

COPYCO PTY LIMITED

PUBLISHERS' RIGHTS

1. Under the *Copyright Act 1968*, publishers own copyright in the literary, dramatic and artistic works created by their employees.
2. In 1999, several newspaper and magazine publishers noted that they received no income from press clippings made by media monitoring services and gave consideration as to how to obtain a new revenue stream in this regard. They considered that the rights would be marketable if a number of publishers pooled the press clipping rights to create a single licence to offer to potential end-users. Collective licensing was considered to be a practical method of issuing licences for these rights.
3. As a result, CopyCo Pty Limited (**CopyCo**) was formed in February 1999 for the purpose of administering a collective licensing scheme.

COPYCO

4. CopyCo is a company limited by shares.
5. CopyCo's shareholders are:
 - (a) ACP Publishing Pty Limited;
 - (b) John Fairfax Holding Pty Ltd;
 - (c) News Limited;
 - (d) Rural Press Limited; and
 - (e) APN Newspaper Pty Ltd.
6. Each shareholder is entitled to appoint one Director to the Board of CopyCo.
7. The shareholders, and various other publishers, have entered into a Publisher Agreement with CopyCo to enable CopyCo to sublicense their rights to end-users. Attached is a guide to the Publisher Agreement that was sent to each publisher prior to entering into the Agreement together with a copy of the ACP Publishing Agreement.
8. In respect of a work contained in a newspaper or magazine published by a licensee (**Work**) CopyCo is given the rights to:
 - (a) reproduce a Work by transmitting by facsimile;
 - (b) photocopy a Work that has been received electronically;
 - (c) reproduce a Work by scanning the Work and storing the Work in a computer database;
 - (d) reproduce a Work by retrieving the Work from a computer database in which it was stored;
 - (e) distribute or deliver the Work electronically;
 - (f) make an electronic copy of a Work; and

- (g) communicate a Work electronically.
- 9. CopyCo may not grant a sub-licence to people/companies that are publishers themselves.
- 10. CopyCo appointed the Copyright Agency Limited (**CAL**) as its agent to act on its behalf in relation to the sublicenses.

CAL

- 11. CAL is a licensing and collecting society that represents authors, journalists, visual artists, photographers and publishers to license the copying of their works to the general community.
- 12. As agent for CopyCo, CAL has developed and administers several sub-licences on behalf of CopyCo's publisher members.
- 13. By joining CAL through CopyCo, publishers are also entitled to a share of the equitable remuneration collected by CAL under the *Copyright Act* in relation to the copying of works in their publications by educational institutions and the government.

LICENCES

- 14. CAL currently offers the following sub-licences on behalf of publishers:
 - (a) Corporate – Copy and Communication Licence;
 - (b) Press Clipping Services – Copy and Communication Licence; and
 - (c) Press Clipping Services – Fax Transmission Licence.
- 15. The licences offered contain the following rights:
 - (a) Press Clipping Services– Copy and Communication Licence:
 - (i) to make an electronic copy of a Work;
 - (ii) to make a hardcopy, directly or indirectly, from an electronic copy of a Work;
 - (iii) to transmit a Work by email; and
 - (iv) to store the Work for no longer than 45 days.

(Fairfax Business Media Publications are not included in this licence)
 - (b) Press Clipping Services – Fax Transmission Licence:
 - (i) to make an electronic copy of a Work for the purpose of faxing it;
 - (ii) to fax a Work;
 - (iii) to store a Work as part of the technical process of making an electronic copy of the Work for the purpose of faxing it; and
 - (iv) to store a Work for no longer than 45 days.

(Fairfax Business Media Publications are not included in this licence)

(c) Corporate – Copy and Communication Licence:

- (i) to make an electronic copy of a Work;
- (ii) to make a hard copy, directly or indirectly, from a electronic copy of a Work;
- (iii) to make a Work available electronically to employees and directors, by means of the licensee's intranet; and
- (iv) to store the Work as an email for no longer than 90 days or on a database or intranet for no longer than 7 days.

16. These licences extend to media monitoring companies and downstream licensees such as Minter Ellison.

HOW THE PARTIES INTERACT

