

Managing copyright in government



*GOVERNMENT AGENCIES
AND DEPARTMENTS ARE
ABLE TO EFFICIENTLY
MANAGE THEIR
COPYRIGHT OBLIGATIONS
BY OBTAINING COVERAGE
FOR USE UNDER A
LICENCE ARRANGEMENT.*



YOUR ORGANISATION AND COPYRIGHT

Easy access to copyright material such as published reports, research, newspaper, magazine and journal articles is essential for the everyday operation of government.

Government departments, agencies and government-related bodies in Australia are able to efficiently manage their copyright obligations by obtaining coverage for use under a licence arrangement.

This is where Copyright Agency Limited (CAL) can help. CAL is a copyright management company that represents book, journal, newspaper and magazine publishers along with hundreds of thousands of Australian and international authors, photographers, journalists and visual artists.

CAL administers a range of copying licences that enable easy use of published material including:

- emailing;
- scanning;
- faxing;
- hosting on an intranet;
- photocopying; and
- printing.

Licences help your organisation to centralise copyright management and remove your obligation to negotiate separate agreements with individual copyright owners every time your staff want to use an article or other published work.

The payments CAL collects are then distributed on your behalf to authors and publishers.

Unless you fall under the Statutory Government Licence, or have signed a GovCopy Licence with CAL, you must negotiate with each individual copyright owner for the right to use their work (*Copyright Act 1968*).

WHAT LICENCE DO WE NEED?

If your department, agency or government-related body uses copyright material and does not have direct arrangements with the copyright owners, you will need to have a licence agreement in place.

CAL administers two licences for government and government-related bodies. The most suitable licence for you depends on whether your organisation makes copies for the services of the Crown.

The two licences available to government-related bodies are:

The Statutory Government Licence:

This licence, which is the most common licence arrangement, is established under the *Copyright Act 1968* and provides Commonwealth, State, Territory government departments and agencies (the Crown), and persons authorised in writing by the Crown, with the freedom, to make **unlimited** numbers of copies of copyright material – provided the copying is done for the services of the crown.

The GovCopy Licence:

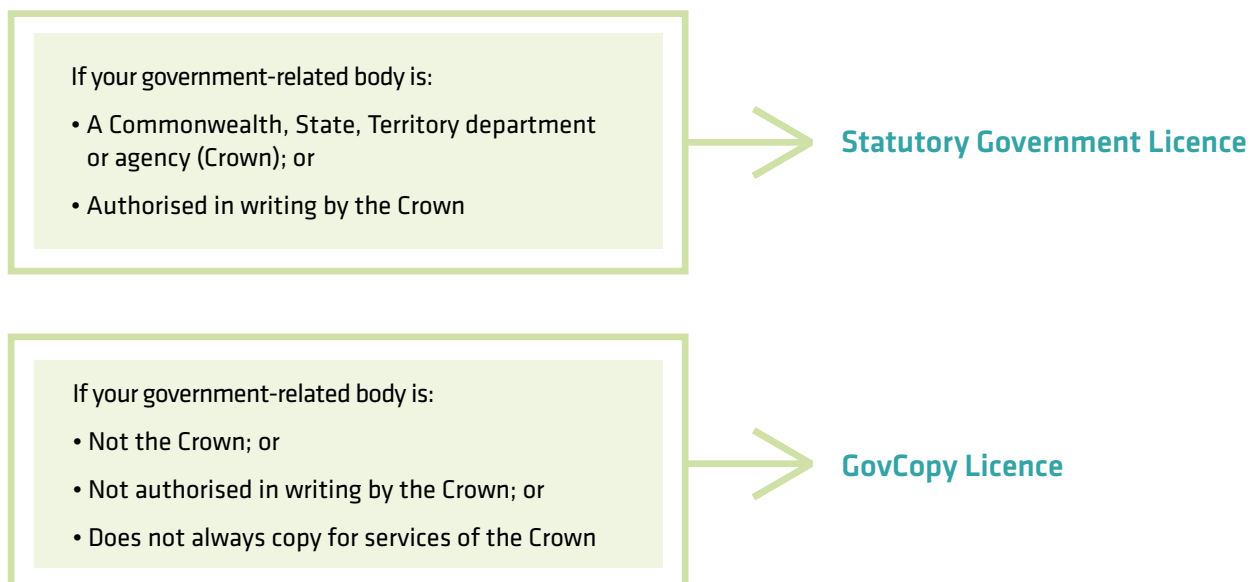
This provides quasi-government bodies undertaking copying outside the services of the Crown with the freedom to make unlimited numbers of copies of up to **10 percent**, or one chapter, of copyright material without needing to contact the copyright owner directly.

A licence also provides your organisation with:

Convenience – Save staff time and money by simplifying copyright management including searching for copyright owners, negotiating terms for use and record keeping.

Reduced risk – Protect your organisation against legal proceedings by having agreed pre-determined terms for the use of copyright material.

Improved governance – Show your organisation's respect for others' intellectual property, while reinforcing the value of your own to your staff and members of the public.



ARE WE ELIGIBLE FOR THE STATUTORY GOVERNMENT LICENCE?

The *Copyright Act 1968* provides a statutory licence which enables State, Territory and Commonwealth departments and agencies (the Crown) and persons authorised in writing by the Crown to make unlimited numbers of copies of copyright material for the services of the Crown.

There are a number of criteria* which can help determine whether your organisation is part of the Crown and therefore entitles you to use the Statutory Government Licence, including whether your organisation:

- has been established or incorporated as an entity of the Commonwealth, State or Territory governments;
- operates under Commonwealth, State, Territory or Ministerial direction or control;

- primarily provides services for the Commonwealth, State or Territory governments; and/or
- falls under the *Financial Management and Accountability Act 1997* (Cth) or the *Authorities and Companies Act 1997* (Cth) or equivalent State or Territory legislation.

*This list of criteria is a guide only and is based on the CLRC's Report on Crown Copyright 2005. You should seek independent legal advice to help determine your organisation's status and contact your government representative.

What if our organisation is not part of the Crown?

If your organisation is not part of the Crown, or authorised in writing by the Crown, or sometimes does not copy for the services of the Crown, then CAL can offer you a GovCopy Licence.

The GovCopy Licence allows your organisation to copy works within certain limits, for example making unlimited numbers of copies of up to 10 percent – or one chapter – without needing to contact the copyright owner directly.

The Australian Government Solicitor, is an example of a government-related body that is not a Commonwealth, State or Territory department or agency, and as such has opted for the GovCopy Licence.

“The GovCopy Licence enables use of third-party published copyright works – in particular photocopying electronic storage and communications which we use for our legal business and client legal work. We were pleased to work with CAL to obtain a licence that supports our compliance with copyright law, policy and practice within the Commonwealth.”

RAYNE DE GRUCHY
CEO of Australian Government Solicitor.

To find out if your organisation currently has a licence arrangement in place, please visit www.copyright.com.au under government licensing.

*WITH A CAL
LICENCE YOUR
ORGANISATION CAN
ENJOY THE BENEFITS
OF CONVENIENCE,
IMPROVED RISK
MANAGEMENT AND
GOOD GOVERNANCE.*



THE NEXT STEP

To sign up for the Statutory Government Licence

If your organisation is part of the Crown or authorised in writing by the Crown, your government representative can add your organisation to the Statutory Government Licence administered by CAL, providing you with the freedom to make unlimited numbers of copies of copyright material – provided the copying is done for the services of the Crown.

Contact CAL's Government Licensing Team to find out who your government representative is on +61 2 9394 7600 or email government@copyright.com.au.

To sign up for a GovCopy Licence

Should your organisation not be part of the Crown, or authorised in writing by the Crown, or sometimes does not copy for the services of the Crown, CAL's Government Licensing Team can arrange a GovCopy Licence directly with your organisation.

Contact CAL's Government Licensing Team for more information on our GovCopy Licence on +61 2 9394 7600 or email government@copyright.com.au.

A licence also provides your organisation with:

Convenience



Save staff time and money by simplifying copyright management including searching for copyright owners, negotiating terms for use and record-keeping.

Reduce risk



Protect your organisation against legal proceedings by having agreed pre-determined terms for the use of copyright material.

Improved governance



Show your organisation's respect for others' intellectual property, while reinforcing the value of your own to your staff and members of the public.



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