

SPORT EVENTS

OUR CONSULTATION PROCESS WITH YOU

OneMusic Australia is an initiative of APRA AMCOS and PPCA. In June 2019, we released a consultation paper seeking feedback on a proposed music licensing scheme for Sport Events. That paper, which includes information about the development of the proposal, the rights included, and examples of how the proposed rates would be applied, can be found [here](#).

OneMusic Australia received welcome feedback on that paper which has been very helpful in determining if the proposed scheme is practical and acceptable to the sector.

This document further demonstrates OneMusic Australia's commitment to reviewing the way in which Sport Events are licensed to use music in order to achieve a modern, streamlined music licensing scheme.

OneMusic will offer two licences for Sporting Events:

Blanket Sport Licence – for sporting codes, sporting associations and sport event promoters, covering all sporting events conducted in the relevant season. In circumstances where a sports promoter licenses multiple codes or sporting events, fees for each code or series of sport events will be assessed separately.

Sport Event Licence – for one-off sporting events.

Rates and metrics for both licences are the same, with variations only in the number of events included and the fee 'cap' applied to the rate for copying.

The proposed rates will start to apply for new licences from 1 December.

FEEDBACK RECEIVED

Representatives of OneMusic Australia met with Sport Event stakeholders, including the NRL, AFL, and Live Performance Australia. Those stakeholders demonstrated broad acceptance of the proposed structure and rates, and provided feedback that assisted us to further develop the final licence scheme.

Following are our responses to three principal points raised by stakeholders.

'CAPPING' OF LICENCE FEES FOR COPYING

We now propose to cap the Copying rate on a per-event or per-series of events basis (depending on the type of licence) as follows:

Blanket Sport Licence: The fees applicable to copying are to be capped at \$10,000 per series or season of events.

Sport Event Licence: The fees applicable to copying are to be capped at \$100 per day of the event.

SCOPE OF ARTIST EXPENDITURE

The Live Premium music use category (now 'Diamond') is based on a percentage of expenditure, and is applied where expenditure on Live Artist Performers is \$250,000 or more. We acknowledge that expenditure in some contracts with live artist performers may include amounts for things like publicity and promotion, meaning that artists are not just being paid for the performance alone. OneMusic will discuss these matters with licensees on a case-by-case basis to reasonably agree with the licensee what proportion of artist expenditure is appropriate for calculating the fees under that category of sports licence.

VENUES HOLDING A ONEMUSIC AUSTRALIA LICENCE

We further acknowledge that some matches or events in a related series may occur in venues where there is an existing OneMusic Australia licence, for example the OneMusic Australia Councils licence. Given this, we are willing to make an adjustment to the fees for sporting codes if the use of music at the sporting event is appropriately covered by an existing licence.

The intention of the Sport Event licence schemes is to cover most sporting events conducted by sporting codes and associations, or sport event promoters and organisers, on a single event basis or for a season or series of competitions, as appropriate. However, OneMusic Australia understands that not all events can be so easily categorised, and sometimes - to ensure that music use is accurately licensed – OneMusic Australia may need to seek licensing under other schemes or licences. OneMusic will adopt APRA AMCOS' and PPCA's current practice of assessing how music is used at sport events on an event-by-event basis.

There is no change to the proposed exclusions from the licence. The licence will continue to exclude:

- a) events or activities where music is played consistently throughout the event;
- b) performances of music where a separate attendance ticket is required, or additional fee is payable (either before or after the sport event or as part of the sport event programme); and
- c) international tournaments (i.e. where the host nation of an international tournament changes from tournament to tournament, including the Olympics, world and/or regional cups).

Separate licensing will be required for these excluded events. Organisers of these events should contact OneMusic Australia directly to discuss their licensing requirements.

OTHER AMENDMENTS

Without changing the rates or the fundamental structure of the scheme proposed in the first consultation paper, we have made some minor amendments, primarily to clarify what each of the music use categories covers, and how the rates are applied. Those amendments are:

NAMES OF THE MUSIC USE CATEGORIES

In the first consultation paper, we found that including the words ‘Background’ and ‘Live’ in the names of the music use categories created an element of confusion. The ‘Background’ categories included some music uses that would be considered featured, such as the performance of national anthems, and the ‘Live’ categories sometimes involved recorded music used in a featured way. To provide more clarity, we have changed the names of the music use categories.

Previous category name	Is now
Background Basic	Bronze
Background Extra	Silver
Live Basic	Gold
Live Extra	Platinum
Live Premium	Diamond

CLARIFICATIONS FOR PARTICIPATORY SPORT EVENTS

Because of the different ways spectator sport events and participatory sport events can be structured, the nature of music use in those events is often different as well. We have expanded the descriptions of the Silver and Gold music use categories to include explanations of how the category rates are applied to participatory sport events.

YOUR NEW ONEMUSIC AUSTRALIA LICENCE FEES

The proposed rates are based on the current APRA AMCOS Sport Licence rates (including a 1.8% CPI increase based on the annual movement for the December 2018 quarter), which have already been accepted by a number of sporting codes through earlier consultations.

Fees for Sport Event licences will be calculated based on a ‘per attendee/per day’ rate and, where applicable, a percentage of live artist expenditure. Rates vary subject to duration of event, the nature of the applicable music use category and whether the optional copying right is required. The proposed Sport Licence rates and music use categories are set out on the next page.

MUSIC FOR SPORTS

The licence fee for the Sport Event will be the applicable base rate (Bronze or Silver) plus Premium Add-Ons (Gold, Platinum or Diamond), if relevant.

BASE RATES

Bronze			OR	Silver		
Recorded music played within the main arena or the main Sport Event location, for the assembly and dispersal of Attendees before and/or after the Sport Event or between scheduled segments of play (for example, at quarter or half time, between innings, races or games). Performance of team and national anthems.				<p>Bronze plus:</p> <p>Music within the main arena or main Sport Event location, at more frequent instances during the Sport Event such as stings, underscores, celebrations after goals, tries, wickets; player entrances or exits; and minor breaks in play. For the above uses only, the music may be performed by recorded music or Live Artist Performers.</p> <p>For participatory sports, the Silver Package also includes recorded music played at more frequent instances throughout the duration of the Sport Event, for example at the event hub, along the race route or sporting course.</p>		
Rate (per Attendee per day)			Rate (per Attendee per day)			
Event duration	Musical Works	Sound Recordings	Event Duration	Musical Works	Sound Recordings	
Less than 5 hours	\$0.0336	\$0.0336	Less than 5 hours	\$0.1008	\$0.1008	
More than 5 hours	\$0.0504	\$0.0504	More than 5 hours	\$0.1512	\$0.1512	

PREMIUM ADD ONS

Premium Add-Ons (Gold, Platinum or Diamond) may apply separately to a Sport Event (within a season or series of events) or an area within the Precinct of a Sport Event.

Gold*		OR	Platinum*	
Performances by Live Artist Performers for the entertainment of Attendees within the main arena or the main Sport Event location before and or during scheduled breaks in segments of the Sport Event, such as half time or between matches (including structured choreography performances). For participatory sports it includes performances by Live Artist Performers at the event hub, along the race route or sporting course.			<p>Performances by Live Artist Performers (not separately ticketed) within the Precinct while the Sport Event is taking place and/or within the Precinct, main arena or main Sport Event after the Sport Event has finished.</p> <p>For example, a concert occurring in a stadium immediately after a match accessible by the match ticket holders; or a performance during the Sport Event outside the main arena. For performances accessible by 'non-match' ticket holders Attendance will be calculated based on all persons with access to the performance.</p>	
Rate (per Attendee per day)		Rate (per Attendee per day)		
Musical Works	Sound Recordings	Musical Works	Sound Recordings	
\$0.0336	\$0.0336	\$0.0672	\$0.0672	

*Where Live Artist Expenditure for the Sport Event (or a single Sport Event if the licence covers a series or season) is \$250,000 or more fees will be calculated using the Diamond rates.

Diamond

Gold plus Platinum.

Rate (% of live artist expenditure)

Musical Works	2.2%	Sound Recordings	**Up to 2.2%
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COPYING (for each separate Sport Event or Series)

\$0.02 per Attendee per day, subject to a minimum fee of \$100 and capped at \$10,000.

Rates include 10% GST and apply to seasons starting in the financial year commencing 1 July 2019. The GST exclusive component of the rates will be increased by CPI on 1 July of each Licence Year.

A minimum licence fee of \$165.00 will apply per Sport Event.

The single rate for the relevant rights will apply where there are direct or alternative licences in place to cover either all the Musical Works or all the PPCA Sound Recordings or where PPCA Sound Recordings are not used at all.

**Diamond – prorated based on Sound Recording Use Percentage.

Depending on how music is used at a Sport Event, the applicable rates may be one of the base rate tariffs (Bronze or Silver) plus, where relevant, one of the Premium Add Ons (Gold, Platinum or Diamond). The Bronze and Silver base rate tariff cannot both apply to the same Sport Event. Similarly, more than one of the Gold, Platinum, and Diamond categories cannot apply to the same Sport Event.

The rate applicable at the start of a season or series of competitions applies for the duration of that season or series.

OneMusic Australia proposes to adopt PPCA’s current methodology for pro-rating sound recording use, but has introduced additional bands to further take into consideration the varying nature of sound recording use across events.

The sound recording use percentage is calculated by dividing the total set times of Live Artist Performers using sound recordings by the duration of all Live Music Performances at the event. For events with multi-stage or multi-performance areas, this calculation will be performed for each relevant stage and/or performance area and the attendees will be apportioned across those areas where relevant.

The proposed sound recording use percentage bands, and some additional useful definitions, are below.

Definitions	
Attendee/Attendance	All spectators, and where relevant participants, attending or participating in the Sport Event, regardless of whether an entry fee is paid.
Live Artist Expenditure	All monies and the monetary value of all benefits receivable directly or indirectly by the Live Artist Performer, including all salaries, wages, profit shares, allowance, accommodation, travelling and other expenses, excluding government taxes or other charges.
Live Artist Performer	Any performer participating in the performance of music, including featured or associated singers, DJs, dancers, models, producers and conductors.
Precinct	The area immediately surrounding the main arena or activity area to which all Attendees are granted access.
Sound Recording Use Percentage	The aggregate of the entire duration of the set of each Live Artist Performer using sound recordings within their performance as a percentage of the entire duration of all Live Artist Performers performing at the Sport Event:
	Sound Recording Use Percentage
	Category Percentage Use Band % of Live Artist Expenditure
	A 0.01% – 14.99% 0.330%
	B 15% - 34.99% 0.550%
	C 35% - 69.99% 1.155%
D 70% - 89.99% 1.760%	
E 90% - 100% 2.20%	

Sport Event

Events and/or activities of a sporting nature where the primary purpose or focus is to watch, and/or where relevant participate in, the event or activity. It does not include events where music is integral to the activity such as dance sports, gymnastics and cheerleading meets or competitions, or separately ticketed events held in conjunction with the Sport Event.

To see how the proposed OneMusic Australia scheme will apply to your specific circumstances, please check:

- Is music being used during the Sport Event? How is it being performed? Is it being performed by Live Artist Performers or by pre-recorded music or both?
- Do any of the Live Artist Performers at the Sport Event use sound recordings within their performance?
- How much money is spent on Live Artist Performers for the Sport Event?
- Am I covered by an existing OneMusic Australia licence for this Sport Event?

What should I do next?

For Sport Events occurring after 1 December 2019, contact hello@onemusic.com.au to organise a licence.