

COPYRIGHT AGENCY LIMITED®

Copyright for journalists

Updated March 2009



More information

Copyright Agency Limited
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Website: www.copyright.com.au

Who owns the copyright in your work?

In Australia copyright is governed by the *Copyright Act 1968* (the Act). Copyright ownership is also determined by the Act. Generally, the first owner of copyright in a written work is the author. There are however some important exceptions. They are:

When an agreement to the contrary has been made: This includes an employment agreement. However, freelance journalists are free to negotiate with employers or clients concerning the copyright ownership of their work. This agreement should be in writing.

Working for a newspaper or magazine: Journalists working for newspapers or magazines (excluding freelancers) are in a unique position, as copyright is divided between the employee and employer.

For works created before 30 July 1998, your employer owns both the newspaper and magazine publication rights, while you own the copyright for all other purposes; eg, photocopying and book publication.

In the case of works created on or after 30 July 1998, you own the copyright for the photocopying of your work directly from a hardcopy original or for reproduction for inclusion in a book. Your employer owns the copyright for all other purposes including online and magazine publishing, digital copying and facsimile transmission.

Please note that employees of a wire service, for example AAP, Reuters and Bloomberg, are not employed by a newspaper or magazine, and do not have special rights.

Journalists not working for a magazine or newspaper: If you are a journalist working somewhere other than a newspaper or magazine, your employer will usually own copyright in any articles you write in the course of your employment. This includes digital rights.

Freelancers: Journalists working as freelancers are usually the first owners of copyright in their work unless an agreement has been made to the contrary. In the absence of a contract, the publisher will only be entitled to use your work for the purpose for which it was commissioned. If they wish to use your work for any other purpose they must ask for your permission.

Articles written under the direction or control of the Crown: The copyright in any articles created or first published by, or under the direction or control of a Federal, State or Territory Government, is owned by the Crown.

How do copying licences work in Australia?

The Act has created statutory licences for reproduction and communication to the public by educational institutions and institutions assisting people with disabilities, provided they do so within the limits set out in the Act. It has also created a statutory licence that allows government to use copyrighted material. CAL administers these statutory licences. For government use, CAL is the declared collecting society for reproduction rights.

In addition, CAL offers voluntary licences on behalf of its members to organisations who use copyright materials, but are unable to rely on the statutory licences. These include corporations, associations, document delivery services and press clipping agencies.

Under these voluntary licences, users can copy and communicate within the limits of the licence from the repertoire of CAL's author and publisher members, without the need to seek permission directly from copyright owners. If they wish to copy beyond the limits of the licence, they can seek permission directly from the copyright owner.



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Who copies your work?

Data kept by CAL shows that the organisations that use the most news stories are government agencies and departments and the education sector (including schools, universities, TAFEs and colleges). Other significant copiers of news stories are press-clipping services, corporations researching market and business issues, and legal firms to maintain currency with legal developments and in preparing cases.

Do CAL's licences cover all copying?

Not all usage by licensees is covered by CAL's licences, nor is it included in the records kept by licensees. For example, use by students for their own research may be considered a fair dealing, which is free. This use is not included in CAL's licences and therefore CAL does not monitor it. It is not included in CAL's distribution payments.

So if people are using your work, how do you get paid?

You need to be a member of CAL to claim any money to which you are entitled. Remember, membership is free and you do not assign your rights to CAL.

CAL exists to help its members. If you're a journalist, trying to monitor your rights can be extremely difficult as journalistic works are routinely copied by schools, universities, government, press clipping agencies and corporations. Imagine trying to find everyone who was using your work. It would be almost impossible, not to mention time consuming and expensive. CAL's monitoring systems determine how much has been copied by users and who owns the rights to what has been copied. CAL collects licence fees and distributes it to those whose works have been found to be copied. CAL also offers journalists up-to-date and relevant information on copyright issues.

Remember: You must be a member of CAL to claim any allocations.

Will you get paid each year?

Not necessarily. To be paid, your works need to have been:

- copied by one of CAL's statutory or voluntary licence holders; and
- recorded as copied in the surveys CAL uses to determine distribution and payment.

Remember: CAL is bound by the results of its monitoring systems and therefore can only pay eligible members. Further information can be found in *CAL's Sampling and distribution: how do they work?* information sheet.

Is a CAL payment 'income'?

Yes. CAL's distribution payments should be treated as income for taxation purposes. You may wish to seek advice from your accountant or financial adviser on the income tax implications of any CAL payments you receive.

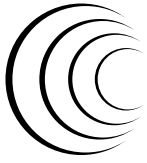
CAL and the MEAA

Over recent years CAL has worked closely with the Media Entertainment and Arts Alliance (MEAA) to ensure as many journalists as possible can benefit from CAL's copyright management services.

All MEAA members who are not also members of CAL in their own right are covered by an agreement between the two organisations. With the assistance of the MEAA, CAL is able to ensure that these journalists receive any payments that are due to them. Journalists who are CAL members are paid directly by CAL.

Who is CAL?

Copyright Agency Limited (CAL) is a not-for-profit company set up by Australian authors, journalists, visual artists, photographers and publishers to manage part of their copying and communication rights. CAL is owned by its members, membership is free and members give CAL a non-exclusive licence in respect of their works.

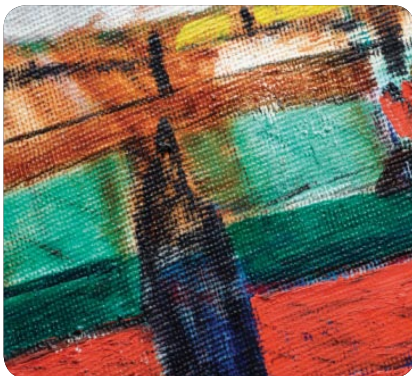


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Code of Conduct

CAL is a signatory to the Code of Conduct for Copyright Collecting Societies (the Code). It is designed to ensure that the rights of all members and licensees are clearly stated, and that the operations of collecting societies are transparent and accessible.

The Code includes requirements for the Complaints Handling and Dispute Resolution procedures that collecting societies must follow. The Code and these procedures are available from CAL's website and on request.



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