

## Performer's Rights

### 1. What are “performers’ rights”?

Performers have limited rights in relation to unauthorised recordings and broadcasts of their performances.

See 1.17: Performers' Rights for further information

### 2. Who is a “performer”?

A performer (in a live performance) is anyone who contributes to the sounds of the performance, including the conductor where the performance is of a musical work. In the case of a school choir or band, for example, this will include all singers and musicians and the conductor.

### 3. What performances are covered by these rights?

Performers’ rights apply to performances of:

- Musical works
- Dramatic works (including puppet shows and dance)
- Literary works (including speeches)
- Circus or variety acts
- Folk performances including indigenous cultural performances
- The following are not considered to be “performances”:
  - Reading the news
  - Performing a sporting activity
  - Performances by members of an audience (audience participation)

Performers now also have moral rights in their performances.

See 1.17: Performers' Rights (i) Performers' Moral Rights for further information

### 4. Do we need permission from the students involved to make a sound recording of our school choir?

Check your Department or Association's policy on recording students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

[Back to top ↑](#)

### 5. We made a sound recording of our school orchestra for educational purposes. Now we would like to put the recording on a compilation CD to sell to raise funds for the school. Do we need the permission of the performers to do this?

Yes. Once you use the recording for a purpose other than the educational purpose for which it was originally made you need to seek the permission of the individual performers involved.

### 6. Do we need permission from students to video record their performances in the classroom for educational purposes?

Check your Department or Association's policy on filming students.; It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

7. **Do we need permission from students to video record their performances in school concerts, music festivals or eisteddfods for educational purposes?**

Check your Department or Association's policy on filming students.; It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

8. **Do we need to get permission from students to record their performance in a student film or video for educational purposes?**

Check your Department or Association's policy on filming students. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

9. **Do we need a student's permission to take photographs of their performances for educational purposes?**

Check your Department or Association's policy on photographing student performances. It is recommended that schools seek permission from students to be photographed, filmed or sound recorded for school purposes at the beginning of each school year.

[Back to top ↑](#)

The Smartcopying website has been produced by the National Copyright Unit on behalf of the Copyright Advisory Groups (Schools and TAFEs).

Except where otherwise noted, content on this site is licensed under a Creative Commons Attribution 4.0 International Licence.

National Copyright Unit  
Level 7, 105 Phillip  
St, Parramatta  
Tel: 02 7814 3855  
Email:  
copying@det.nsw.edu.

