

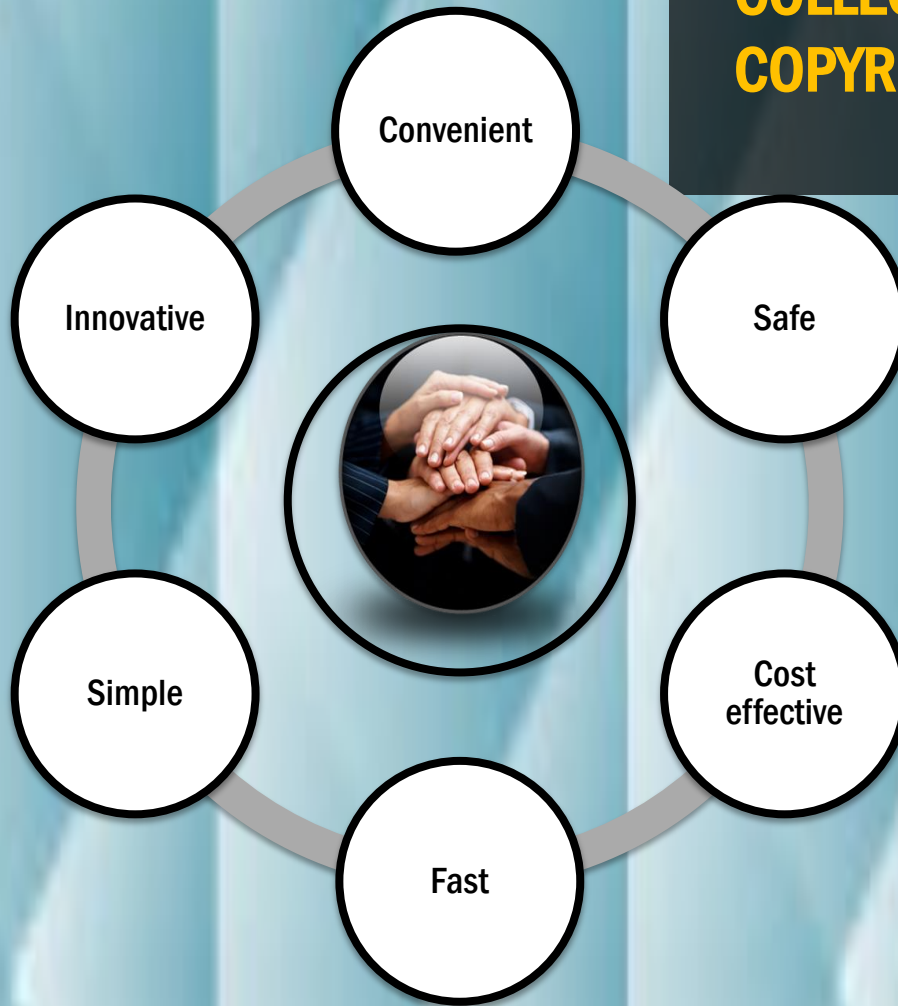


**COPYRIGHTAGENCY**  
**WIPO Regional Seminar – TAG**  
29 April 2016

## WHY IS COPYRIGHT IMPORTANT?

- Copyright has both cultural and economic dimensions
- It supports national cultural identity through protecting local expression – such as writing, painting, photography and music
- The income it generates is indispensable economically to creators and to those who invest in the creation of new works

# COLLECTIVE MANAGEMENT: MAKES COPYRIGHT WORK!



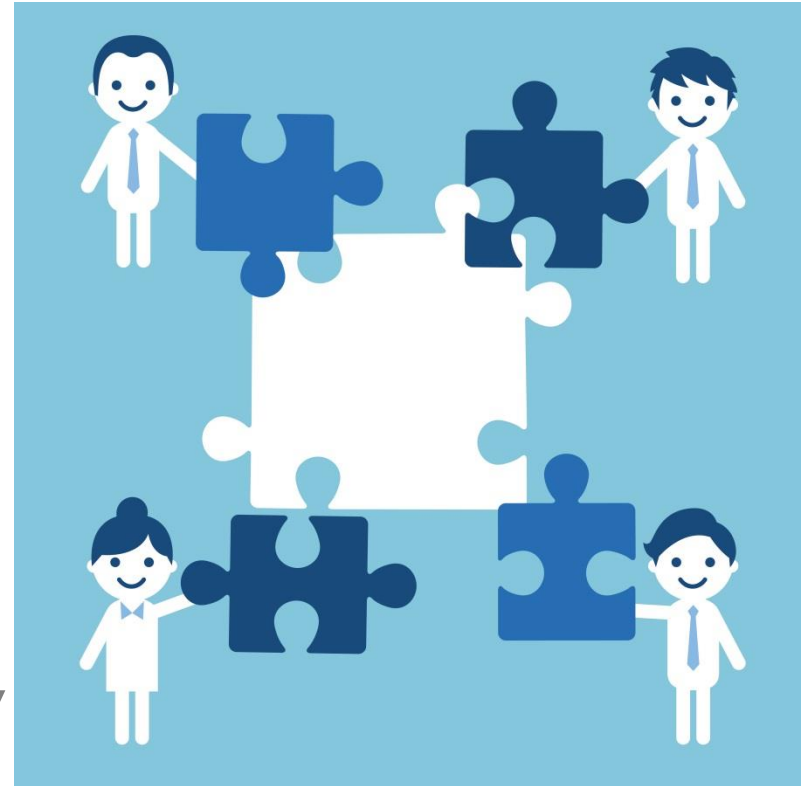


## INTERNATIONAL CONTEXT

- Copyright Agency is an active member of International Federation of Reproduction Rights Organisations (IFRRO)
- IFRRO represents CMOs and creators' and publishers' associations. Currently there are 143 members in 79 countries
- IFRROs mission is to increase the lawful use of copyright works through the promotion of collective rights management
- Key activities include supporting CMOs to achieve transparency, good governance, and accountability

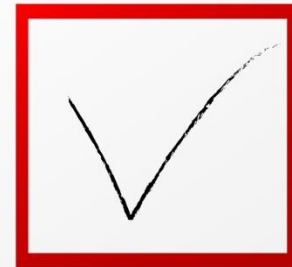
# Good Governance and Transparency

- The benefits of collective management are greatest when the community has trust and confidence in it
- Trust and confidence are built by efficient and effective operations
- How can we best encourage the **good governance, transparency and accountability** that improve and maintain efficiency and effectiveness and **MAKES COPYRIGHT WORK!**



# ELEMENTS OF GOOD GOVERNANCE

- ✓ **Representation** – eligibility, equal treatment, rights and obligations
- ✓ **Governance** – governing bodies, general meetings, voting rights
- ✓ **Financial Management** - collection and distribution of revenue, deductions
- ✓ **Customers** – tariff setting, complaints handling
- ✓ **Other CMOs** – information, documentation, distributions
- ✓ **Confidentiality** – customer and member data
- ✓ **Information and Education** – members, customers, staff and the public
- ✓ **Dispute Resolution** – how complaints and disputes will be handled





Different mechanisms work together to ensure good governance. They include:

**External Controls:** Corporation law, Copyright Act, industry codes of practice, government approvals, tax laws, quality standards, professional rules/ codes of international associations

**Internal Controls:** Constitution, statutes, governance policies, membership terms, votes of members, mission, vision and strategy

# Role of Government

- **Support**
  - Legislation
  - Awareness raising
  - Enforcement
- **Authorisation and Supervision**
  - before operations commence
  - Licences and tariffs
  - Dispute resolution – Copyright Tribunals and arbitration/ mediation





# Other Governance Instruments

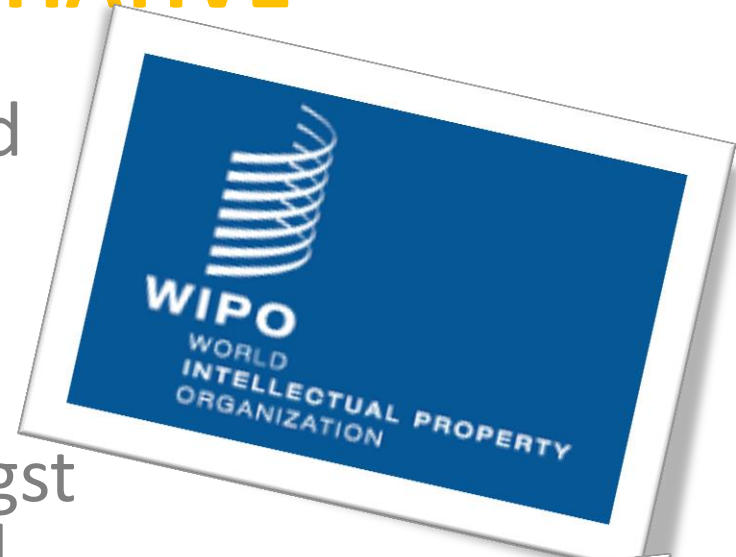
- There are a number of existing instruments supporting good governance by CMOs
- Internationally, these include:
  - CISAC Professional Rules
  - IFPI MLC Code of Conduct
  - IFRRO Code of Conduct



- On a national and regional level there are governance requirements such as codes of conduct.

# WIPO TAG INITIATIVE

- Supports CMOs in ensuring good governance by:
  - Guidance on appropriate governance standards
  - Enables benchmarking amongst industries and across national borders
  - Offers training and education
- Will result in enhanced understanding and respect for CMOs and copyright





**CODE OF CONDUCT**  
THE AUSTRALIAN PERSPECTIVE

# Collective Management in Australia

Creators and rightsholders in Australia are represented by the following CMOs:

- *Australasian Performing Right Association/ Australasian Mechanical Copyright Owners Society* 
- *Phonographic Performance Company of Australia* 
- *Screenrights Australia* 
- *Australia Screen Directors Authorship Collecting Society* 
- *Australian Writers' Guild Authorship Collecting Society* 
- *VISCOPY* 
- *Copyright Agency* 

**Total collections in 2015/15: AUD 526.13 million**



## ABOUT COPYRIGHT AGENCY

- a not-for-profit rights management organisation in the text and image sector
- Over 40,000 members
- Shared services with Viscopy (visual arts sector) means we better service members of both organisations – writers, artists, illustrators, publishers
- Revenue of \$135 million AUD p.a, distributed to more than 10 000 authors, publishers and visual artists

# Code of Conduct for Copyright Collecting Societies Australia

- Developed in 2002 by industry in consultation with government and key stakeholders, including members and licensees
- Approach is industry self regulation, with an annual compliance review by an external Code Reviewer
- The same Code applies to all CMOs in Australia, on an **opt in** model
- The Code Reviewer takes the scale of the CMO into account when assessing compliance
- the Code requires CMOs to have appropriate complaints handling and alternate dispute resolution processes in place
- <http://copyright.com.au/about-us/governance/code-of-conduct/>

# CODE OF CONDUCT



- ✓ Increased understanding of copyright and role of CMOs
- ✓ Set out service standards for members and licensees
- ✓ Efficient, fair and effective complaints and disputes handling procedures

# ELEMENTS OF THE CODE

- Legal compliance
- Treatment of members and licensees
  - Complaints handling
- Distribution of payments
- Expenses
- Governance and accountability
- Training: staff
- Education and awareness: community



# CODE OF CONDUCT REPORTING

- Self assessment – have we complied?
- Annual review process with public comment and submissions
- Code Reviewer meets with Copyright Agency | Viscopy to discuss our report
- Code Reviewer's Report is made public and provided to government



# Benefits of the Code

A complete overhaul of internal processes was required when the Code was introduced e.g. training staff on call handling standards.

**However, 14 years later, the benefits include:**

- ✓ Transparency
- ✓ Community and stakeholder support
- ✓ Deep understanding members and licensee needs
- ✓ Meaningful KPIs and standards
- ✓ Vastly improved customer service





**KEEP  
CALM  
AND FOLLOW  
THE CODE  
OF CONDUCT**



**QUESTIONS?**



**THANK YOU**