

Downstream Licence

FAQs for customers of licensed media monitoring organisations

What is the Downstream Licence?

Media monitoring organisations (MMOs) require a copyright licence, or permission, to make copies of newspaper articles and to share those copies with their clients, either in full or in part.

Copyright Agency provides MMOs with a copyright licence for the use of Copyright Agency's members' works in their businesses.

As part of those licence arrangements, Copyright Agency-licensed MMOs act as our agent to provide a base level of copyright coverage to their customers called the "Downstream Licence". The Downstream Licence enables customers to do basic copying and sharing of selected news articles they receive through their media monitoring service.

The Downstream Licence is only available from Copyright Agency licensed MMOs.

What content does the Downstream Licence cover?

Copyright Agency's Downstream Licence covers selected Australian, UK and French news media articles that you receive from a Copyright Agency-licensed MMO.

The Downstream Licence covers the use of portions (headline, snippet and link) and the full text of articles that your MMO sends you. Note that the Downstream Licence does not cover the use of full text news articles on the publisher's website that you may click through to via a link supplied by your MMO.

The articles that the Downstream Licence is applicable to are identifiable via words such as: "Licensed by Copyright Agency."

Download [a list of news publishers](#) whose publications contain Licensed Works.

What content does the Downstream Licence not cover?

- Content on publishers' websites
- The separate use of photographs, images or graphs
- Any social media content
- Any broadcast content
- Any audio content including podcasts
- News articles received from other sources not from your media monitoring service, even if marked as "Licensed by Copyright Agency".
- News articles that are not "Licensed by Copyright Agency."

For clarity, news articles belonging to the following publishers are not covered by Copyright Agency's Downstream Licence as they are licensed directly to media monitoring organisations by the publisher:

- Australian Community Media (e.g. Canberra Times, Illawarra Mercury and Newcastle Herald)
- Capital Brief (www.capitalbrief.com)
- News Corp Australia (e.g. The Australian, Daily Telegraph and Herald Sun)
- Nine Publishing (e.g. Australian Financial Review, Sydney Morning Herald and The Age)
- Private Media (e.g. Crikey and The Mandarin)

Check with your media monitoring service provider as to any terms and conditions applicable for the use of these publishers' works if they appear in your media monitoring service.

Who can be covered by the Downstream Licence?

The Downstream Licence covers “Nominated Users” which is defined in the terms as: each employee and director of your organisation, and any other person retained to provide services to you (for example professional advisers, but excluding public relations businesses and media communications businesses, media advisors, marketing companies or other organisations whose business involves providing copies of news articles to their customers) the total number of which you have advised your media monitoring service provider.

You can update your number of Nominated Users once every 12 months.

What can we do under the Downstream Licence?

- Make a digital copy
- Print a copy
- Save a copy of an article for up to 12 months (via hard drive, USB, shared drive, desktop folder or emails)
- Communicate the article with the number of Nominated Users in your organisation via email or your intranet.

What can't we do under the Downstream Licence?

- Store articles for longer than 12 months (e.g. via hard drive, USB, shared drive, desktop folder or emails)
- Share articles with non-Nominated Users – this includes sending content to your public relations, media or marketing agencies
- Use articles on your company's or a client's website or social media page
- Send a newsletter containing articles or portions of articles to people outside of your employees or directors
- Email articles outside of your organisation
- Use articles for education or training purposes
- Use articles in reports, presentations or other documents
- Any use involving AI systems or tools, whether uploading/inputting, storing in locations that are accessible to an AI tool, using for fine-tuning, training, etc.

Do all Copyright Agency-licensed MMOs use the same Downstream Licence terms?

Yes

How are we charged for the Downstream Licence?

Copyright Agency has no visibility over the way MMOs charge their customers and Copyright Agency's Downstream Licence fee may be only one of a number of possible copyright charges that may be applicable to your media monitoring service.

Copyright Agency charges MMOs a set fee per Customer based on the number of Nominated Users (as defined in the terms) that you have elected to cover under clause 4(e) of the Downstream Licence.

What does Copyright Agency do with the Downstream Licence fees?

The not-for-profit Copyright Agency pays back approximately \$0.85c in every dollar collected to creators, authors, publishers and journalists. This allows these rights owners to continue to develop new, high-quality content for organisations like yours to use in the future.

How does Copyright Agency know who to pay?

Copyright Agency-licensed MMOs are required to provide Copyright Agency with article level usage data that enables Copyright Agency to distribute licence fees to the correct rightsholder.

I have a Downstream Licence through my Copyright Agency-licensed MMO, why is Copyright Agency still contacting me?

Copyright Agency represents more than just newspaper publishers – our 40,000+ members include creators of books, journals, survey plans, artworks and research.

Copyright Agency's Licensing team undertakes an ongoing and systematic process of speaking with organisations who may require a full Corporate Licence from Copyright Agency for content other than news and, in the case of news, for uses and publications that are outside the terms of the Downstream Licence.

The annual Corporate Licence includes the use of content from publishers who are not covered by Copyright Agency's Downstream Licence including News Australia, Nine Publishing (formerly Fairfax Media) and Australian Community Media.

You can see more information about [the annual Corporate Licence and how it compares to the Downstream Licence](#) on our website.

Copyright Agency's Compliance team will also contact you if they have identified that you have been using content received from your media monitoring organisation beyond the terms of the Downstream Licence. This may include posting news content to your website, social media or extranet or, for PR Agencies, sharing content with clients without the appropriate licence or permissions.

Can I use a photo that is in my media monitoring coverage?

No. Please contact the publisher or rightsholder.

Contact details of the major Australian news publishers' syndication departments are available here: <https://help.copyright.com.au/hc/en-gb/articles/360000079795-Does-Copyright-Agency-provide-content>

I am a PR Agency, why am I not covered by the Downstream Licence?

The Downstream Licence was always intended to only cover employees and directors of companies. Public relations, communications, advertising and marketing agencies and other organisations who send news articles externally need to obtain additional licences or permissions.

Copyright Agency has a specific Public Relations Corporate Licence agreement that enables PR agencies to share newspaper content with clients AND authorises clients to share newspaper content with them. You can see more information about the [licence for public relations, communications, advertising and marketing agencies](#) on our website.

More questions?

Contact us

Call 1800 066 844 or

Email licence.enquiries@copyright.com.au

COPYRIGHT AGENCY

We're an Australian not-for-profit organisation that represents over 40,000 members – publishers, researchers, journalists, and more. We collectively license their copyright, so your company can legally reuse content created by others, and be confident that its creators are being paid fairly for their work – thus practising Good Copyright Governance.
