

Copyright Risk & Compliance Guide

A guide to copyright compliance
for Local Government

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The **Copyright Agency** is an Australian not-for-profit organisation that represents over 40,000 members across the publishing, media, visual arts, education and surveying sectors.

We license copyright material, so companies can legally reuse content created by others, and be confident that creators are being compensated fairly for their work – thus practising Good Copyright Governance. Licensing revenue is distributed to our members, ensuring the Australian creative economy remains strong.

copyright.com.au

Introduction



Copyright governance

Practising good governance is an essential component for the effective operation of Australian Local Government.

An important part of good governance is meeting a Council's legislative obligations, which includes obligations under the *Copyright Act 1968* (Cth). Essential day-to-day activities within Councils involve sourcing third party materials such as newspaper and magazine content, images and artworks, journal articles, website materials, environmental reports, and other publications. Where this type of content is copied, or shared by Local Government employees without having appropriate permissions in place, it may amount to infringement of copyright law under the *Copyright Act 1968* (Cth).

Legislative framework

Copyright Act 1968 (Cth)

31 Nature of copyright in original works

- (1) For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a work, is the exclusive right:
 - (a) in the case of a literary, dramatic or musical work, to do all or any of the following acts:
 - (i) to reproduce the work in a material form;
 - (ii) to publish the work;
 - (iii) to perform the work in public;
 - (iv) to communicate the work to the public;
 - (vi) to make an adaptation of the work;
 - (vii) to do, in relation to a work that is an adaptation of the first mentioned work, any of the acts specified in relation to the first mentioned work in subparagraphs (i) to (iv), inclusive; and
 - (b) in the case of an artistic work, to do all or any of the following acts:
 - (i) to reproduce the work in a material form;
 - (ii) to publish the work;
 - (iii) to communicate the work to the public;

36 Infringement by doing acts comprised in the copyright

- (1) Subject to this Act, the copyright in a literary, dramatic, musical or artistic work is infringed by a person who, not being the owner of the copyright, and without the licence of the owner of the copyright, does in Australia, or authorizes the doing in Australia of, any act comprised in the copyright.

182 Definitions

B

“government” means the Commonwealth or a State. this Act, unless the contrary Note: State includes the Australian Capital Territory, the Northern Territory and Norfolk Island.

183 Use of copyright material for the services of the Crown

- (1) The Copyright in a literary, dramatic, musical or artistic work or a published edition of such a work... is not infringed by the Commonwealth or a State, or by a person authorized in writing by the Commonwealth or a State, doing any acts comprised in the copyright if the acts are done for the services of the Commonwealth or State.
- (5) Where an act comprised in a copyright has been done under subsection (1), the terms for the doing of the act are such terms as are, whether before or after the act is done, agreed between the Commonwealth or the State and the owner of the copyright or, in default of agreement, as are fixed by the Copyright Tribunal.

Commonwealth of Australia Constitution Act 1901 (Cth)

109 Inconsistency of laws

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Australian copyright law in context

Copyright protection under the *Copyright Act 1968* (Cth) extends to literary, artistic, dramatic and musical works, as well as broadcasts and films, sound recordings, and published editions. Copyright does not protect ideas, concepts, styles, techniques or pure information.

Under s36 of the *Copyright Act 1968* (Cth), copyright infringement occurs where someone who is not the rightsholder, exercises any of the exclusive rights (contained in s31) of the copyright holder without permission or a licence. Organisations, including Councils, may be held vicariously liable for their employees' or contractors' copyright infringement.

A permission or licence is not required where a fair dealing exception applies. "Fair dealing" exceptions in Australian copyright law allow the use of copyright material for a narrowly defined set of purposes:

- research or study
- criticism or review
- parody or satire
- reporting the news
- access by a person with a disability or an organisation assisting a person with a disability
- giving professional advice by a lawyer, patent attorney or trademarks attorney.

In considering whether the dealing with the work is fair, the courts will look at whether an objective person would consider:

- that the use of the work is genuinely for one of the fair dealing exceptions in the act, and
- that the use of the work is fair in that context.

Fairness considerations

Considerations could include whether there was a negative financial impact upon the rightsholder, including whether a copyright licence was easily available.

For Councils, this means regular day-to-day activities, such as those listed below, would usually require either a copyright licence or permission from the rightsholder:

- downloading as a PDF or digital file or scanning from a hard copy
- making a hardcopy of a work either by printing or photocopying
- forwarding by email media clips received from a media monitoring organisation to an external party
- saving onto disk/drive media any creative works received from an event, tourism or PR agency
- copying and pasting an image, graph or table into a presentation or report
- copying and pasting text from a book or research paper into a report
- emailing an article to a colleague
- posting an article on an intranet, secure extranet or public website
- saving copyright works on a server or hard drive
- posting content to a social media channel.

The Copyright Act and Local Government

Under section 183(1) of the *Copyright Act 1968* (Cth), the Commonwealth and States do not infringe copyright in a work, if the acts they are doing in copyright are for the services of the Commonwealth or State. Section 183(5) of the *Copyright Act 1968* (Cth) requires the Commonwealth and States to come to an agreement about the payment of licence fees with the rightsholder for the use of those works.

Under s182b and 183 of the *Copyright Act 1968* (Cth) Councils are not defined or referred to as government, and are not covered by the existing statutory licence arrangements in place under s183(5) between the Commonwealth and the respective States.

Role of State legislation

Under section 109 of the Constitution, Commonwealth legislation such as the *Copyright Act 1968* (Cth) overrides state legislation where there is an inconsistency between the two. Nonetheless the various state laws, including the list on page 6, contain no provisions for the unauthorised reproduction or communication of copyright works by Councils.

Councils are required to obtain a licence or permission from the rightsholder to avoid infringing copyright.

This position is further supported by advice from the NSW Crown Solicitor which states Councils do not hold a statutory licence to use copyright material under section 183 of the Copyright Act. Further, the NSW Crown Solicitor advised that the defences of fair dealing in sections 40 and 41 of the Copyright Act 'do not apply to local councils in respect of publishing or copying material subject to the GIPA Act.' The Crown Solicitor also advised that the Copyright Act applies irrespective of the requirements of the GIPA Act or Regulation.¹

¹ *Copyright and compliance with the GIPA Act*, March 2012, Information and Privacy Commission New South Wales

² The NSW Information and Privacy Commission has released a *Copyright and the GIPA Act: Frequently Asked Questions for Councils*, in July 2014.

State laws:

NSW

- *Government Information (Public Access) Act 2009* (GIPA Act) ²
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979* (EPAA)

Victoria

- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Municipal Association Act 1907*
- *Libraries Act 1988*

Western Australia

- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Western Australia (WA) Government Intellectual Property Policy (GIPP) 2003*

Tasmania

- *Right to Information Act 2009*
- *Local Government Act 1993*

Queensland

- *Right to Information Act 2009*
- *Local Government Act 2009*
- *City of Brisbane Act 2010*

South Australia

- *Right to Information Act 1991*
- *Local Government Act 1999*
- *State Records Act 1997*

Copyright works



Consumption & reuse in Councils

The notion that copyright works are not used by the local government sector is a myth.

Copyright works are easily accessed by any employee and are commonly received as unlicensed copies from a variety of external sources. Copyright protection is generally afforded to all literary works.

Role functions frequently using copyright works	
Primary content consumers	Copyright works
Executives	<ul style="list-style-type: none"> forwarding news and opinion pieces to colleagues content saved to desktop, tablets, phones and servers tabling documents in meetings or inclusion in agenda packages (electronic or hard copy) attachments to agenda items
Communications, marketing and executive support	<ul style="list-style-type: none"> copying of media items from online or hard copy publications media clippings requested and received in funding, sponsorship, grant and award applications archiving of copies of media items posting content to an intranet or website saved content used in presentations, reports or other formats content saved to desktop, tablets, phones and servers
Records	<ul style="list-style-type: none"> copyright material stored in electronic records management systems content saved across IT Infrastructure
Researchers	<ul style="list-style-type: none"> copying, sharing and collating of copies of reference source materials for report authors and stakeholders copying and sharing of content in presentations, reports and handouts content saved to desktops and servers
Library/information services	<ul style="list-style-type: none"> copying of library resources for Council business digital storage
HR/learning and development	<ul style="list-style-type: none"> usage of copyright works in training and development content saved to desktop, tablets, phones and servers

Primary content consumers	Copyright works
Regional Art Galleries	<ul style="list-style-type: none"> reproduction of artwork for internal research, online or print materials capturing of media mentions of artists and galleries copying of artwork and content saved to desktop, servers and storage devices artwork used in promotional material such as flyers, invitations, brochures, gallery guides artwork used in publications including exhibition catalogues, gallery magazines artwork used in exhibition advertising artwork placed on gallery websites and collections online
Operations and general staff	<ul style="list-style-type: none"> usage of databases, website content, manuals, newsletters, journals, white papers content saved across IT infrastructure

Use of content within Council's day-to-day activities – opportunity for internal risk

Staff across departments will encounter copyright material on a daily basis. Even with awareness employees are increasingly expected to act quickly and often terms and conditions are overlooked in the interests of expediency.

Subscriptions, terms and conditions of use

Most Councils will engage with copyright protected works via subscriptions to services. These services may include:

- direct subscriptions to a publisher's website and/or publications
- subscriptions to a content aggregator or database
- agreements with a media monitoring organisation or a media analytics service.

The terms and conditions of use for these services will generally be restricted to nominated or subscribed internal users. Generally, these subscriptions will prohibit, restrict or limit any further copying or communication. For example, media monitoring organisations in Australia (including Isentia, Meltwater and Stream) are licensed by Copyright Agency to provide limited internal sharing rights to their customers via their licensing arrangements with the Copyright Agency.

These rights, called the Downstream Licence, include:

- communication via email or intranet to nominated users only
- digital storage as an email or on an intranet for up to 365 days
- making of a hardcopy

Any uses outside of these defined internal sharing rights requires an additional licence or permission from the rightsholder³ and these rights are only applicable to content received from a Copyright Agency licensed media monitoring organisation.

Inhouse media monitoring, where copies are made from publishers’ websites, requires a licence or permission as the terms and conditions of use of most Australian newspaper publishers’ websites do not allow for use of their content beyond personal research.

Where content is shared beyond the terms of use of a subscription or service agreement, alongside breaching the terms of the agreement, the Council will run the risk of copyright infringement.

Data storage

Digitally storing copyright works without a licence or permission on desktops, servers, storage devices, emails, record systems, etc. is also a copyright risk as the copy is often created outside the terms of use and without an additional permission or licence. Any subsequent use of such copies in internal workflow could mean additional infringement takes place. Governance of IT infrastructure needs to consider the issue of copyright.

The following table demonstrates how employees may share and reuse copyright content without awareness of copyright, or concern for the publisher/services terms and conditions.

Example of copyright works used internally	
Primary content consumers	Internal content use examples
Communications and executive support	<ul style="list-style-type: none"> • source, receive and disseminate news internally • reuse Indigenous artwork in Local Government Reconciliation Action Plans and associated collateral
Planning & works	<ul style="list-style-type: none"> • use of technical works and resources • exchange of copyright material with third party contractors for studies, etc. • incorporation of artwork into design and implementation of public space planning
Records	<ul style="list-style-type: none"> • in electronic records management systems • digitising of hard copy records • copies found across IT infrastructure
Events and tourism	<ul style="list-style-type: none"> • post content on intranet, website and social media channels • receive media clippings from RTOs, state tourism bodies, other councils
Art galleries	<ul style="list-style-type: none"> • operate independent media monitoring activities from online and hard copy sources • providing copies of third party works as requested for Council business • exchanging third party works with external stakeholders • storing images of artworks on IT infrastructure
HR/L&D	<ul style="list-style-type: none"> • share, receive and store training and development content

³ Copyright Agency information for customers of Media Monitoring Organisations

Copyright and risk

Stakeholder engagement – opportunity for external risk

Information enters Councils via multiple stakeholders including neighbouring Councils, tourism organisations, businesses, consultants, community groups, governments and associations. This information can flow via various hard copy and digital channels.

Example of copyright works received via external channels	
Content source	Content received
Associations	<ul style="list-style-type: none"> • media coverage reports • third party research
Public relations, events and tourism agencies	<ul style="list-style-type: none"> • coverage reports, media mentions, media monitoring and media analysis
Consultants	<ul style="list-style-type: none"> • technical works, third party research articles and papers, media clippings • artwork and images for design planning and implementation
Community or business groups	<ul style="list-style-type: none"> • material from websites, media articles, journal articles, research papers
Government	<ul style="list-style-type: none"> • media articles, journal and technical works
External meetings	<ul style="list-style-type: none"> • tabled documents, agenda attachments, copies of presentations, handouts, etc. that include third party works
Other Councils	<ul style="list-style-type: none"> • copies of media reports – separately or contained within other reports



Copyright law and good governance

There are similar principles and objectives in place within the respective State's legislation for the operation and good governance of Local Government.

These include: facilitating local communities that are strong, healthy and prosperous⁴, and the ethical and legal behaviour of Councillors and Local Government employees⁵. Local Government legislation also requires Council staff, Councillors, delegates and administrators to act honestly and exercise due care and diligence in their roles⁶.

Facilitating strong, healthy and prosperous local communities

Copyright compliance should be assessed as part of the Local Government sector's adherence to corporate social responsibility and good governance as there is an economic and social impact upon content creators within their own communities. The continual non-payment of licensing fees impacts upon the economy by reducing income flowing to content creators. Recent Australia Council research showed that, on average, 35 percent of content creators/rightsholders in Australia relied upon royalties and advances from their works as a source of income⁷.

Core copyright industries (including press, literature, music, art and broadcast) contributed approximately \$122.8 billion to the Australian economy in 2017 and employed 1,022,000 people⁸. The impact of continual non-payment of royalty or licensing fees on this industry will see a decline in the types and quality of content being created as revenue streams are eroded.

Ethical and legal behaviour of Councils

Councils operating without a copyright licence or appropriate permissions in place are not meeting their obligations to exercise due care and diligence, or practising legal behaviour.

As an example, the soon to be prescribed New South Wales Model Code of Conduct⁹ requires Local Government officials to act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out functions. The exercise of reasonable care and diligence would include adherence to all relevant laws, regulations and practices which affect their Council, including a Council's obligations under the *Copyright Act 1968* (Cth).

⁴ See, e.g. Local Government Act 1993 (NSW) s8

⁵ See, e.g. Local Government Act 2009 (QLD) s4 ss2

⁶ See, e.g. Local Government Act 1999 (SA) s109 and Local Government Act 1993 (NSW) s439

⁷ *Making Art Work: An economic study of professional artists in Australia* Chapter 10, Income and Expenditure © David Throsby and Katya Petetskaya, 2017 p105–106.

⁸ *Price Waterhouse Coopers, The Economic Contribution of Australia's Copyright Industries – 2002-2016*, Australian Copyright Council, September 2017 p11.

⁹ *Model Code of Conduct for Local Councils in NSW (2018)*, The Office of Local Government New South Wales, 2018 p11.

Quantifying copyright risk

The reuse of copyright works, without permission or a licence from a rightsholder or their agent, gives rise to both an operational risk and a reputational risk within a Council's framework of risk management.

Compliant use of copyright works can be further defined as ethical and responsible behaviour.

The **operational risk** for a Council centres on the potential financial damages payable for a breach of copyright. A quarter of content creators believe their copyright has been infringed at some stage; with the highest proportion of infringement reported by writers and visual artists. Where a creator has acted to stop copyright infringement or to seek compensation for unlicensed use, 60 percent of actions undertaken by Australian content creators/rightsholders have been successful.¹⁰

Exposure can escalate from an employee's or contractor's unwitting conduct into reputation risk. A Council's digital footprint means risk is amplified.

Risk appetite in this area may be common amongst Councils for the following reasons:

- perceived low chance of external exposure/reputational risk
- misbelief that permission is not required due to Local Government status
- perception that copyright works are only used in marketing departments
- assumption that media monitoring services and media analytics suppliers provide blanket copyright coverage
- concerns over the role and positioning of a licence agreement in the organisation's information procurement and management framework

Councils may believe they are adopting a low-risk position with low-risk appetite for copyright compliance, when, in fact, the risk exposure could be moderate to high. This is compounded by the belief in common copyright myths by many individuals within an organisation.

Risk is real

Copyright Agency has identified over 300 Councils nationally who have copied or communicated our members' works in some way without a licence. These 300 Councils include some of the same 125 Councils contacted by the Copyright Agency in 2015 in relation to unlicensed use of newspaper articles. Copyright Agency is prepared to act on behalf of publishers to ensure their copyright is respected. Read more [here](#).

¹⁰ *Making Art Work: An economic study of professional artists in Australia* Chapter 10, Income and Expenditure © David Throsby and Katya Petetskaya, 2017 p105–106.

Case studies

As examples of possible operational risk and reputational risk, see the following two case studies of organisations caught using copyright works without a licence. Financial remediation and public apologies were key components in settling both cases.

Case study 1 – Strathfield Council

This recent case study on actions undertaken by an Australian Council highlights both the **operational** and **reputational risk** faced by an organisation that is not copyright compliant. An IT contractor for Strathfield Council inadvertently placed copyright works on an externally facing website without a licence or permission from the rightsholder. This was both a breach of copyright and a breach of the terms and conditions of the Council's licence for the use of content supplied by a media monitoring organisation. Following discussions with the Copyright Agency, Strathfield Council agreed to pay for an annual copyright licence, and to make a payment for past use, as well as issuing a public statement of apology published in the Daily Telegraph, Sydney Morning Herald and the Inner West Courier.

Read more: [Strathfield Council apologises for breach of copyright](#)

Read more: [Strathfield Council agrees to pay for news copyright breaches](#)

Case study 2 – Australian Hotels Association (NSW)

This case of an association highlights the reputational and financial risk faced by organisations that are not copyright compliant. The association had posted newspaper articles to their website without permission or a licence from the relevant publishers. This was both a breach of copyright and a breach of the terms of their agreement with their media monitoring organisation. Following conversations with the Copyright Agency, Australian Hotels Association (NSW) obtained an ongoing annual copyright licence, made payment towards their past unlicensed use of content and published an apology in The Australian, Sydney Morning Herald and The Daily Telegraph.

Read more: [Australian Hotels Association pays for news copyright breaches](#)

Risk modelling

With most organisations' employees having access to printers, email, computers, internet, photocopiers and social media, the risk of copyright infringement is high.

Research¹¹ has shown that copyright infringement by employees is likely to be frequent given that:

- 90% of employees share information within the organisation several times a week
- 59% of employees share information externally several times a week
- 88% of employees send attachments via email
- 43% of employees cut and paste content from the source and embed it in an email
- On average, information is forwarded 12 times per week to 14 people each time

Using the above research, the copyright risk can be modelled in scenarios for multiple groups, brands, offices and locations who use copyright protected material:

- 500 staff forwarding published information 12 times per week = **6,000 communications**
- 6,000 communications to 14 people = **84,000 communications**

By using pay-per-use licensing rates for Australian newspaper content¹² we can quantify the **operational risk** in certain scenarios using this research:

- **1 staff member forwarding 1 Adelaide Advertiser article to 14 external recipients via email each week = \$86.01 in unpaid licence fees owed to rightsholders per week**
- **1 staff member forwarding 12 separate Adelaide Advertiser articles to 14 external recipients via email each week = \$1,033.20 in unpaid licence fees owed to rightsholders per week**

Case study 3 – Brighton and Hove City Council (United Kingdom)

This UK example highlights how 'no copying' policies are ineffective for Councils as the risk of copyright infringement is not confined to staff making copies or external sharing. Brighton and Hove City Council agreed to pay the Copyright Licensing Agency (CLA) an undisclosed sum to cover legal costs and retrospective licence fees as well as agreeing to take a CLA licence for the future. Lawyers acting for the Council had originally told CLA that it was not at risk of copyright infringement as it enforced a 'no copying' policy, but evidence gathered by CLA showed that the policy had not worked and infringement was taking place.

Read more: [Council slapped with six-figure bill after copyright breach](#)

Read more: [Brighton and Hove City Council pays for copyright breaches](#)

¹¹ *Outsell Inc. Information Consumption and Use Survey 2013*, Copyright Clearance Center

¹² Available from the Copyright Agency's [RightsPortal](#) platform. Rates correct at 04/02/2019.

Latent operational risk – digital storage

There are some specific operational risks for Councils, including the operation of digital news archives without a licence. Digitally stored and archived copies, including those in official record management systems, and individual staff archives and departmental record archives within Local Government are a latent risk for Councils:

- 1 staff member stores 1 Brisbane Times article on their hard drive for up to 12 months = **\$356.30** in unpaid licence fees owed to rightsholders
- 1 staff member stores 6 Brisbane Times articles on their hard drive for up to 12 months = **\$2,494.10** in unpaid licence fees owed to rightsholders

If a Council stored digital copies of just 50 media articles a year, the licence fee based on pay-per-use rates would total a minimum of \$12,500¹³. Any use of the stored copy would also require licensing on top of this.

Case study 4 – Anonymous Council (NSW)

This case study highlights how removing content from a website once, does not solve a Council's ongoing risk of copyright infringement. This Australian Council received correspondence from Copyright Agency in 2015 for the unlicensed use of newspaper articles; they paid the licence fee, removed the content and stated that they would no longer host newspaper content on their websites. This Australian Council was approached by Copyright Agency in the interim period regarding their needs to be licensed, and the Council asserted that they were operating within the terms of their Downstream Licence Agreement. In 2018, Copyright Agency sent this Australian Council a second piece of correspondence regarding the unlicensed use of over 100 newspaper articles which had been uploaded since 2015 to websites operated by this Council.

¹³ Available from the Copyright Agency's [RightsPortal](#) platform. Rates correct at 04/02/2019.

Flagrancy

A recent Federal Court ruling has showed that the Court is willing to apply damages where reasonable overtures have been made regarding an organisation obtaining the appropriate licence agreement.

Case study 5 – APRA v ILLUSION BAR & NIGHTCLUB PTY LTD & ANOR [2017] FCCA 883

In this case study regarding music licensing, the judge awarded additional damages for flagrancy as APRA | AMCOS had contacted the organisation numerous times about the need to be licensed. Illusion Bar & Nightclub Pty Ltd, was ordered to pay music collecting society APRA | AMCOS \$114,113.28 in licence fees, interest, court costs and additional damages for infringement of copyright after they had ignored all attempts by APRA to enter into a licensing arrangement and continued to do so even after proceedings had been issued against them. In making the orders, Judge Dowdy noted:

“In my view the present case constitutes a serious breach of copyright by the Respondents. As stated... above, they have both ignored the very reasonable overtures from the Applicant and entirely disregarded the present proceeding.”¹⁴

¹⁴ Australasian Performing Right Association Limited v Illusion Bar & Nightclub Pty Ltd & Anor [2017] FCCA 883, 20

Good copyright governance



Achieving good copyright governance

Simple steps can help ensure your Council is hitting a benchmark for copyright compliance and fairly supporting Australian content creators.

Understand the risk

- Conduct regular audits of information policies and controls to understand how third party content is used within an organisation. This includes:
 - assessing how different types of content flows into your Council
 - reviewing how content is used and archived internally across all departments
 - understanding how content is shared with third parties, and
 - reviewing, or implementing, organisation-wide copyright policies and measures to ensure they reflect current content use and business practises.

Follow best practice

- Are systems or processes in place to ensure legislative and regulatory obligations are met?
- Is someone in your Council responsible for managing copyright and obtaining relevant permissions where necessary?
- Does everyone in your Council know when and where to obtain permissions?

Permissions available from Copyright Agency

Umbrella licensing solutions

Copyright tends to be a complex topic and common myths and misconceptions can leave considerable compliance gaps, putting your Council at risk of being brought into a copyright dispute.

A Copyright Agency annual Copyright Licence sits behind the scenes and enables employees to carry out their day-to-day use and reuse of copyright works without having to seek permission from content creators individually – thus enabling faster workflows and a compliant culture.

A yearly licence fee, based on the number of indoor full-time equivalent employees, will allow Councils to use content created by Copyright Agency's 40,000 members in their day-to-day operations. It will also allow for Councils to use Australian newspaper content on their websites, social media channels and secure extranets, as well as in publicly available meeting agendas.¹⁵

¹⁵ This is a guide only, please refer to the licence agreement for full terms and conditions.

Key benefits for value:



Time efficiency

Enjoy a fast and unencumbered flow of information and focus on your core activity



Ease of use

No need to negotiate licence fees with individual copyright owners



Peace of mind

Real compliance to protect your reputation and avoid potential litigation expenses



Collaboration

Share material internally, email articles to clients, and publish news content on your website or social media



Value

A fair fee based on the number of indoor full-time equivalent (FTE) employees

Pay-per-use licensing for visual artwork

Councils often have access to a wide range of visual artworks via their Regional Art Galleries and projects working with local artists. Where a Council wishes to use these artworks beyond the display of the original artwork, an additional licence or permission may be required.

A pay-per-use licence from Copyright Agency’s Visual Arts team (formerly Viscopy) allows Councils reproduce artwork whilst respecting the artist’s rights and rewarding them for their contribution.

Copyright Agency’s Visual Arts team manages the end-to-end process of licensing visual arts, including handling artists’ approvals, providing quotations on licence fees and advising on the most appropriate licence to suit your use. Our processes ensure that you are meeting best practice in ensuring there are clear agreements in place for the use of artwork.

We regularly license Councils and Regional Art Galleries on a pay-per-use model for the use of artwork for the following types of projects:

- websites and collections online
- artwork featured in Local Government Reconciliation Action Plans and associated collateral
- publications such as annual reports, gallery guides, gallery magazines, exhibition catalogues
- signage and the incorporation of artwork into building design
- exhibition advertising
- merchandise for sale in gallery retail outlets

Pay-per-use licensing for newspaper content

Councils may require permissions to use newspaper content beyond the terms of their umbrella licence agreements, or wish to license newspaper content on an ad-hoc basis. Copyright Agency has an online licensing platform, the RightsPortal¹⁶, which provides for pay-per-use licensing across the major Australian newspaper publishers.

Copyright Agency provides licences on a pay-per-use basis for over 20 uses, including:

- posting to a website
- reproduction in an annual report
- printing of hardcopies
- use in advertising
- digital storage

¹⁶ RightsPortal

Summary



Copyright risk is manageable

Councils cite in their governance and Code of Conduct statements their employees' commitment to operating within the regulatory and legislative environments that concern their operations.

This must include the obligation to comply with the *Copyright Act 1968* (Cth).

When employees are required to use information from a range of copyright sources, with little time to assess permission or licensing criteria for reuse, leading Councils are turning to corporate copyright licensing to assist workflow and provide compliance.

By implementing a solution where employees and constituents understand a Council's commitment to fairness and respect for law, trust and respect will follow. A Copyright Agency licence is this kind of solution.

Commercial Licensing
T: 02 9394 7600
F: 02 9394 7601

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copyright.com.au