

VISCOPY

VISUAL ARTS COPYRIGHT COLLECTING AGENCY

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NEWS – MARCH 2004

- **NON-EXCLUSIVE COPYRIGHT LICENCES** – What you should know before you sign away your rights ... read overleaf ...

DECEMBER 2003 DISTRIBUTION RESULTS

- VISCOPY'S December 2003 Distribution returned over \$145,800 to Australian visual artists, a 24% increase on our June 2003 distribution. Over \$263,000 in royalties has been paid to Australian artists over the last 12 months.
- 22% of royalties from this distribution was paid to indigenous artists, a 40% increase on the June 2003 figure.
- As of March 2004, VISCOPY's membership grew to over 4,300, a 30% increase from June 2003.

DECEMBER 2003 DISTRIBUTION : Australian vs International

Australian Artists*	\$145,837
International Artists	\$74,520
Total Distribution	\$220,357

**Includes \$32,110 to Aboriginal and Torres Strait Islander (ATSI) artist members.*

Percentage per territory

Australia	66%
United Kingdom	14%
France	9%
USA	7%
Germany	2%
Other territories	2%

These figures represent combined distribution of primary and statutory royalties.

Statutory royalties to Australian artists from educational copying accounted for 13.5% of the total payout, amounting to over \$19,700. 221 VISCOPY members received income from educational copying done under "statutory licences".

VISCOPY APPOINTS NEW CEO

Following an extensive selection process the **VISCOPY** Board recently appointed Ms Chryssy Tintner as our new Chief Executive Officer.

Ms Tintner has an extensive international background in film and multi media project development, licensing and marketing. She has also worked as a senior government policy analyst both in Australia and the United States.

The Board and staff of **VISCOPY** are pleased to welcome her onto the team.

VISCOPY RESELLER LICENSING

When discussions are held with major fine art auction houses, a common point they raise is the need for a 'level playing field' with other user groups. **VISCOPY** members have also expressed concern that some players in the market continue to reproduce their works without a licence. **VISCOPY** is currently establishing Annual licenses with Reseller galleries and art consultants to cover their usage. If you are aware of other user groups that can be covered in a similar fashion, we would like to hear from you. Email viscopy@viscopy.com

NON EXCLUSIVE COPYRIGHT LICENCES – Signing away your rights and your potential for income ...

- A number of **VISCOPY** members have contacted us expressing concerns about the implications of signing “Non-Exclusive Copyright Licences”. These licences are typically prepared by organisations and potential copyright users requesting permission to reproduce the artists’ work **without** limitations or restrictions and with **no** offer of financial remuneration ...
- Typically, this type of “licence” requests use of the artists’ work for publication in books, posters, postcards, catalogues, cd-roms, websites and a variety of so-called “promotional” purposes ...
- One such “licence” that recently came to **VISCOPY**’s attention was requesting permission from the artist for the life of copyright – with no offer of fees for the usage! As Vicki McConville wrote in the March/May 2004 NAVA Newsletter, “Many artists estimate they can spend up to 20 hours per week in unpaid time in the “business of being an artist”, often with little or no anticipated return”. Royalties from the reproduction of artists’ work can be a vital source of income – and often represent the only source of income the artist receives after the first sale of their work.
- Some artists may be tempted to regard these type of licences as an opportunity for greater exposure in the marketplace ... however the artist must realise that once a licence such as this is signed, the user could potentially reproduce their work on everything from tea towels to toilet paper ... for sale to the

public ... and with zero earnings returned to the artist.

- **VISCOPY**’s licensing procedures ensure the artist is appropriately remunerated for use of their work – especially for commercial use. We licence each usage individually with firm, but fair guidelines our clients are expected to follow.
- **VISCOPY** recommend that all artists, especially our members, avoid agreeing to the possible exploitation of their work through acceptance of “non-exclusive copyright licences”.

LEGAL RESOURCES FOR ARTISTS

If you require specific legal advice and information on copyright issues relating to the visual arts -

The Arts Law Centre of Australia

Arts Law gives preliminary advice and information to artists and arts organisations across all art forms on a wide range of arts related legal and business matters including contracts, copyright, business names and structures, defamation, insurance and employment. Arts Law can provide samples of contracts and agreements covering a wide range of circumstances, and also have articles relating to legal issues and the visual arts available from their website.

Website - www.artslaw.com.au

Toll Free: 1800 221 457

The Gunnery, 43-51 Cowper Wharf Road Woolloomooloo NSW 2011

The Australian Copyright Council

The council publishes a wide variety of information sheets for the benefit of copyright holders. If you require specific legal advice about an issue not covered by an information sheet, a Copyright Council lawyer may be able to provide it.

Website - www.copyright.org.au

Tel: 02 9318 1788 Fax 02 9696 3536

Email info@copyright.org.au

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