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How to apply for the Statutory Educational and CAL Educational licences

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More information

Copyright Agency Limited
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CAL has been appointed by the Attorney-General to administer the educational statutory licence. CAL is a copyright management company, which centrally manages the reproduction and communication rights of thousands of authors, journalists, surveyors, photographers, visual artists and publishers. Membership of CAL is free to all Australian copyright owners.

CAL collects the copying fees, deducts its administrative expenses and distributes the balance annually to copyright owners based on the results of copying surveys.

An educational institution (or a body administering an educational institution) may be eligible to copy under the Statutory Educational licence under Part VB of the *Copyright Act 1968* (the Act) by following these procedures:

1. Publish a notice in the Gazette - see information sheet entitled *How to qualify for the Statutory Educational licence* (note: universities, TAFE institutes, full time primary and secondary schools, pre-schools or kindergartens are exempt from this requirement).
2. Complete the Statutory Educational licence notice and return it to Copyright Agency Limited (CAL).
3. Enter into a CAL Educational licence by completing the agreement and returning it to CAL.

Why do we need two licences?

The Statutory Educational licence in the Act sets the copying rights and obligations for educational institutions. This includes the requirement that educational institutions and CAL agree to (or have set by the Copyright Tribunal) certain operational issues, for example, the amount of the licence fee.

The two licence schemes for educational institutions are:

- the hardcopy licence – for copies (including electronic) made from a paper original, such as photocopies; and
- the electronic reproduction and communication licence – for copies and communications of works in electronic form. 'Communication' includes email and uploading to a website or intranet.

Remuneration Notice and Electronic Use Notice

These are notices that must be sent to CAL to enable the institution to copy and communicate legally. They specify:

- that the institution agrees to pay equitable remuneration; and
- the system of records to be kept by the institution. Institutions can choose to:
 - maintain full records of all copying; or
 - participate in periodic copying surveys as part of a 'sample'.

Almost all institutions choose the 'sampling' system. Information provided here is structured on the 'sampling' system. If you would like to know more about the 'record keeping' system please contact CAL.

The CAL Educational licence

There are two types of Educational licences for Independent colleges:

1. non-commercial; and
2. commercial.



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The only difference is the fee structure.

For all commercial organisations the fee is based on 0.3% of gross student receipts.

For all non-commercial organisations the fee varies depending on the appropriate level of study and changes each year in accordance with equivalent public sector institutions.

What is a Similar Level Educational Institution?

This is a major educational institution sector which offers courses of study at substantially the same level of education as that offered by your institution. Typically these would be university (graduate and post-graduate courses), TAFE (diploma and certificate courses), primary/secondary school (school certificate education), adult and community education provider (recreational syllabus e.g. arts and craft etc, generally a single subject, not exceeding 20 hours attendance and not granting an award).

When entering into the CAL Educational licence (non-commercial) your institution must specify the similar level education category to which you are substantially similar. You may have courses in more than one category. The annual amount per student of the similar level institutions will be applied as the annual amount per student for your institution.

How do we calculate the number of students?

CAL will advise you how to calculate your student numbers on the annual licence fee notice each year. The method of calculation will generally be in accordance with the licences between CAL and the similar level educational institutions.

Do we pay a licence fee in the first year?

Yes. Your Statutory Educational licence, which gives you the right to copy, may not commence until a date during the year, however, the CAL Educational licence includes an indemnity for copying from 1 January in that calendar year. Therefore the licence fee you pay in the first year is for the whole calendar year.

What student numbers do we use if we did not operate last year?

You should use the student enrolments for the current year. Please contact CAL for further information and assistance.

What is the term of the licence?

The Statutory Educational and CAL Educational licences continue from year to year. The licence can be cancelled on 31 December of any year by giving at least 60 days written notice.

What is a survey?

The CAL Educational licence is based upon your institution adopting the survey results of the Similar Level Educational Institutions. These institutions participate in a survey that is drawn up by an independent statistician and is a nationally stratified survey of copying. The results of their survey are used to determine the annual amount per student.

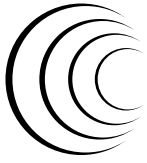
The licence requires your periodic participation in a survey. You will not be required to participate in a survey for more than one teaching term in any three years.

What signs must be displayed?

A notice setting out the copying rights must be displayed on, or near, each print copying machine so that it is visible to all persons using the machine. CAL will provide you with copies of this notice.

Do we have to keep records of copying?

You are only required to keep records when your institution is selected to participate in a survey and only for a limited time. You will be advised of your participation and record keeping requirements well in advance.



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Are our other locations included?

Yes — within 21 days of entering into the CAL Educational licence you must provide CAL with an accurate and up-to-date written list of the names and addresses of the major locations that your institution administers and upon which it conducts courses of study. Changes have to be notified to CAL by 1 April each year.

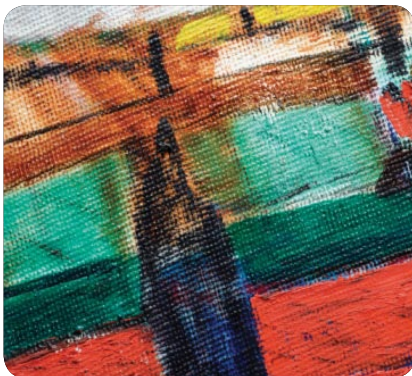
Who is CAL?

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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