

COPYRIGHT AGENCY LIMITED®

Making your claim

A guide to CAL payments

Updated January 2011



More information

Copyright Agency Limited
Level 15, 233 Castlereagh Street,
Sydney NSW 2000

Tel: 1800 066 844
Fax: +612 9394 7601

Email: distrib@copyright.com.au
Website: www.copyright.com.au

Am I entitled to claim CAL payments?

You are entitled to claim money from CAL's distributions when your works appear in the copying records kept for CAL by our licensees. CAL notifies you of the amount you may be entitled to claim from CAL's distributions by sending you a Notification of Copied Works (Notification or 'NOCW').

To claim the amount shown on your Notification you need to:

- check your Notification and, if necessary, amend it;
- complete your Claim Form, including the amount claimed, in pen; and
- return your signed and dated Claim Form to CAL for processing.

If you have amended your Notification, you also need to return it to CAL.

NOTE: You only need to return *amended* Notifications to CAL.

Your Notification

The Notification sets out the following information for works that have appeared in copying records kept for CAL and been allocated money as part of a distribution:

- title, ISSN/ISBN, volume and edition (if applicable);
- the names of the publisher and author(s);
- whether the work copied has been identified as an artistic work; and
- whether the work copied has been copied electronically, by facsimile transmission, as a permanent display or overhead transparency.

CAL relies on information from the records of copying kept by licensees to identify the works that have been reproduced. This means that despite CAL's best efforts some of the information shown on your Notification may be incomplete. If so, then CAL is usually unable to provide you with any further information about the work copied.

The Notification may also show:

- volume of pages copied (number of pages copied multiplied by the number of times it was copied);
- the page rate for that distribution pool (this is the amount calculated for each copy page appearing in the copying records for that distribution pool);
- the amount payable for the copying of the work (i.e. the relevant page rate multiplied by the volume of pages copied);
- the amount of GST added to payments under the voluntary licence schemes;
- the amount of Pay As You Go tax (PAYG) deducted from payments under the voluntary licence schemes if applicable;
- the amount of any Royalty Withholding Tax (RWHT) deducted from payments if you are an overseas resident for tax purposes;
- the amount of any Input Tax Credits (ITCs) available to the member; and
- the amount of RWHT deducted by overseas collecting societies from payments made to CAL, if applicable.

For more information on how CAL calculates its distributions, please refer to the information sheet *CAL's sampling and distribution: how do they work?* by visiting the 'Download Centre' at www.copyright.com.au.



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CAL's Notifications also identify which pool of money the payment for the copying of your works has come from. The total that you may be able to claim from each distribution pool is also provided. The summary at the end of the Notification sets out the total amount you may be entitled to claim from the distribution.

Separate totals have been provided for money received from:

- the statutory licences administered by CAL;
- CAL's voluntary licence schemes (including blanket licence schemes, the new media licence schemes and the copyright clearance service); and
- other copyright collecting societies.

Each Notification has a separate identification number, shown in the top centre, referred to as the NOCW ID. This number will help you complete your Claim Form correctly.

Checking and amending your Notification

1. Check whether you control the rights in any of the works shown on the Notification.
2. If you do not control the rights in any of the works, advise CAL by crossing out the work when it appears and returning your Notification.
3. If you know who does control the rights in the works for which you aren't claiming, please advise CAL. This will help us to distribute the money to the correct rightsholder.
4. Deduct the amounts for the works you have crossed out from the Notification total, shown in the summary on the last page of the Notification.
5. If you amend the Notification, you must return it to CAL. We will send you an updated Notification on request.

If you are unsure about what is meant by 'control the rights' in the works, please refer to the information sheet *Ownership and infringement of copyright* also available from the 'Download Centre' at www.copyright.com.au.

The Claim Form

Before money can be paid to you, you need to complete and sign a Claim Form. The Claim Form is a legal document in which you acknowledge that as a CAL member, you:

- control the right to reproduce and/or communicate the works set out in the Notification;
- are entitled to claim and receive money shown for the works set out on the Notification;
- will report and distribute within 60 days of receipt of the payment the appropriate share of that money to any other relevant rightsholders (e.g. authors, co-authors, publishers and visual artists) in accordance with your agreements with them; and
- indemnify CAL for any loss resulting from an incorrect claim made by you.

The Claim Form also includes an authorisation to CAL to issue a Recipient Created Tax Invoice (RCTI) where necessary on behalf of GST-registered members. This means members should not raise a tax invoice to CAL.

This authorisation will not affect any Claim Form where CAL is not required to issue an RCTI.

Please read the Claim Form carefully.

Completing the Claim Form

To claim money for the works set out on the Notification sent to you, you must complete the Claim Form as follows:

1. Ensure that your details including name, address, tax status and ABN (if applicable) are correct. If any of your details have changed or are incorrect, amend your Claim Form. Any changes to these details should be initialled.
2. Fill in the Amount Claimed column for each Notification listed. The Notification of Copied Works Identification Number shown on your Claim Form is shown in the top centre of your Notification. Please ensure you refer to the total amount shown in the summary on the last page of each Notification.



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3. Add the amounts claimed for each Notification and write your total claim in the space provided on your Claim Form.
4. Initial any changes to the Claim Form.
5. Sign and date your Claim Form.

If the claim is being made by an organisation, such as a company or association, the completed Claim Form must be signed by a person who has the authority to sign legal documents on behalf of the organisation claiming the money.

Returning the documents to CAL

In order for CAL to process your payment, you need to:

1. Return the signed Claim Form to CAL via post, fax, email or via electronic scan.
2. Return any amended Notifications to CAL.

NOTE: Only return those Notifications that have been amended.

What happens next?

Once CAL has received your correctly completed and signed Claim Form and any amended Notification, we will process your claim.

CAL makes all payments to members by electronic funds transfer (EFT) unless alternative payment arrangements are made. CAL will transfer all payments to your nominated bank account. An email will be sent to you confirming the transfer and RCTI/remittance advice will be forwarded shortly afterwards.

To ensure that CAL has your current electronic banking details, or to inform CAL of any changes or updates, simply complete the *Nominated Bank Account Form* available from the 'Download Centre' at www.copyright.com.au and either post or fax it back to us using the contact details provided.

If EFT is a problem for you please contact CAL Payment Services on (toll free) 1800 066 844.

Questions? You may find the answers below.

Why have I received more than one Notification?

You may receive more than one Notification if:

- your potential share of CAL's distributions now exceeds \$50 (CAL holds money for a recipient for up to four years or until the amount exceeds \$50. For overseas residents the amount is \$200);
- you have not claimed money from previous distributions; or
- CAL has conducted further research on copying records from earlier distributions and has identified money that you may be entitled to claim.

Each Notification you receive represents payment for copying of your works from separate distributions.

Can I get an electronic version of my Notification?

Yes. Notifications can be provided as an electronic file on CD-ROM or via email. Please contact our Payment Services department if you would like an electronic version of your Notification.

Your CAL payment and the tax system

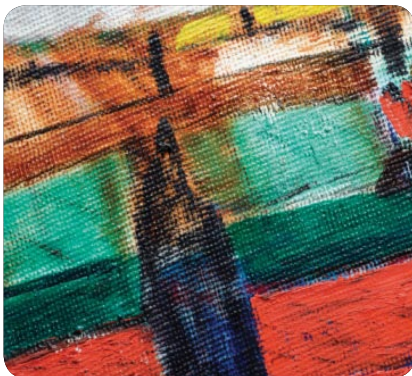
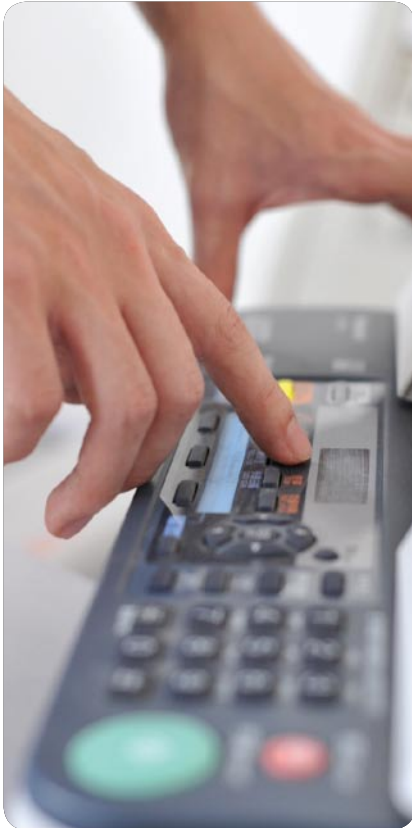
The tax system in Australia (which includes Income Tax, GST, PAYG and RWHT) affects CAL's operations and will affect some distributions to members.

In particular, GST is not payable in respect of distributions under the statutory licence schemes for education and government use. This is because the Australian Tax Office (ATO) has agreed that payments made under these schemes are not a 'taxable supply'.

However, payments made under CAL's voluntary licence schemes do attract GST and CAL adds the GST to distributions from those schemes to GST-registered members.

Also, CAL must deduct RWHT from payments to members who are overseas residents for tax purposes.

Further information on how the tax system affects CAL's distributions (including secondary payments to other rightsholders) is contained in the separate information sheet, *Tax and your CAL distribution*. This information sheet is available at

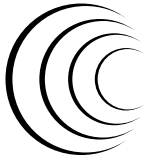


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www.copyright.com.au in the 'Download Centre', or contact CAL to request that a copy be sent to you.

Members should seek independent advice from their accountant or financial advisor regarding the impact of the tax system on their distribution payment.

Do I need to share my CAL payment with anyone else?

You may be obliged to share your distribution payment.

CAL's policy is to distribute all money for copying of a work to one rightsholder who must be a member of CAL. The general rules for determining who CAL will nominate as the recipient for a work are as follows:

- the author, if the author is a member;
- if the work has multiple authors and more than one author is a member then the recipient is nominated alphabetically; and
- if the author is not a member, the publisher is nominated as the recipient. Members can agree to override these general rules, and notify CAL accordingly.

The recipient agrees to pay any other rightsholder in the work entitled to a share of the money.

For example, an author may be required to share the money they have claimed for copying of their work with the publisher, illustrator and any co-authors of those works.

Similarly a publisher may be required to share the money with the authors (including visual artists) who may also be entitled to a share. The amount to be paid to each rightsholder will usually be recorded in the agreement made with the other rightsholders at the time of publication.

Secondary payments to other rightsholders may also be affected by the tax system. If you are unsure of the implications of these payments please refer to the information sheet *Tax and your CAL distribution*. This information sheet is available at www.copyright.com.au in the 'Download Centre', or contact CAL to request that a copy be sent to you.

Will CAL tell anyone that I have claimed the money?

Yes. Where an author claims money for copying of a work, CAL will also notify the publisher if they are members of CAL. This notification normally occurs following the end of each calendar year.

CAL may also advise authors of money paid to publishers or to co-authors. This information is provided on request.

When CAL provides this information we will, as a matter of courtesy, also inform you that the information has been provided.

Who is CAL?

Copyright Agency Limited (CAL) is a not-for-profit company set up by Australian authors, journalists, visual artists, photographers and publishers to manage part of their copying and communication rights. CAL is owned by its members, membership is free and members give CAL a non-exclusive licence in respect of their works.

Code of Conduct

CAL is a signatory to the Code of Conduct for Copyright Collecting Societies (the Code). It is designed to ensure that the rights of all members and licensees are clearly stated, and that the operations of collecting societies are transparent and accessible.

The Code includes requirements for the Complaints Handling and Dispute Resolution procedures that collecting societies must follow. The Code and these procedures are available from CAL's website and on request.



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