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# CAL payments for artist works

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## More information

Copyright Agency Limited  
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This information sheet is for artists interested in CAL payments for use of their works.

## CAL's management of copyright fees

CAL collects copyright fees in two ways.

### Statutory licences

The government has appointed CAL to manage the statutory licences in the Copyright Act that allow educational institutions and governments to use artistic works (and other material) without a copyright clearance, provided there are fair payments.

### Licences as agent for members

CAL licenses members' works, their as non-exclusive agent, to corporations and other organisations.

## How are the fees paid by licensees worked out?

In most cases, the fees paid by licensees are negotiated between CAL and licensees. In some cases, where negotiations have failed, CAL has sought a determination from the Copyright Tribunal.

In 2002, the Copyright Tribunal decided that there should be a higher payment rate for schools' use of stand-alone artistic works. Artistic works that explain or illustrate accompanying text are treated differently, because of provisions in the Copyright Act that apply to them.

The Copyright Tribunal's decision has underpinned negotiations about copyright fees since then.

## How does CAL work out who to pay?

In most cases, CAL receives information about usage of artworks and text from surveys carried out by independent research companies in a sample of licensee organisations. There is more information about this in CAL's information sheet *CAL's sampling and distribution: how do they work?*

This means that CAL does not have information about every single use by every single licensee. At the moment, the cost of acquiring that information is prohibitive, although the opportunities for collecting more comprehensive information will increase with technological advances.

CAL allocates licence fees to rightsholders in accordance with its Distribution Rules, which are approved by CAL's Board, and audited by external auditors. The rules are available from CAL's website.

## Who does CAL pay?

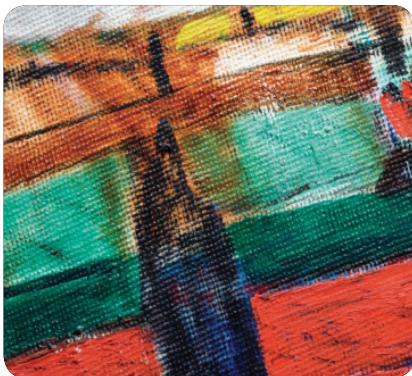
Under its current distribution policy, CAL distributes to one rightsholder for each work. That recipient undertakes to on-pay to other rightsholders any proportion of the CAL payment due to them.

In some cases, artists are not entitled to a CAL payment for their work because they have assigned copyright in the work to someone else – for example a publisher. This is a common arrangement in some areas – for example, commissioned illustrations and photographs for textbooks.

If an artist is entitled to a payment, and the artist is a member, CAL pays the artist.



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If other rightsholders are entitled to share of the payment (for example, a publisher), the artist must undertake to on-pay that share.

If the artist is not a CAL member, CAL will ensure the rightsholder receives payment by doing the following:

- if the artist is a member of Viscopy, CAL pays the money to Viscopy to on-pay to the artist;
- if a publisher is entitled to a share of the payment, CAL pays the money to the publisher, on the publisher's undertaking to on-pay the artist's share; and
- CAL's researchers will try to locate the artist and invite them to join CAL so they can receive the payment.

A rightsholder must be a CAL member to receive payments from the statutory licences (because of requirements in the Copyright Act and Regulations).

Membership is free. CAL holds allocations for non-members in a trust account while CAL researchers seek to locate them.

### Moving to direct distributions: *CALdirect*

CAL is in the process of changing its systems so that it can distribute directly to all rightsholders for particular work (for example, author, illustrator and publisher). This project is called *CALdirect*.

CAL therefore encourages artists who would like to receive their payments directly from CAL to become members so we can pay you quickly and efficiently.

### CAL's operating costs

CAL deducts its actual costs, rather than a fixed commission, from licence fees. The major costs for licences are the surveys of usage conducted by independent research companies, and the staff costs in processing usage records and identifying and paying rightsholders. CAL's expenditure as a proportion of revenue in 2009–10 was 14.2%.

Where CAL pays an artist through an intermediary, the intermediary may take a further deduction from the payment – for example, Viscopy takes a commission of 25% from money it receives from CAL to on-pay to its members.

### How to join us

- Become a CAL member: <https://members.copyright.com.au>
- Register for artists' resale royalty scheme: <https://www.resaleroyalty.org.au/Registration.aspx>

### About CAL

Copyright Agency Limited (CAL) is a non-profit organisation that collects and distributes copyright fees for the use of text and images. CAL has also been appointed by the government to manage the artists' resale royalty scheme.

CAL's members include illustrators, photographers, cartoonists, fine artists, writers and publishers. CAL is affiliated with similar collecting societies overseas.

### Who to contact at CAL

If you would like more information, please feel free to contact our Visual Arts Manager, Tristan Chant. If you are an Indigenous artist, you might also like to contact our Indigenous Communications Coordinator, Trish Adjei. You can contact both at 1800 066 844 or [info@copyright.com.au](mailto:info@copyright.com.au).