



## A GUIDE TO SAMPLING MUSIC



CAN I  
SAMPLE MUSIC?

### WHAT RIGHTS DO COPYRIGHT OWNERS HAVE?

THE COPYRIGHT OWNERS HAVE A NUMBER OF EXCLUSIVE RIGHTS, INCLUDING THE RIGHT TO:

- MAKE COPIES OF THE TRACKS;
- PERFORM THE TRACKS IN PUBLIC;
- AND COMMUNICATE THE TRACKS TO THE PUBLIC.

### WHO OWNS THE COPYRIGHT IN A PIECE OF MUSIC?

THERE IS GENERALLY MORE THAN ONE OWNER OF COPYRIGHT IN ANY GIVEN MUSICAL TRACK:

THE **COMPOSER** WHO WROTE THE MUSIC OWNS COPYRIGHT IN THE MUSICAL WORKS.

THE **LYRICIST** WHO WROTE THE LYRICS OWNS COPYRIGHT IN THE LITERARY WORK.

THE **ARTIST** WHO PERFORMED THE MUSIC OWNS COPYRIGHT IN A SOUND RECORDING OF THEIR LIVE PERFORMANCE.

THE **MAKER** OF THE RECORDING (TYPICALLY A RECORD COMPANY) OWNS COPYRIGHT IN THE SOUND RECORDING.

### WHAT IS SAMPLING?

SAMPLING HAPPENS WHEN YOU USE A PORTION OF A SOUND RECORDING (AND THE UNDERLYING MUSIC/LYRICS) OF ANOTHER ARTIST OR DJ TO CREATE A REMIX OR OTHER DERIVATIVE WORK. FOR EXAMPLE, IF A HIP HOP ARTIST USES A COUPLE OF BEATS OR SOUNDS OF A SOUL CLASSIC TO CREATE A BEAT THAT IS LOOPED THROUGHOUT THE HIP-HOP SONG, HE OR SHE HAS "SAMPLED" THE SOUL ARTIST'S SONG.

### I WANT TO SAMPLE ANOTHER ARTIST'S SONG, DO I NEED ANY LICENCES?

YES, YOU DO. TO SAMPLE SOMEONE ELSE'S SONG, YOU NEED PERMISSION FROM BOTH THE COPYRIGHT OWNER OF THE SOUND RECORDING (TYPICALLY A RECORD COMPANY OR ARTIST) AND THE COPYRIGHT OWNER OF THE MUSICAL WORK (TYPICALLY A MUSIC PUBLISHER OR SONGWRITER). AS A PRACTICAL GUIDE, YOU SHOULD: CONTACT THE LICENSING DEPARTMENT OF THE RELEVANT RECORD COMPANY TO OBTAIN PERMISSION FOR THE USE OF THE SOUND RECORDING; AND CONTACT THE LICENSING DEPARTMENT OF THE RELEVANT MUSIC PUBLISHER TO OBTAIN PERMISSION FOR USE OF THE MUSICAL WORK.

### NEED MORE INFORMATION?

APRA AMCOS

[WWW.APRAAMCOS.COM.AU/](http://WWW.APRAAMCOS.COM.AU/)

ARIA

[WWW.ARIA.COM.AU](http://WWW.ARIA.COM.AU)

MUSIC RIGHTS AUSTRALIA

[WWW.WHYMUSICMATTERS.ORG/](http://WWW.WHYMUSICMATTERS.ORG/)

PPCA

[WWW.PPCA.COM.AU/](http://WWW.PPCA.COM.AU/)

### I BOUGHT A DIGITAL TRACK ON THE INTERNET, CAN I SAMPLE FROM THIS?

YOU NEED PERMISSION TO USE ANY SAMPLE. THE SAME PRINCIPLES APPLY, SO YOU WILL BE REQUIRED TO GET PERMISSION FROM THE COPYRIGHT OWNERS IF YOU WISH TO SAMPLE SOMEONE ELSE'S WORK. THE BASIC PRINCIPLE IS THAT YOU CANNOT COPY OR DISTRIBUTE MUSIC WITHOUT THE PERMISSION OF ALL RELEVANT COPYRIGHT OWNERS, EVEN IF THE MUSIC IS PURCHASED LEGALLY. AS YOU WANT TO USE SOMEONE ELSE'S COPYRIGHT MATERIAL, YOU NEED PERMISSION.

### WHAT IF I AM ONLY USING A VERY SMALL PART OF SOMEONE ELSE'S MUSIC?

YOU WILL NEED PERMISSION TO USE SOMEONE ELSE'S MUSIC IF IT IS A "SUBSTANTIAL" PART OF THEIR WORK. A "SUBSTANTIAL" PART REFERS TO ANYTHING THAT IS DISTINCTIVE OR ESSENTIAL TO THE WORK. SO IF THE SECTION OF THE WORK YOU WANT TO USE IS RECOGNISABLE YOU WILL REQUIRE PERMISSION TO SAMPLE IT, IRRESPECTIVE OF HOW SMALL OR LARGE IT IS.

