FREQUENTLY ASKED QUESTION
CAN STUDENTS OR STAFF SAMPLE MUSIC FROM A CD?

The music licence does not allow for sampling of musical works. Sampling to create new works is not covered within the Licence. The music licences deals specifically with the use of musical works and sound recordings for educational purposes or as part of university events.

The licence also prohibits:

- The performance of any musical work or associated words as to burlesque or parody the work
- The performance of any musical work or sound recording with any new or substituted lyrics.

The art of sampling is a relativity undefined area of law. There have been several court cases centring on the issue of sampling, the outcomes of these cases renders the art of sampling a relativity undefined area of law, as there has been positive outcomes for both sampling artists and also music societies. At this stage case law precedents are beginning to determine how the law is evolving in relation to the art of sampling. The majority of these cases arise within the US the area of law used to defend the art of sampling is Fair Use. Australian Law in relation to Fair Dealing is substantially different from the US Fair Use.

Music Societies and some artists feel that sampling is a breach of copyright in the original piece of music no matter how small the piece sampled.

The free culture movement is well represented by Creative Commons that provides avenues including links to and information on a wide variety of tracks, sounds, and samples for use by artists under specific Creative Commons Licences.

Visit: http://www.creativecommons.com

When relying on using tracks, sounds, or samples to create a new work under a Creative Commons Licence, ensure you clearly understand the nature of the contracted terms of the Creative Commons Licence. Each licence is slightly different and requires a commitment to the terms of the licence.

GETTING ADVICE

The Copyright Management Service is a University Wide advice and permissions service for RMIT Staff. The Service provides copyright advice and permission seeking services to all RMIT Staff. copyright@rmit.edu.au