

LICENCE FEES FROM UNIVERSITIES (DECEMBER 2020 DISTRIBUTION)

1. Background

The Copyright Tribunal is currently determining the amount of equitable remuneration payable by the 39 universities that are members of Universities Australia, from 1 January 2019. The Tribunal has ordered that, for the interim, the universities pay half the 2018 amount (\$16m per year) to Copyright Agency for distribution to members, and the same amount into an escrow account pending the Tribunal's final determination in 2021.

The universities pay an amount each quarter, and we distribute the available funds twice a year. We are continuing to apply the same distribution methodology and scheduling as we did in 2018 and previously, but the amount of money available for distribution in the short term is less than it was previously.

2. Changes since previous distribution of licence fees from universities

- Survey data affected by COVID-19: in normal circumstances, we would be using data received up to April 2020. The 'hardcopy' survey stopped on 13 March. There is some digital use data from after that date.
- Money set aside for 2021 distribution for writers in periodicals and collections: following the approach we have used for licence fees from other sources, we are setting aside 3% of the distributable amount for writers who retain copyright in works published in anthologies and collection (like poems and essays) and in periodicals (journals, magazines, newspapers) for the 2021 distribution for writers in periodicals and collections. This is in addition to payments to book writers who have arrangements with their publishers to receive a share of Copyright Agency allocations for their books.
- Pools: we will now apply the relative values set by the Copyright Tribunal in 1999 by an adjustment to 'total copies' rather than by creating a pool. These 'upweights' are:
 - content used in coursepack: 1.25 x 'base' rate
 - images copied without text ('standalone') and print music: 3.75 x 'base' rate
- As a consequence, there will be three 'pools':
 - images copied with text: 1%
 - writers in periodicals and collected works: 3%
 - remainder (96%) with 'upweights' for 'higher value' content (artworks, music) and usage (in coursepacks)
- The new processes for requesting payment shares for books will apply, to assist with direct payments to publishers and creators respectively of their shares of allocations to books.

3. Funds for distribution

Amount (approx.)	\$6.8m (including for artist-owned images and writers)
Licence fee source	Licence fees from university sector
Licence type	Statutory
Licence period	July to December 2020
How calculated	Licence fees received less deductions for anticipated operating costs and Cultural Fund: see here .

4. Distribution scheduled for

December 2020

5. Sources/s of data for distribution

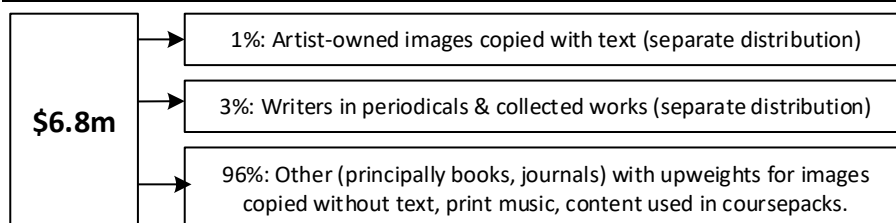
- survey data in two datasets from eight universities:
 - first dataset (April 2019 – November 2019) was used in previous distribution;
 - second dataset (October 2019 – April 2020) is being used for the first time, and will be used again for the next distribution;
- usage data ‘carried forward’ from previous distributions for rightsholders who have since become members.

The money set aside for artists and writers is aggregated with similar amounts set aside from other licence fees, and distributed using data about content available for use by licensees.

6. Adjustment of usage recorded in surveys

For distribution purposes, an atypically high usage event is adjusted in recognition that such uses do occur but that the rightsholders may be different in other instances.

7. Distribution Pools



8. Calculation of Pools

The pools for artist-owned images copied with text and for writers in periodicals and collected works are based on analysis of past allocations.

9. Data carried forward

We make allocations to rightsholders that we have a reasonable prospect of paying. We 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).

10. Minimum Allocation

There is no minimum allocation, but we only make a payment to a member when all allocations (from all sources) aggregate to \$10 or more.