

Sound recordings and radio broadcasts

Overview

Sound recordings protect recorded sounds, both musical and non-musical. It includes recorded music, songs, audio books, sound effects, audio recordings of speeches & interviews, audio podcasts, soundtracks etc.

Radio broadcasts of sound recordings are protected by a separate category. For example, when a song is played on the radio that song is protected as a sound recording, but an additional & separate copyright is created in the broadcast. A recording of a radio broadcast would be protected as both a sound recording and a broadcast.

Sound recordings and broadcasts may also include underlying literary, dramatic or musical works, such as a script, written speech or interview, book (e.g. to be read aloud as an audio book), song lyrics, play, or sheet music. Written music, e.g. scores, has its own category with its own requirements and limitations - see [musical works](#) for more information. Lyrics, transcripts and scripts of sound recordings are protected under [literary works](#). Each of the underlying works will have their own copyright and are protected separately.

Sound recordings are protected regardless of their format, e.g. mp3 or audio file, CD, audio cassette or tape, vinyl record, reel to reel tapes, cartridges etc.

Using sound recordings and radio broadcasts

You can use films or television broadcasts for certain purposes such as educational use, research or study or criticism or review. For more information, see [using copyright material](#).

You must properly acknowledge any sound recordings or radio broadcast that you use.

Ownership

Copyright in sound recordings is generally owned by the 'maker' of the sound recording. The term 'maker' usually refers to the person who owns the equipment the recording was made on, such as the production company, studio, or record label. However, performers in the sound recording may also own copyright in the sound recording - for more information see [performances](#).

Ownership also varies depending on factors such as employment, licensing agreements. See [ownership of copyright](#) for more information.

Copyright in a radio broadcast (but only the broadcast, not the underlying sound recording) will be owned by the broadcaster, i.e. the station on which it was aired.

The copyright owner of a sound recording will only own copyright in sounds of the recording. They will not necessarily own copyright in the underlying works included in the recording such as the lyrics or notated music. These will generally be owned by the creators of these works unless there is an agreement assigning or transferring copyright.

Rights of copyright owners

Copyright owners of sound recordings hold the right to perform, reproduce, communicate or enter into a commercial rental agreement for the sound recording.

Copyright owners of radio broadcasts hold the right to record or make copies of the broadcast, rebroadcast or communicate the broadcast.

Performers, such as musicians and singers, in sound recordings and broadcasts will also have [performer's rights](#).

For more information, see [rights of copyright owners](#).

Duration of copyright

Duration of copyright in the underlying works and the performers' rights will affect duration in sound recordings.

Sound recordings

Published recordings	Unpublished recordings*	Copyright expired if...
70 years after the end of the first year published	Copyright lasts perpetually or until the material published. *As of 1 January 2019, the duration of copyright will be the same for both published and unpublished works.	Created before 1 January 1955

Copyright in films or broadcasts *made for, or first published by a government*, or in which copyright is owned by a government, lasts for 50 years from the end of the year of first publication.

Note on duration in sound recordings

- Sound recordings include underlying works such as the music (musical work), song lyrics, script (literary works) etc. These works are protected separately to the sound recording and may remain in copyright even if copyright in the sound recording has expired. If so, the recording can only be used as permitted under the Copyright Act or with permission from each of the copyright owners of the underlying works.
- Sound recordings of early music, e.g. classical music, are not necessarily copyright free. The composition and lyrics will most likely be out of copyright, but the date that the *recording* was made will determine whether or not copyright in the recording itself has expired. If copyright protection still applies, permission will be required from the recording company.

Broadcasts

Created before 1 May 1969	Created after 1 May 1969
No copyright protection. However, the underlying works in the broadcasts - music, sounds, scripts etc - would have had protection as <u>literary works, musical works and sound recordings</u> .	50 years after the end of the year the first broadcast was made.

Notes on duration in broadcasts

- Broadcasts created before 1 May 1969 are protected as a combination of types of copyright material, with different periods of duration depending on the type of material and who created the work. This means that copyright in the broadcasts will expire separately and parts of the broadcast may be out of copyright, while other parts may remain in copyright.
- Likewise, for broadcasts created after 1 May 1969, copyright might expire in the broadcast but remain in the underlying works.

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