Agreements with Copyright Agency and Screenrights

Fact sheet for departments and agencies

D23/27480

Updated 05/03/24

## Background

The Copyright Act 1968 (Cth) (the Act) requires the State to pay Copyright Agency and Screenrights for the use of copyright material.

The Department of Government Services (DGS) manages agreements with Copyright Agency and Screenrights on behalf of the State.

The agreements require annual payments from departments and participating agencies. Copyright Agency and Screenrights distribute these payments to copyright owners.

## Coverage of agreements

The agreements apply to all departments and any agency that is part of the State for the purpose of s 183 of the Act.

This means they apply to all statutory corporations, except those whose establishing legislation provides that it does not represent the Crown.

Agencies which do not represent the Crown may participate in the Copyright Agency agreement. They will be granted limited benefits compared to State entities.

The agreements exclude educational institutions licensed under s 113P of the Act.

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| --- | --- | --- |
| Government body | Copyright Agency agreement | Screenrights agreement |
| Department | Must participate | Must participate |
| Agency which represents the Crown | May opt in or out | Must participate |
| Agency which does not represent the Crown | May opt in or out  Limited benefit | Excluded |
| Educational institution licensed under s 113P | Excluded | Excluded |

### Opting in or out

Departments must participate in the agreements.

Agencies may opt in to or out of the Copyright Agency agreement by contacting DGS. Opting out of the agreement may reduce the flexibility of an agency’s use of copyright material and increase the cost of managing copyright. The agency will also be required to negotiate its own licences with copyright owners as required under the Copyright Act.

Agencies must participate in the Screenrights agreement, unless they are excluded.

## Cost of agreements

The costs of the agreements are invoiced after the end of each financial year. Most costs are calculated at a rate per Full-Time Equivalent employee (FTE). The costs for the 2022/23 and 2023/24 periods are:

|  |  |
| --- | --- |
| Agreement | Cost |
| Copyright Agency | $7.30 per FTE |
| Screenrights – incidental copying | $1.50 per FTE ($150 minimum) for 2022/23  $1.59 per FTE ($150 minimum) for 2023/24 |
| Screenrights – bulk copying | Contact DGS for more information |

FTE rates apply to all employees, regardless of their role or use of copyright material.

If your department or agency may have a unit that routinely copies broadcasts or distributes copies to other agencies, please contact DGS to discuss. DGS and Screenrights must be notified of any bulk copying.

### Measuring FTE

Departments and participating agencies must confirm with DGS their FTE figures as at 30 June. This allows Copyright Agency and Screenrights to correctly issue invoices to each department and agency. Departments and agencies usually report their end of year FTE in their annual report. At the conclusion of each financial year, DGS will contact departments and participating agencies to confirm FTE numbers.

## Benefit of agreements

The agreements provide blanket licences to use certain copyright material. That blanket licence permits departments and participating agencies to make government copies for the services of the State.

The covered materials are:

|  |  |  |
| --- | --- | --- |
|  | Copyright Agency agreement | Screenrights agreement |
| Covered material | * literary works * dramatic works * musical works * artistic works | * audio-visual items copied from communications to the public * works within those audio-visual items |
| Excluded material | * computer programs * survey plans * works contained in audio-visual items |  |
| Example of covered material | * books * journal articles * reports * letters and emails * online materials, other than audio-visual items | * television broadcasts * radio broadcasts * online audio-visual items |

The agreements provide for **copying and the internal use** of copyright materials covered by the agreement, provided it is for the services of the State. This includes; photocopying, printing, saving material to a hard drive, internal emails and posting copies to an intranet.

The agreement **does not cover** making material available to the public (for example uploading material to the internet or emailing copies to external parties) and some other exclusions apply. Refer to the agreements for specific details. To request a copy please contact DGS.

### Benefit for agencies that are not part of the State

Agencies which do not represent the Crown may participate in the Copyright Agency agreement.

The agreement grants some limited benefit for an agency that has been authorised by the State under s 183 of the Act.

The Copyright Agency agreement only covers copies made for the services of the State. Agencies which do not represent the Crown should consider whether they make copies for the services of the State before relying on the agreement.

## Contact us

To discuss these agreements or other copyright matters contact DGS’s IP Policy team at [ippolicy@dgs.vic.gov.au](mailto:ippolicy@dgs.vic.gov.au).