

## Playing Songs or Music in Public Places - Points to Note

- Under the existing Copyright Ordinance (“Ordinance”), copyright owners have the exclusive right in relation to the performance, playing or showing of copyright works in public. The melody and lyrics of a song, as well as its sound and audio-visual recordings are all copyright works protected under the Ordinance.
- Relevant licences should be obtained from copyright owners or the relevant copyright licensing bodies for the performance, playing or showing of songs or music in public places such as shopping malls, retail stores and restaurants.
- At present, most of the copyright owners in the music industry have appointed copyright licensing bodies to administer the rights of performance, playing or showing of songs and music in public on their behalf. Therefore, in general, it will suffice if licences are obtained from the copyright licensing bodies to which the copyright owner belongs. Standard tariffs<sup>1</sup> are usually set for the performance, playing or showing of songs and music in various public places, such as shopping malls, retail stores and restaurants, and such tariffs are usually calculated and collected on an annual basis, covering the repertoire of copyright works administered by the copyright licensing bodies.
- Copyright licensing bodies in the local music industry include:
  - (i) The Composers and Authors Society of Hong Kong (CASH) (<http://www.cash.org.hk/tc/>): represents composers and lyricists; granting licences for public performance of published musical works.
  - (ii) Hong Kong Recording Industry Alliance Limited (HKRIA) (<http://www.hkria.com/b5/index.aspx>) and Phonographic Performance (South East Asia) Limited (PP(SEA)L) (<http://www.ppseal.com/zh-hant/>): represent different copyright owners of music recordings/record companies; granting licences for playing/showing of sound and audio-visual recordings in public. Depending on the copyright ownership in the sound and audio-visual recordings played, it may be necessary to obtain relevant licences from both bodies at the same time.<sup>2</sup>

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<sup>1</sup> CASH: <http://www.cash.org.hk/tc/index.php?main=1&id=42&sub=16>  
PPSEAL: <http://www.ppseal.com/zh-hant/section3/>  
HKRIA: <http://www.hkria.com/b5/licences.aspx>

<sup>2</sup> Information about the membership and record companies represented by HKRIA and PPSEAL is available at:

- Live performance of songs or music (which does not involve the playing or showing of any sound or audio-visual recordings) generally requires a licence from CASH only. However, if the public performance involves the playing or showing of sound and audio-visual recordings of songs or music, licences should also be obtained from the copyright owners of the recordings or the copyright licensing bodies representing them.
- The performance, playing or showing of copyright works in public does not attract criminal liability. Nonetheless, to show respect for intellectual property and avoid civil liabilities, licences should be obtained from the relevant copyright owners or copyright licensing bodies prior to the performing, playing or showing of copyright works in public.

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(i) <http://www.hkria.com/en/music-label.aspx>

(ii) <http://www.ppseal.com/zh-hant/section2/main/1>