

Australian Copyright Council
PO Box 1986 Strawberry Hills NSW 2012
245 Chalmers Street Redfern NSW 2016
tel (copyright information) +61 2 9318 1788
tel (administration & sales) +61 2 9699 3247
fax +61 2 9698 3536
email info@copyright.org.au
www.copyright.org.au



ABN: 63 001 228 780

Article for Copyright World

Virginia Morrison and Mary Pollatos, Australian Copyright Council, 22 April 2002

Collecting societies' voluntary code of conduct; Joint government and industry initiative to tackle IP crime

Collecting societies' voluntary code of conduct

The copyright collecting societies in Australia have recently adopted a voluntary code of conduct. The code covers all aspects of the societies' affairs, including dealings with members and licensees, the distribution of remuneration and licence fees, expenses, governance, accountability, complaints and disputes. A lengthy process of consultation with members and licensees of the societies, as well as the Federal Government, preceded its adoption on 1 January 2002.

The main copyright collecting societies in Australia are Copyright Agency Limited (CAL), Australasian Performing Right Association (APRA), Australasian Mechanical Copyright Owners Society (AMCOS), Phonographic Performance Company of Australia (PPCA), Screenrights and VISCOPY. They are all not-for-profit organisations which license or administer certain uses of copyright material on behalf of their members or members of affiliated organisations. These members are owners of copyright works and rely on the collecting societies to collect and distribute remuneration for the use of copyright material they administer or license.

The code of conduct is partly comprised of statements which reinforce the fundamental ethics of the societies. These include compliance with their legal obligations and their commitment to treating members fairly, honestly, impartially and courteously.

In regards to members, the code outlines that:

- membership is open to all eligible creators, owners or controllers of relevant copyright material;
- dealings with members will be transparent;
- members and potential members will be given copies of the society's constitution, either when becoming a member or on request; and
- a distribution policy will be maintained by the society that sets out the basis on which payments to members are calculated, the manner and frequency of

payments, and the general nature of what will be deducted from income before distribution.

In relation to licensees, and potential licensees, the Code includes provisions that licensees be treated “fairly, honestly, impartially, courteously and in accordance with the relevant society’s constitution and any licence agreement”. It also states that:

- licences will be drafted in plain English and information about licences or licence schemes will be made available;
- licence fees will be fair and reasonable and will be calculated by taking into consideration the value of the copyright material, the context in which the material is to be used, and the way it is used.

The code also reflects the expectation of collecting societies that licensees and other users of copyright material will respect the rights of creators and copyright owners and that licensees will adhere to the Copyright Act or to any permission or licence in regard to the use of copyright material.

Included in the Code are also provisions relating to internal governance. These include the obligation to properly keep finance records and to commit to annual audits, as well as provisions that outline the type of information to be supplied in annual reports.

Further, the collecting societies undertake the duty to:

- ensure staff comply with the code;
- educate members, licensees and the general public regarding the importance of copyright and the role of collecting societies;
- develop and publicise procedures for dealing with complaints and resolving disputes in accordance with various criteria set out in the code.

The societies also undertake to report on compliance with the code and appoint a person to monitor or review this compliance.

The Code is to be reviewed by the societies, with input from their members and licensees, within 2 years of its commencement, and a minimum of one review within each subsequent three year period is required.

The code is available on the web sites of the collecting societies, including at www.apra.com.au and www.screen.org

Joint government and industry initiative to tackle IP crime

A joint government and industry enforcement liaison group has been established to facilitate information exchange and co-operation in dealing with IP crime. The group comprises representatives from industry and from various government agencies including the Australian Federal Police, the State police forces, the

Commonwealth Director of Public Prosecutions, the Australian Customs Service, the Australian Bureau of Criminal Intelligence and the National Crime Authority.

The liaison group is working on strategies to deal with intellectual property offences.

In a recent development, the Australian Federal Police has appointed an IP Intelligence Collection Manager who will collate information about IP offences and liaise with industry groups and with Australian and overseas law enforcement agencies.