who holds the print rights, by searching on the [APRA AMCOS website](#)
2. Consult the [list of publisher contacts](#) to find the appropriate person to contact
3. Contact the licence holder to organise the copyright clearance for your group.

Note: you will need to have a copy of the arrangement that you are seeking to clear. If you don't have one, the BHS may be able to provide a reference copy. Email library@barbershop.org.



2.2.3 Contact the Arranger

Many arrangers can assist you to obtain licenses for their arrangements.

- Many arrangers have permissions in place with the copyright holders to sell their own arrangements.
- If they cannot assist, they will direct you to the appropriate place to obtain the arrangements.
- The [Barbershop Connections](#) website has a good database of arranger contact information.

2.3 Making Your Own Arrangements

Keen to make your own barbershop arrangements of copyrighted works? Great! However, to create legal sheet music, permission is still required from the relevant publisher.

The easiest way to do this is to create an account at Hal Leonard's [Arrange Me](#) website – it has a huge catalogue of songs available to be arranged. You can upload your own arrangements, which will then appear for sale on [sheetmusicplus.com](#). You can determine the price, and you will receive a 10% royalty payment from each sale.

For songs not available on the Arrange Me website, permission will need to be sought from the publisher directly – use the [APRA AMCOS website](#) for contact information.

2.4 Public Domain

In New Zealand, songs enter the public domain 50 years after the death of the original composer/lyricist. It doesn't matter where the song was originally published - the 50-year rule applies to all songs. Other countries have extended this period to 70 years. This means that songs can be in the public domain in NZ, but still under copyright in Australia/USA/UK, for example.

Songs that are in the public domain do not have any copyright attached to the underlying work. You are free to make and sell your own arrangements of public domain works. Copyright in the arrangement of a public domain song lasts for 25 years from the date of publication.

More information about the Public Domain is available on the [Digital NZ website](#).

2.5 Sheet Music FAQs

Does a quartet need to purchase separate sheet music for a chorus song, if the quartet members are all members of the chorus?

If all quartet members are part of the chorus and learned a song using the chorus's sheet music, the quartet doesn't need to buy its own copies. However, if any quartet member is not part of the chorus, separate sheet music should be purchased for that quartet member.

Can a chorus gift sheet music to another group?

Published sheet music that has been legally purchased by a chorus can be gifted to another group, provided no consideration or payment is provided in return.

Sheet music that has been specifically licensed for a chorus cannot be gifted to any other group – the licence is specific to that chorus.

Under no circumstances can a chorus sell sheet music to another group – this would be a breach of copyright.

If we purchased 20 copies of the sheet music when we were a small chorus, and our membership has grown, do we need to buy more copies?

Yes, a legal copy of the sheet music for each active repertoire song is required for each member of the chorus. It is always a good idea to buy a few more than required, to allow for growth.

What is the copyright period for arrangements?

Copyright in new arrangements is usually held by the publisher of the song, not by the arranger. Once the song enters into the public domain, new arrangements may be made, but there may still be copyright in existing arrangements - check with the publisher.

3. Public Performances

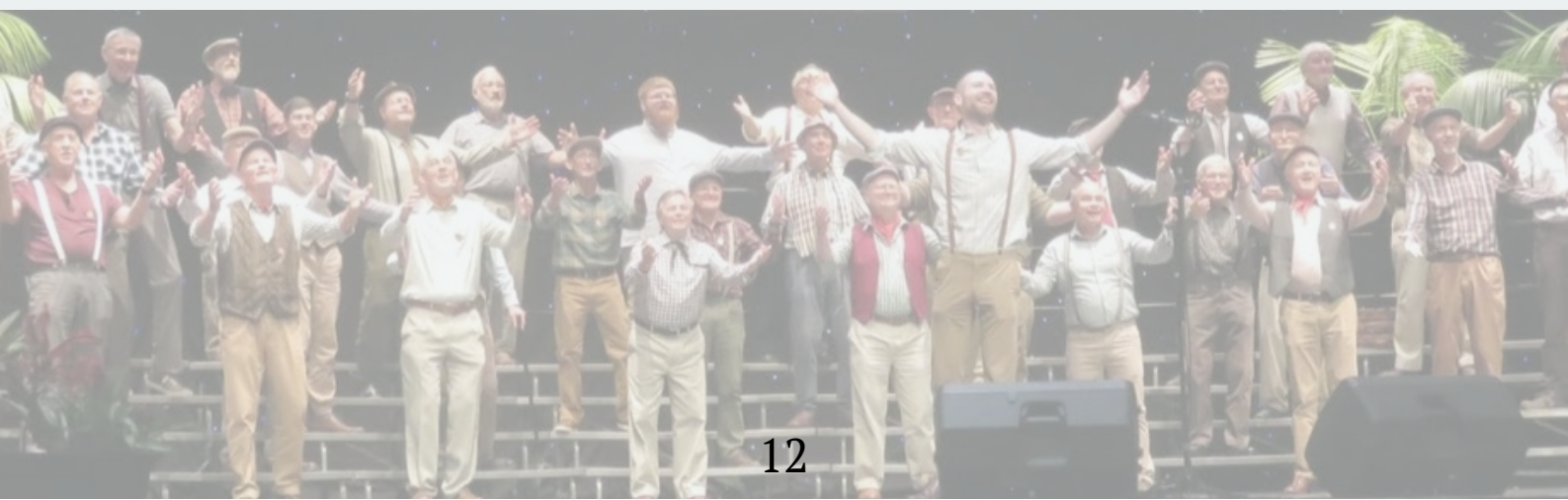
Licensing for public performances of copyrighted songs is handled in New Zealand by APRA AMCOS. Whether a licence will be required will depend on the specific circumstances, as set out below.

3.1 New Zealand Choral Federation

The easiest way to comply is to ensure that the chorus is a member of the New Zealand Choral Federation:

- Membership costs \$7 per choir member, per year (max \$580)
- There are no additional charges for public performances – NZCF has a licence with APRA AMCOS for its member choirs
- Choirs need to inform APRA AMCOS of each copyrighted song performed after each concert, so that the licence fees can be directed to the correct publishers. Email the details to events@apra.co.nz.

NZCF membership is only available to choirs, not quartets. Accordingly, the below licensing information will need to be taken into consideration by quartets, and non-NZCF member choruses.



3.2 Concerts

If a non-NZCF member chorus or a quartet organises a concert and sells tickets to the public, an event licence will be required from APRA AMCOS.

The fee is 2% of ticket revenue, with a minimum charge of \$75, plus GST. See information about event licences on the [APRA AMCOS website](#).

3.3 Rehearsal Venues

If a non-NZCF chorus' rehearsal venue is open to the public, has guests attend, or if free performances are made for friends and family at the rehearsal venue, a licence for that space will be required.

The cost is currently \$118.13 per year, and allows public performances by a community choir at its rehearsal venue/clubrooms, provided no tickets are sold. If tickets are sold, an event licence would be required, as above.

NZCF member choirs do not need to obtain any licences.

3.4 Private Performances

If a chorus or quartet is hired to perform for a private function, or at a retirement village, or other similar venue, and no tickets are being sold to the public, no event licence is required.

The licensing of music performed at the function venue would be the responsibility of the venue owner, not the performing group. Venues usually have licences in place through OneMusic NZ, which allow the performance of music.

3.5 Shopping Malls and Other Public Places

If a chorus or quartet is hired to perform at a shopping mall, church, or other place open to the public, and no tickets are being sold, it is the venue operator that arranges the licensing, not the performer.

Likewise, performances on TV and radio are fine, as the broadcaster would be responsible for the appropriate licensing.

3.6 Public Concerts - outside promoter

If a chorus or quartet is hired to perform at a public concert, which is promoted by a separate promoter (i.e., not by the chorus or quartet), it is the responsibility of the promoter to apply for an event licence.

It is only when a non-NZCF chorus or quartet is putting on their own concert that they become the promoter, and will be responsible for the licensing.

3.7 Busking in Public Places

Choruses and quartets only need to comply with local government bylaws. Councils have licences in place to allow the public performance of music, so provided you are complying with any relevant busking bylaws, you are free to perform in public (provided no tickets are being sold).





3.8 Public Performance FAQs

We are a NZCF member chorus. At our concert, we are featuring another artist/performer/group (not a NZCF member choir). Do we need an event licence?

If the guest artist is simply performing a few songs, or joining with you in performing, no separate event licence is required.

However, if the concert is a double-bill, with the guest featured equally, an APRA AMCOS licence will be required. The licence fee will be pro-rated, depending on the proportion of the event performed by the non-NZCF performer.

Can a guest quartet perform at a NZCF member chorus' concert, without requiring an event licence?

Again, provided the quartet is performing as a guest of the NZCF member, and is featuring as a minor part of the entire programme, no licence would be required.

If the quartet was performing the entire second half of the show, for example, an event licence would be required (which would be pro-rated, as above).



One of our quartet members is not a member of the chorus. Can the quartet perform in public?

The benefits of NZCF membership for public performances apply only to NZCF member choruses, not quartets. Quartets will need to apply for event licences, if they put on their own concerts.

However, in most circumstances, performance licensing is the responsibility of the venue/promoter, not the quartet. Only if a quartet is putting on their own show would they require an event licence.

Do we need to let APRA-AMCOS know about songs we performed at all our public performances?

NZCF member choruses only need to let APRA AMCOS know about music performed at their own promoted concerts. For other gigs (e.g., at shopping malls, busking, at a retirement village) it is the venue operator or event promoter who is responsible for communicating with APRA AMCOS.

4. Recordings ---

One of the most complex areas of copyright law to navigate is the making of recordings of copyrighted works.

You may wish to record and release an album. You may want to record a performance, and put it online (on your website, or on Facebook/YouTube). Or you may wish to make some learning tracks for your chorus. What copyright issues are faced for each situation?

4.1 Putting Performances Online

If you wish to upload a video of your chorus or quartet performance online, there are two types of licence that may be required:

- Synchronisation Licence
 - This is a licence that permits the synchronisation of a copyrighted song with a video's visual elements.
 - Only the publisher can grant such a licence. If you are making a recording that will be available for viewing after the performance itself, a sync license will be required.
 - Use the [APRA AMCOS resources](#) to find the relevant publisher, and their contact information.

NOTE: there is mixed guidance on whether sync licenses are required for live-stream performances (i.e., videos of live events, that will not be available to be re-watched after the event). Publishers take different views on whether a sync licence is required for live-streamed videos. It is always best practice to seek permission from the publisher.

- Online Licence
 - A further licence is required to make your "synchronised" video available online.
 - If you are uploading to Facebook or YouTube, these services already have licenses in place with APRA AMCOS, and so nothing further is required.
 - Embedding a YouTube video in your own website is also permitted.
 - However, if you are making the recording available on your own website (not through YouTube or Facebook), check with APRA AMCOS about licensing options. There is an Online Mini Licence, which is available to permit the streaming of videos directly from your website.

4.2 Recording an Album

You will need an Audio Manufacture Licence before you distribute any physical albums (CDs, vinyl records, etc). These are available [from APRA AMCOS](#).

If you want to put your album on Spotify or Apple Music, you don't need a licence, but you will need the service of an aggregator - more information is available [here](#).



4.3 Learning Tracks

- If you are buying learning tracks for your chorus or quartet, APRA AMCOS advises that it is the service *selling* the learning tracks that requires a licence with the relevant rights agency, not the purchaser.
- Provided you are not making the tracks available to the public, there is no licensing required.
- If you are making your own learning tracks as an educational tool for your group, and they are not going to be publicly available or sold, there is no licensing required.

4.4 Recording FAQs

Obtaining sync licensing for online videos seems really complicated – are you sure that it's required?

Under the Copyright Act, any video that uses copyrighted music must have a sync licence. Failure to comply may result in take-down requests or legal action from the copyright owners.

What if we only make a recording available to our friends and family on a password-protected website – do we still need sync/online licences?

Again, the rules of the Copyright Act are clear that licences are required for any videos that are being published, even if only to a limited group.

Schools can obtain licences through OneMusic NZ to make videos and livestream performances of their choirs available to their school community, without the need to obtain additional licences. However, these OneMusic NZ licences are not available to other community groups.

Resources

The following websites contain useful information about copyright compliance, which you may wish to review:

- [APRA AMCOS](#)
- [OneMusic NZ](#)
- [BHS - Copyright Clearance Advice](#)
- [BHS - Livestreaming Advice](#)
- [J.W. Pepper - Livestreaming Advice](#)
- [Sheet Music Plus - BHS Publications](#)

