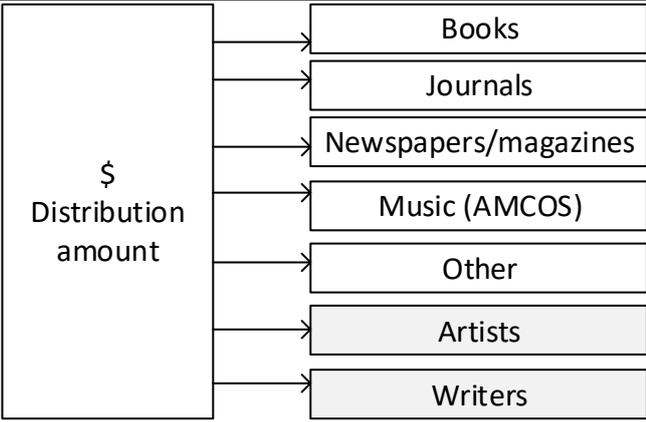


| 2019 DISTRIBUTION: LICENCE FEES FROM GOVERNMENTS | | | | | | | | | | | |
|---|--|------------------|---|--------------------|---|--------------|-----------|----------------|---|--------------------------------|---|
| <p>1. BACKGROUND</p> | <p>These licence fees are for ‘internal’ uses of copyright content by public servants for government purposes. The fees do not cover ‘external’ uses of content, such as content published on publicly accessible websites.</p> <p>There are separate arrangements with each State and Territory government (except NSW) and the Commonwealth. Each arrangement, however, is based on a similar approach (an amount per government employee). Equitable remuneration payable by the NSW government is the subject of current proceedings before the Copyright Tribunal.</p> <p>There are separate arrangements for licence fees from sales of survey plans.</p> | | | | | | | | | | |
| <p>2. CHANGES SINCE PREVIOUS DISTRIBUTION OF LICENCE FEES FROM GOVERNMENTS</p> | <p>The main changes since the previous distribution of licence fees from governments are:</p> <ul style="list-style-type: none"> • receipt of data from a high-level trial survey of ACT government employees; and • receipt of \$1.7m from the NSW government as a credit against past liability (the final amount to be agreed or determined by the Copyright Tribunal). <p>We will treat the \$1.7m from the NSW government as part of the general distributable amount, and use the same dataset for it as we are using for licence fees for more recent usage. We will not create a separate dataset for past usage that differs from the dataset for more recent usage. This is consistent with how we distributed the 2017 payment of \$1.5m from the NSW government as a credit against past liability . We will, however, be making allocations for relevant uses from the data provided by the NSW government that have not previously received allocations.</p> | | | | | | | | | | |
| <p>3. FUNDS FOR DISTRIBUTION</p> | <table border="1"> <tr> <td>Amount (approx.)</td> <td>\$4.9m (including the \$1.7m from the NSW government and amounts for artist-owned images and writers without royalties)</td> </tr> <tr> <td>Licence fee source</td> <td>Licence fees from Commonwealth, State and Territory governments</td> </tr> <tr> <td>Licence type</td> <td>Statutory</td> </tr> <tr> <td>Licence period</td> <td>January to December 2018 (for the Commonwealth and States and Territories other than NSW)</td> </tr> <tr> <td>Deductions before distribution</td> <td>See our webpage on fee and deductions.</td> </tr> </table> | Amount (approx.) | \$4.9m (including the \$1.7m from the NSW government and amounts for artist-owned images and writers without royalties) | Licence fee source | Licence fees from Commonwealth, State and Territory governments | Licence type | Statutory | Licence period | January to December 2018 (for the Commonwealth and States and Territories other than NSW) | Deductions before distribution | See our webpage on fee and deductions . |
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| <p>4. DISTRIBUTION SCHEDULED</p> | <p>May 2019</p> | | | | | | | | | | |
| <p>5. DATA FOR DISTRIBUTION</p> | <p>Actual usage data</p> <ul style="list-style-type: none"> • relevant uses in 2018 trial survey of ACT • relevant uses in data provided by the NSW government <p>The survey conducted by the NSW government is currently the subject of legal proceedings.</p> <p>‘Indicative’ data (data about material available for use by governments)</p> <ul style="list-style-type: none"> • books: titles in Copyright Agency’s works database from sources that include <ul style="list-style-type: none"> ○ surveys of copying and sharing by licensees ○ book sales data (from Nielsen BookScan) | | | | | | | | | | |

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| | <ul style="list-style-type: none"> ○ titles held in libraries listed in the National Library’s online catalogue ● journals: titles in Copyright Agency’s works database from sources that include: <ul style="list-style-type: none"> ○ surveys of copying and sharing by licensees ○ titles available from full-text databases managed by RMIT (Informit databases) ● newspapers/magazines: digital press clippings supplied by media monitoring agencies to the government sector ● artist-owned images: information provided by artists and their agents about published images for which the artists retain copyright, and past recipients of payments ● writers without royalties: information provided by writers and their agents about published writing for which the writer retains copyright but does not receive royalties from a publisher, and past recipients of payments. <p>Data ‘carried forward’: we will include any data relating to rightsholders that we did not have a reasonable prospect of paying in the past, but now do.</p> |
| <p>6. DATA EXCLUDED</p> | <p>Data not used for distribution includes:</p> <ul style="list-style-type: none"> ● material in which copyright is owned by a government ● other material for which a copyright owner has asked us not to allocate |
| <p>7. DISTRIBUTION ‘POOLS’</p> |  <p>The diagram illustrates the distribution of a dollar amount (\$ Distribution amount) into seven categories. On the left, a vertical box labeled '\$ Distribution amount' has seven arrows pointing to a series of horizontal boxes on the right. The categories, from top to bottom, are: Books, Journals, Newspapers/magazines, Music (AMCOS), Other, Artists, and Writers. The boxes for Artists, Writers, and Music (AMCOS) are shaded grey, while the others are white.</p> |
| <p>8. POOL PROPORTIONS</p> | <p>The pool proportions for books, journals, newspapers/magazines and other will be based on results of external research in 2016 of government employees’ copying and sharing of content. The results included high level information about what the surveyed employees had copied in the last 24 hours. From this information, we estimated the overall proportion of usage from books and journals respectively.</p> <p>The amount set aside for artist-owned images (1% of the total distribution amount) is based on analysis in the UK.</p> <p>The amount set aside for writers in published collections is based on usage data from Australian universities (the best available ‘proxy’): 2% of the pool for books, and 10% of the pools for periodicals (journals, newspapers, magazines). Writers also receive payments from the books pool.</p> <p>The amount paid to AMCOS for music is based on an agreement with AMCOS.</p> |
| <p>9. SELECTION OF DATA FROM DATA SOURCES</p> | <p>Books and journals</p> <p>The selection of titles for the books and journals pools are based on a ‘subject matter profile’: identification of the subject matter areas likely to be used in governments, and the relative proportions of each. We conduct a</p> |

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| | <p>statistically random selection process to select titles with the relevant subject matter.</p> <p>Newspapers and magazines</p> <p>Newspaper articles supplied by media monitoring companies to government entities between January and December 2018.</p> |
| 10. APPORTIONMENT TO RIGHTSHOLDERS FROM EACH POOL | <ul style="list-style-type: none"> • book and journal titles: equal allocation to each title in the dataset that results from the random selection process • newspaper and magazine mastheads: in accordance with the relative proportions of the articles from each masthead in the dataset • artist-owned images and writers without royalties: based on the number of books or periodicals in which the creator's works have appeared, with adjustments for: <ul style="list-style-type: none"> ○ titles that have appeared in usage data (e.g. from schools or universities); ○ titles published more recently; and ○ for newspapers and magazines: extent of availability (e.g. higher for national or major metropolitan newspapers, lower for regional or local newspapers). |
| 11. DATA 'CARRIED FORWARD' | <p>We will make allocations to rightsholders that we have a reasonable prospect of paying. We will hold data relating to other rightsholders, that can be used in future distributions if circumstances change (e.g. if a rightsholder becomes a member and provides bank details).</p> |
| 12. MINIMUM ALLOCATION | <p>There will be a \$10 minimum allocation for some pools.</p> |
| 13. OBLIGATION TO SHARE PAYMENTS | <p>Recipients of allocations from the books pool are required to share payments in accordance with any contractual obligations (e.g. a publishing contract between an author and a publisher).</p> |
| 14. NUMBER OF RECIPIENTS | <p>There will be about 1,400 <i>direct</i> recipients of payments for books, journals and other publications. Allocations for books are shared with writers and illustrators entitled to royalties. Writers and artists also receive payments from the aggregated writers in published collections distribution and the artist-owned images distribution.</p> |
| 15. MORE INFORMATION | <p>Please email memberservices@copyright.com.au or call 1800 066 844 if you need assistance. You can also get information about payments from our website:</p> <ul style="list-style-type: none"> • Distribution schedule • Distribution policy • Administrative fees |