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# Dispute Resolution procedure between CAL and its members or licensees

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## More information

Copyright Agency Limited  
Level 15, 233 Castlereagh Street,  
Sydney NSW 2000

Tel: 1800 066 844  
Fax: +612 9394 7601

Email: [info@copyright.com.au](mailto:info@copyright.com.au)  
Website: [www.copyright.com.au](http://www.copyright.com.au)

## What is CAL's Dispute Resolution procedure?

Complaints that cannot be resolved through Copyright Agency Limited (CAL)'s Complaints Handling procedure may be resolved through CAL's Dispute Resolution procedure. This procedure is open to all CAL members and licensees.

CAL's Dispute Resolution procedure is entirely voluntary and will only occur when both CAL and the CAL member or licensee agrees to have the dispute resolved through this procedure.

## Other disputes

This procedure is designed to resolve disputes between CAL and a member or licensee. There is a separate procedure governing disputes between members.

Further information can be found on the *CAL's procedure for dispute resolution between members* information sheet.

## Who conducts the procedure?

The procedure established by CAL is for dispute resolution via a decision from an independent expert.

Choosing the expert is a collaborative effort between both parties. Each party nominates two candidates who are knowledgeable in copyright issues. The parties will then jointly choose an expert from these four candidates.

If the parties are unable to agree on a suitable candidate, the dispute will be referred for expert determination to the Australian Commercial Disputes Centre (ACDC).

## What disputes can be resolved using the procedure?

CAL has a Complaints Handling procedure which aims to resolve issues promptly. If a complaint is not resolved during this process, then it may be referred to the Dispute Resolution procedure.

Only those disputes that have first been through CAL's Complaints Handling procedure may be referred to the Dispute Resolution procedure.

## How do I apply to undertake CAL's Dispute Resolution procedure?

You must notify CAL in writing that you wish to use the Dispute Resolution procedure. The lodgement of the dispute must be made within ten working days of CAL's final response under the Complaints Handling procedure.

Disputes should be addressed to:

Complaints Officer  
Copyright Agency Limited  
Level 15, 233 Castlereagh Street  
Sydney NSW 2000

## What steps does the Dispute Resolution procedure follow?

1. Any dispute received by CAL's Complaints Officer will be acknowledged in writing within 14 working days. The acknowledgment letter will indicate whether CAL agrees that the dispute should be resolved in accordance with CAL's Dispute Resolution procedure.



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If a decision is made not to enter into dispute resolution, CAL must give reasons for this decision in the acknowledgment letter.

2. If CAL decides to pursue the dispute resolution, CAL will write to the member or licensee within a further 14 working days requesting all written submissions and evidence be provided to CAL within 28 working days. CAL will provide a copy of its own written submissions and evidence to the member or licensee within 28 working days.
3. During this 28 day period, CAL will liaise with the member or licensee and the independent expert regarding convenient dates for a hearing. CAL will then notify all parties in writing about the arrangements for the hearing.
4. Both CAL and the member or licensee will have a further 14 working days to provide any further written submissions or evidence in reply. CAL will then send a copy of all written submissions and evidence to the independent expert.
5. At the expert determination, both parties will be given an opportunity to present their case.

### **What if I don't agree with the expert determination?**

If you don't agree with the outcome, you have 28 working days to file fresh proceedings in an appropriate Court or Tribunal. If you don't file new proceedings, the determination of the expert is binding on the parties.

### **Are there costs involved with the Dispute Resolution procedure?**

Both parties will share the costs of the expert determination, including professional fees, travel expenses and venue hire. Each party must also pay their own costs associated with the determination.

For further information on CAL's Dispute Resolution procedure contact our Complaints Officer at [complaints@copyright.com.au](mailto:complaints@copyright.com.au) or on +612 9394 7600.

### **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.

### **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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