

What is Screenrights?

Screenrights is a non-profit organisation that distributes royalties to copyright owners in film and television, including copyright owners in sound recordings of music used in film and television programs.

The royalties we distribute come from Australian and New Zealand educational institutions that copy from television. We also distribute royalties from Australian educational institutions that communicate these copies, by email for example. Screenrights also distribute royalties for the retransmission of all free-to-air broadcasts on pay television.

These services have been established under provisions of the relevant Copyright Acts.

How does Screenrights allocate the royalties it collects?

Screenrights allocates the royalties it collects to the following copyrights in a program:

- Film;
- Literary or Dramatic Work;
- Musical Works;
- Sound Recordings of Musical Works;
- Broadcasting Signal (in New Zealand only); and
- Artistic Works

Allocations to recordings of music

It is important to note that there are two separate copyrights in each piece of music used in a film:

- The copyright in the musical work itself; and
- The copyright in the recording of the musical work.

Who can claim royalties allocated to musical works?

The first owner of copyright in a musical work is usually the composer. However, in practice, most composers transfer their rights in musical works to music copyright collecting societies who administer them on their behalf. Screenrights' royalties for music in copied or communicated programs are usually claimed by a music collecting society.

Who can claim royalties allocated to sound recordings of musical works?

The sound recording of a musical work is protected separately to the musical work itself. This means that the rights in the sound recording are not automatically controlled by a music collecting society just because the music is. In fact this is usually not the case.

Screenrights has identified three main types of music used in film and television. This may help you ascertain whether you have a claim to royalties for sound recordings of music in film and television.

The three types are:

- **Commercial music (such as pop songs)**
Copyright in the sound recordings of these works tend to be owned by record companies.
- **Library music (also known as stock or production music)**
Copyright in the sound recordings of these works tend to be owned by publishers.
- **Commissioned music (or music specially commissioned by the producer for use in programs)**
Copyright in sound recordings of commissioned music are owned by the producer who commissioned the music and paid for it to be recorded, unless there is an agreement to the contrary.

This means a producer (or the rightsholder in the film) will usually only be able to claim sound recording royalties if the film contains commissioned music. You will, however, need to check that you have not transferred the right to copy, communicate or retransmit the sound recording to another party in any agreements concerning the use of the film and the sound recordings of the commissioned music.

How do I claim the royalties?

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

To ensure that your royalties are distributed as efficiently as possible, you may wish to register your claims in a title, listing each copyright that you own or control, when the title goes into production.

Again, Screenrights is happy to assist you with this. We will then contact you if the title is identified as having been copied, communicated or retransmitted.

Questions?

Contact Member Services. Our details are below.