

NICKY NIGHT TIME PTY LTD

DIRECT LICENSING POLICY (PUBLIC PERFORMANCE AND TRANSMISSION RIGHTS)

1. Our direct licensing guidelines

- 1.1. These are the direct licensing guidelines of **Nicky Night Time Pty Ltd (we/us/our)**. This document contains information about licensing our sound recordings and music videos. It sets out the procedure to be followed when you are making an enquiry about direct licensing for public performance or transmission.
- 1.2. An alternative to licensing the sound recording or music video directly from us is to obtain a blanket licence from the Phonographic Performance Company of Australia (**PPCA**). If you obtain the PPCA blanket licence then you will not require a licence from us because the blanket licence gives you permission, within the terms of the licence, to play any recording from the PPCA catalogue which covers over 5,000 recording labels including our sound recordings and music videos. Go to www.pcca.com.au or call PPCA on (02) 8569 1111 to find out more.

2. Types of licences offered for sound recordings and music videos

- 2.1. We only provide non-exclusive licences. This means we can offer the same licences to other people. For example, if we licence your restaurant to play our sound recordings and/or music videos, we can also licence any other businesses (including other restaurants) that wish to play our sound recordings and/or music videos.
- 2.2. We offer licences for the following purposes:
 - a transmission licences for our sound recordings and music videos. You will need a transmission licence if you intend to communicate the sound recording or music video to the public, for example by way of radio, television or the internet;
 - b public performance licences for our sound recordings and music videos. You will need a public performance licence if you intend to play the sound recording or music video in public, for example by playing a CD at your business premises;

- 2.3. These licences are separate from any licence required in respect of the underlying copyright in the music and lyrics on the sound recording or music video. Unless the underlying musical works are no longer protected by copyright, you will also need to obtain permission to use the underlying musical works (including any lyrics). Permission to use musical works can be sought from the Australasian Performing Rights Association (**APRA**) and the Australasian Mechanical Copyright Owners Society (**AMCOS**). These two organisations operate from the same office and have responsibility for different types of licensing. See www.apra.com.au or call 1300 852 388.

3. What is the process for direct licensing?

- 3.1. To enquire about directly licensing any of our sound recordings or music videos, please contact Susan Robertson on email susan@nickynighttime.com.
- 3.2. We require the following information:
- a your business name;
 - b your ABN;
 - c your contact details;
 - d a brief description of your business (eg café, gym, radio station, film festival);
 - e an accurate estimation, to the best of your ability and in good faith, of the number of customers per month attending your business (for radio and television stations, we require an estimate of your audience numbers. For one-off events please estimate the number of people you anticipate will attend);
 - f the title of each sound recording and/or music video you wish to use (if you wish to use the entire album please indicate this);
 - g a brief description of how you will be using the sound recording and/or music video (please keep the description under 200 words);
 - h how long you require the licence (for example, is it for a one-off event or do you require it for a longer period, such as 12 months?); and
 - i any other information you feel may assist us in assessing your request.
- 3.3. Once you have provided us with this information we will get in touch with you to discuss whether a direct licence is likely to be appropriate in the circumstances.

- 3.4. After speaking with you, we may require additional information. Once you have provided us with any additional information we require we will provide you with a quote for the licence fee. Our licence fee includes the cost of preparing the licence agreement. Licence fees vary depending on the type of use you are making of the sound recording or music video.
- 3.5. If you accept our licence fee you must notify us in writing of your acceptance. We will then prepare the licence, which sets out the terms and conditions under which we grant you the licence.
- 3.6. Once you have paid the licence fee and have signed the licence agreement you are able to use the sound recording and/or music video in accordance with the terms and conditions of the licence. Don't forget to contact APRA and AMCOS to see if you also require a licence from them for the use of the musical works and lyrics. See www.apra.com.au or call APRA and AMCOS on 1300 852 388 to find out more.