

LICENCE FEES FROM UNIVERSITIES: NOVEMBER 2022 DISTRIBUTION

BACKGROUND

The Copyright Tribunal has now issued its determination regarding equitable remuneration payable by the 39 universities that are members of Universities Australia from 1 January 2019 to 31 December 2022. But because the universities have sought judicial review of aspects of the determination, the interim arrangements remain in place until that is resolved. Under those arrangements, the universities pay half the licence fees to us for distribution, and half into an escrow account.

The universities pay an amount each quarter, and we distribute the available funds twice a year. We are continuing to apply a similar methodology and scheduling as we did for fees received before 2019.

The universities’ appeal is likely to be heard in early 2023, but the Federal Court is likely to reserve its judgment. This means that there may be no resolution regarding funds held in escrow until after June 2023.

The Copyright Tribunal determination applies to licence fees payable from 2019 to 2022. It also sets out an approach for licence fees payable from 2023, that refers to usage data and student numbers. The licence fees payable from 2023 have not yet been resolved.

CHANGES SINCE PREVIOUS DISTRIBUTION OF LICENCE FEES FROM UNIVERSITIES

Universities have continued to provide some data since the beginning of the pandemic, but less than previously. We have received new data from four universities since the previous distribution in June 2022, from the surveys conducted from November 2021 to April 2022.

In addition to the new data from the four universities, and the data from May 2020 to October 2021 used in previous distributions, we have used a statistically random selection of records from 2018 to 2020. This is because the number of records for distribution in survey data from universities has decreased since the commencement of the pandemic.

We are also implementing the change of policy regarding unpaid allocations (rollovers), and adding unpaid amounts from past distributions of licence fees from universities to the distribution pool.

FUNDS FOR DISTRIBUTION

Licence fee source	Licence fees from members of Universities Australia	
Licence type	Statutory	
Licence period	July to December 2022	
Deductions	Anticipated operating costs 17.4%, Cultural Fund 1.5%: see further here .	
Amount	Licence fees for July to December 2022, less deductions	\$7.00m
	Amounts ‘rolled over’ from earlier distributions	\$0.37m
	Total	\$7.23m

DISTRIBUTION POOLS

Distribution amount inc rollovers	For	%	Distributed with fees from other sources	When
\$7.37m	Publishers of books, journals, magazines, newspapers and online content; and writers/illustrators entitled to share of book allocations	95%	No	November 2022
	Artists' royalty claim	2%	Yes	June 2022
	Writers' royalty claim	3%	Yes	

POOL PROPORTIONS

The pools for the artists' and writers' royalty claim distributions are based on analysis of past copying and allocations.

SOURCE/S OF DATA FOR DISTRIBUTION

- new data from surveys of electronic use in four universities from October 2021 to April 2022;
- data from surveys of electronic use in 10 universities from May 2020 to September 2021, that has previously been used for distribution; and
- data from a statistically random selection of records from surveys of both electronic and hardcopy use from 2018 to 2020.

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).

OBLIGATION TO SHARE PAYMENT

Some book publishers are required to share payments with writers and illustrators, if we do not yet have shares registered that enable us to pay all shareholders directly.

NUMBER OF RECIPIENTS

There are approximately 1,700 direct recipients. Some of these recipients (such as agents, copyright management organisations and publishers) pass on payments to others. There are additional recipients from the writers' and artists' royalty claim distributions.