

# **GUIDELINES FOR USE OF MUSIC IN FITNESS CENTRES & STUDIOS**

Copyright & PPCA Music Sound Recordings

**May 2010**



**Fitness Australia**<sup>®</sup>  
THE HEALTH & FITNESS INDUSTRY ASSOCIATION

## INFORMATION SHEET

### Copyright & PPCA Music Sound Recordings

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On 17 May 2010, the Australian Copyright Tribunal handed down a decision to substantially increase copyright fees for the use of protected sound recordings in group exercise classes, following the outcome of a lengthy battle between the Phonographic Performance Company of Australia (PPCA) and Fitness Australia.

The current PPCA license fee for Tariff V is 96.8 cents per fitness class with a capped annual maximum of \$2,654. The Copyright Tribunal has decided to substantially increase this to either \$15 per class or to \$1 per attendee per class, which equates to an increase of 1,500% for the cost of a PPCA license in a typical fitness centre running 30 classes per week.

This decision has several ramifications for the fitness industry and the way in which music is purchased and used now and into the future.

As a consequence of this decision, some members are considering using only sound recordings which are not controlled by PPCA (Non-PPCA Recordings) and are asking for advice in this regard. To assist the industry, Fitness Australia has prepared the following Information Sheet for Members with the help of Minter Ellison Lawyers.

#### Use of Sound Recordings in Fitness Centres

Fitness Centres may use sound recordings in the following ways:

1. As an integral part of fitness classes;
2. As background music;
3. By playing music videos in the fitness centre;
4. By playing television programs which include sound tracks in a fitness centre.

##### 1. Integral part of fitness classes

Sound recordings used as part of a fitness class may be provided by the suppliers of group fitness programs or obtained separately by purchasing recordings.

##### Pre-Choreographed Group Fitness Programs

All of the major suppliers of group fitness programs in Australia have stated that they can supply Non-PPCA Recordings. Please check with your group fitness program supplier before making the decision as to whether or not your business will renew its PPCA Licence for Tariff V. (For more information on PPCA Tariff V, go to [www.pcca.com.au](http://www.pcca.com.au))

##### Group Fitness Program Suppliers in Australia

- Les Mills Asia Pacific ([www.lesmills.com.au](http://www.lesmills.com.au))
- Radical Fitness ([www.radicalfitness.net](http://www.radicalfitness.net))
- Body Training Solutions ([www.bodytrainingsolutions.com.au](http://www.bodytrainingsolutions.com.au))

##### Freestyle Group Fitness

Businesses and professionals can also obtain music from suppliers who state that the music they provide can be classified as Non-PPCA Recordings. Attached to this Information Sheet is a list of the suppliers of fitness programs and/or music who say that their music is Non-PPCA.\*

The fact that a recording is a cover version does not always mean that it is not part of the PPCA's repertoire (that is, a Non PPCA Recording). If you wish to obtain Non-PPCA Recordings, you should seek an assurance from the supplier that they are in fact Non-PPCA Recordings.

## **2. Background music**

Music played in the background in a fitness centre is subject to a different PPCA licence from the licence required for exercise classes and the rates are not as high. However, it is possible to buy Non-PPCA Recordings to use as background music. There is a large range of suppliers who say they can provide these Non-PPCA Recordings for background use and this list will continue to be updated and provided to the industry.

## **3. Music videos**

PPCA has a separate rate for music videos (Tariff W). If you wish to play music videos in your fitness centre you can also apply to the music producer for a licence to use their videos. If you do this on an exclusive basis (that is, agree to only use their videos for the term of the licence) you may be able to negotiate a better rate than that applied by PPCA. The main suppliers of music videos are Sony BMG Music Entertainment, EMI, Universal Music and Warner Music [Please note that these organisations are also the current shareholders of PPCA].

## **4. Television programs**

The PPCA background music licence also covers the playing of television programs within a fitness centre. As there is no way of controlling the music contained in television programs, you **MUST** have a background music licence with PPCA if you wish to play television programs.

## **Understanding Copyright**

There are two forms of copyright in every song:

1. Rights in the sound recording; and
2. Rights in the musical lyrics and composition.

### **The Phonographic Performance Company of Australia (PPCA)**

PPCA is the collecting society for copyright owners in sound recordings. PPCA obtains rights from record companies and performing artists. It grants licences to businesses to play sound recordings in public. ([www.pcca.com.au](http://www.pcca.com.au))

### **The Australasian Performing Right Association (APRA)**

APRA is the copyright collecting society that controls the rights in the underlying music (lyrics and composition), as opposed to the sound recording of that music.

Even if you do not need a PPCA licence you will almost certainly need to have an APRA licence regardless of the type of music played in the fitness centre or in fitness classes. ([www.apra.com.au](http://www.apra.com.au))

Both PPCA and APRA have tariffs specifically for fitness centres for the use of background music and music played in fitness classes. PPCA also has a separate Tariff for the use of Music Videos.



### \*Suppliers of Fitness Music for exercise classes in Australia

The following companies have stated that they are able to provide the fitness industry with Non-PPCA Recordings for group exercise classes. Before making the decision as to whether or not your business will renew its PPCA Licence for Tariff V you should seek an assurance from the supplier that they are in fact providing you with Non-PPCA Recordings.

Music Supplier	Contact Details			
	Postal Address	Phone	Website	Email
<b>Suppliers of pre-choreographed group exercise programs</b>				
Les Mills Asia Pacific	PO Box 3998 Manuka ACT 2603	(02) 6282 8192	<a href="http://www.lesmills.com.au">www.lesmills.com.au</a>	<a href="mailto:ask@lesmills.com.au">ask@lesmills.com.au</a>
Radical Fitness (Oceania)	PO Box 105 Westgate Sydney NSW 2048	(02) 9713 6822	<a href="http://www.radicalfitness.net">www.radicalfitness.net</a>	<a href="mailto:rfoceania@radicalfitness.net">rfoceania@radicalfitness.net</a>
Body Training Solutions	P.O.Box 7122 Canberra BC ACT 2610	(02) 6281 7520	<a href="http://www.bodytrainingsolutions.com.au">www.bodytrainingsolutions.com.au</a>	<a href="mailto:enquiries@bodytrainingsolutions.com.au">enquiries@bodytrainingsolutions.com.au</a>
<b>Suppliers of general music for exercise classes</b>				
Kelmix	68-70 Madden Avenue Mildura VIC 3502	(03) 5021 0977	<a href="http://www.kelmix.com.au">www.kelmix.com.au</a>	<a href="mailto:info@kelmix.com.au">info@kelmix.com.au</a>
Radical Music	PO Box 105 Westgate Sydney NSW 2048	(02) 9713 6822	<a href="http://www.radicalfitness.net">www.radicalfitness.net</a>	<a href="mailto:rfoceania@radicalfitness.net">rfoceania@radicalfitness.net</a>
Rhythm Express Music	Suite 203, 86 Murray Street, Hobart TAS 7000	(03) 6224 9622	<a href="http://www.rhythmexpress.com.au">www.rhythmexpress.com.au</a>	<a href="mailto:mark@instructor.com.au">mark@instructor.com.au</a>
Trax Music	47 Hume Street Crows Nest NSW 1585	(02) 8424 7200	<a href="http://www.traxmusic.com.au">www.traxmusic.com.au</a>	<a href="mailto:info@fitnessnetwork.com.au">info@fitnessnetwork.com.au</a>
The Music and Motion Studio	279 Burwood Hwy Burwood East, VIC 3151	(03) 9886 6288	<a href="http://www.musicandmotion.com.au">www.musicandmotion.com.au</a>	<a href="mailto:karen@musicandmotion.com.au">karen@musicandmotion.com.au</a>
Yes! Fitness Music	PO Box 711 Balgowlah NSW 2093	(02) 9948 2343	<a href="http://www.yesfitnessmusic.com.au">www.yesfitnessmusic.com.au</a>	<a href="mailto:info@yesfitnessmusic.com.au">info@yesfitnessmusic.com.au</a>