SERVING OUR MEMBERS

The Copyright Agency’s purpose is driven by four core pillars: to license effectively, operate efficiently, advocate for fair policy settings and – the pillar which all of the others work to achieve – to serve our more than 40,000 members from the publishing, media, education, arts and surveying sectors.

HIGHLIGHTS

In 2018–19, we served our members in a number of important ways. We made copyright licensing revenue payments of $116m to members, negotiated a new four-year licence agreement with the schools’ sector, launched and continued legal actions in the Copyright Tribunal to stand up for members’ rights, and continued to advocate for fair policy settings.

We sold over 100 licences to new business customers and almost 80 to new private education customers. We also continued to invest in major system upgrades to ensure operational efficiencies are optimised in the future.

Drive licensing and cost efficiencies

Annual payments to members

The Copyright Agency closed off the financial Year 2018–19 making distributions to members of $116 million. The money, which comes from licence fees paid by the education, government and commercial sectors for using valuable copyright material, is paid across the creative economy – to publishers, authors, academics and teachers, plus journalists and media publishers, surveyors and visual artists.

LearningField

Following a detailed strategic review, Copyright Agency and the LearningField publishers made the decision to withdraw the LearningField service from the market at the end of the calendar year 2019. This is because the investment required to further grow the business, and risks associated with this investment, outweighed the benefits to our members, in what is an increasingly competitive market.

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Schools agreement

The key terms for a new copyright remuneration arrangement for the next four years were agreed with the schools’ sector. This agreement covers the use of a huge amount of material used by 3.88 million students across Australia.

The agreement provides certainty over payments for the four-year term; commits us to working together on a new measurement system to capture usage; and allows either party to go to the Copyright Tribunal if we cannot agree on the most reliable ways to measure usage.

Investing for members

In 2016, we began a multi-year Business Transformation project to modernise the agency’s numerous technological systems, including finance, customer relationship management (CRM), member interface and data around works, rights and shares.

With Phase 1 – to upgrade the finance system and introduce CRM system Salesforce – delivered in early 2018, we embarked on Phase 2, which includes introducing a simplified payments model; greater transparency on payments; and a contemporary self-service member portal. These changes are all being made within a framework of working more efficiently to ensure we manage our costs over time. We are consulting and testing the portal with members as the work progresses.

WA Surveyors

The Copyright Agency signed a deed with the Western Australian Government in early 2019 for almost $1m in retrospective copyright royalties for selling local surveyors’ plans (between 2005 and 2017). As a result, the agency began recruiting Western Australian surveyors and the payment was made in mid-August 2019 to 56 surveying firms, representing more than 80 individuals.

The Western Australian Deed is the fifth of its kind, after New South Wales, Queensland, South Australia and Victoria.

Top left: Shutterstock. Centre: Michelle Kelly’s artwork Fairy Ring (detail) was made possible through a Cultural Fund grant. Photo: Grant Hancock. Right: Chicksphoto.
SERVING OUR MEMBERS

Direct support and advocacy

Copyright Agency manages the copyright licences for text and imagery, which has a natural alignment to the work of educational, trade and media publishers, authors, journalists, photographers and artists. Apart from providing income to them, we support our members in a number of important ways.

Advocating for fair copyright policies

Copyright Agency works with key stakeholders, such as the Australian Publishers Association and Australian Society of Authors, to engage with politicians in Canberra on the importance of these sectors to Australian education and to our cultural life. We advocate in favour of policies that respect creators by allowing them to set the terms of use of their material, while encouraging investment and innovation.

The Parliamentary Friends of Books and Writing, which had its first anniversary in September 2018, comes together regularly, with our support, to engage politicians on the issues confronting the sector. This group joins with the Australian Library and Information Association and Australian Booksellers Association to launch Australian Reading Hour in September each year, which Copyright Agency helps fund and actively promotes.

ACCC Digital Platforms Inquiry

Copyright Agency made a submission to the ACCC’s landmark inquiry into digital platforms in support of its media publishing members. The submission advocated for licensing arrangements with large digital platforms that aggregate media content to provide fairer compensation than currently exists.

Australian Book Industry Awards

Copyright Agency sponsors the General Non-Fiction Book of the Year Award at this annual prestigious celebration of books, writing, bookselling and publishing. Behrouz Boochani won the award for his journal-memoir, tapped out on a mobile phone by text message from Manus Island, No Friend But the Mountains: Writing from Manus Prison (Pan Macmillan Australia), translated from the Farsi by Omid Tofighian.

Educational Publishing Awards Australia

The Copyright Agency is the major sponsor of the awards which recognise excellence in educational publishing in 20 categories across primary, secondary and tertiary education.

We also sponsor two major awards, the Primary and Secondary Publisher of the Year, which are voted for by educators.

Member Diana Rigg, who founded West Australian publisher PLD, won the Primary Publisher of the Year in both 2018 and 2019. See full story page 16.

Similarly, Oxford University Press, won the Secondary Publisher of the Year in both 2018 and 2019.

Publisher Fellowship 2019

In May 2019, the Copyright Agency’s Cultural Fund awarded a $15,000 Publisher Fellowship to Justin Ractliffe of Penguin Random House to research how publishers can gain greater consumer insights through digital data.

The Publisher Fellowship supports the pursuit of innovation and professional development from global experiences that can deliver benefits to the Australian publishing sector.

The 2018 Fellows, Spineless Wonders publisher Bronwyn Mehan and Monash University Publishing’s Nathan Hollier, spent time investigating what local publishers could learn from international business models in publishing in the United States and Asia.

Publisher Mentors

The Australian Publishers Association organised mentorships for six up-and-coming publishers in 2018–19, with funding from Copyright Agency’s Cultural Fund. It’s the third year of the program.

Of the six interns placed with publishers, five have subsequently been employed with their host companies, with the feedback from publishers and mentees of a rich and rewarding experience. Interns were involved in as many projects and experiences as possible – from manuscript submission processes, to editorial, sales, publicity, event management and author communication.

Inclusive Publishing Guides

We provided funding to the Australian Inclusive Publishing Initiative, which aims to increase access to texts by vision-impaired people.

AIPI developed two guides for publishers, Inclusive Publishing in Australia and Making Content Accessible. The first encourages the creation of accessible digital books, while the second provides a simple summary of the copyright law governing access to material for people with a disability in Australia.

Top left: 2019 Publisher Fellow Justin Ractliffe with Copyright Agency CEO Adam Suckling. Photo: Dan O’Brien @ Security Exposed. Centre left: HarperCollins CEO James Kellow and author Trent Dalton at a Parliamentary Friends of Books and Writing event in Canberra. Photo: Irene Lorbergs. Top right: Affirm Press Publisher Coco McGrath with intern Freya Horton Andrews. Photo supplied. Centre right: Author Behrouz Boochani won this year’s Non-Fiction Book of the Year Award for No Friend But the Mountains: Writing from Manus Prison. Photo supplied. Bottom left: Member Diana Rigg, who founded West Australian publisher PLD, won the Primary Publisher of the Year in both 2018 and 2019. See full story page 16. Similarly, Oxford University Press, won the Secondary Publisher of the Year in both 2018 and 2019. Bottom right: Education Publishers of the Year: Diana Rigg of PLD (Primary), and OUP ANZ and Pacific MD Arthur Baker (Secondary). Photo: Lindsay Edwards.
SERVING OUR MEMBERS

Standing up for rights

Copyright Tribunal actions

To protect members’ interests, Copyright Agency is involved in three legal actions to set copyright rates, which will all be heard in 2020. These are with Universities Australia, which represents 39 universities; three media monitoring organisations (being heard together): Isentia, Meltwater and Streem; and the NSW Government.

Universities Australia

We took legal action in November 2018 after a breakdown in commercial negotiations with Universities Australia for a new licensing agreement beginning in 2019. UAA’s offer simply did not properly reflect the value of our members’ content to the sector which is fundamental to teaching at Australia’s 39 universities, with their 1.4 million students, 60,000 academics and 70,000 professional staff. Our licence enables universities to copy and communicate a vast range and amount of material, provides significant savings in time and costs, and adds substantial educational value.

In May 2019, the Copyright Tribunal determined that Universities Australia should continue to pay the previous licence fee of $32.5m per annum as an interim rate, with half to be paid to us to distribute. The remaining 50% will be held in an interest-bearing account until the case is finalised.

While it does mean that our members will receive less income over the course of the Tribunal case, the Tribunal’s order does provide certainty around payments throughout the proceedings. If the Tribunal ultimately rules that UAA’s final rate should be higher than the interim rate it has set, there will be a back payment to members.

Media Monitoring Organisations

In 2017, the Copyright Agency after consulting with CopyCo (representing the major media publishers) developed a new draft model for licensing content to Isentia, Meltwater and Streem. The model sought to provide both a fair return for the use of valuable content and a pricing methodology more appropriate for digital use and how the content is used by the MMOs. Regrettably, when taken to them for consultation, the three media monitoring organisations are contesting the draft model in the Copyright Tribunal.

The Tribunal has finalised the interim rates payable in each case. In the case of the two smaller companies, Meltwater and Streem, the Tribunal maintained the status quo, with allowance for an adjustment in the rate depending on the final outcome of the cases.

In the case of Isentia, the Tribunal took a slightly different approach to its calculations, which will mean a reduction in payments to content owners. Previously, Isentia was paying a fixed minimum fee for use of copyright material, whereas under the Tribunal-set interim rate, Isentia’s fee is now largely variable.

NSW Government

The Copyright Agency has taken the NSW Government to the Copyright Tribunal because of its refusal to pay a fair rate for six years for the use of copyright material.

NSW public servants copy and communicate an enormous amount of material covered by copyright and we believe that it should pay a fair rate for the use of this material.

International copyright

European Union Directive

The Directive on Copyright in the Digital Single Market came into force on June 7, 2019 after enormous campaigns for and against it mounted by tech companies and their opposites, the creative community.

The Directive aims to modernise European Union copyright law by taking into account the increasing digital and cross-border uses of protected content. Its key goals are to protect press publishers; reduce the “value gap” between the revenue made by internet platforms and by content creators; encourage collaboration between these two groups; and create copyright exceptions for text and data-mining.

Member States now have two years to implement the Directive into their own countries.

Copyright laws in Canada

In 2018–19 the Canadian Government has been reviewing its copyright laws. Canadian authors and publishers have endured serious erosions to their livelihoods since 2012 as a result of copyright changes which led to uncompensated use of published work by the education sector.

The review has seen two reports delivered – the first, from the Standing Committee on Canadian Heritage, backed Copyright Agency’s commitment committing to specific activities and events that give us the opportunity to make our engagement more effective with the many Aboriginal and Torres Strait Islander creators in the arts and literary community.

Governance

Code of Conduct

The Copyright Agency and all other Australian collecting societies – APRA AMCOS, ASDACS, AWGACS, PPCA and Screenrights – have launched a new standalone website for the Code of Conduct for Copyright Collecting Societies.

The new site and amendments to the Code are both initiatives undertaken in response to a Government review which recommended:

• increased clarity around the role of the Code
• improved transparency around collecting societies’ operations, and
• strengthened governance arrangements for collecting societies and the Code.

Reconciliation Action Plan

In 2018, the Copyright Agency launched its second Reconciliation Action Plan. The ‘Innovate’ RAP, outlines Copyright Agency’s commitment committing to specific activities and events that give us the opportunity to make our engagement more effective with the many Aboriginal and Torres Strait Islander creators in the arts and literary community.

Top right and centre: Shutterstock. Bottom right: Albert Namatjira’s painting Hermannsburg, 1951 is on cover of the Copyright Agency’s Reconciliation Action Plan © Namatjira Trust/Copyright Agency 2018.

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