

# Standard Contract Clauses

## Relating to royalties administered by Screenrights

screenrights

Rightsholders in programs broadcast on television and radio are often uncertain about who is entitled to claim royalties collected by Screenrights.

This information sheet explains what copyright is administered by Screenrights and which royalties Screenrights collects and distributes in relation to each of our services.

It also includes sample clauses that rightsholders, such as film producers, directors, scriptwriters, visual artists and music copyright owners, can use to clarify who is entitled to Screenrights royalties.

## Screenrights services: the copyrights we administer and the royalties we collect

### Educational and government royalties in Australia and New Zealand

The Australian Copyright Act 1968 permits educational institutions to copy programs from television and radio and to communicate these copies provided that the institution pays a royalty to rightsholders in the programs.

The right to communicate includes the right to “make available online” and “electronically transmit” which includes communication of programs by email, and making programs available on an internal network.

Screenrights also has the right to collect payment for the copying of television and radio broadcasts by commonwealth, state and territory government bodies and departments.

In addition, Screenrights administers an educational service in New Zealand. Unlike the Australian service, Screenrights can only collect revenue for copying by educational institutions, not the communication of copies.

### Retransmission royalties in Australia

Part VC of the Australian Copyright Act 1968 allows other services, such as pay television operators, to retransmit free to air broadcasts over their networks, provided that they pay a royalty to the rightsholders in the underlying film, script, music and artistic works in the programs. Screenrights is the declared collecting society for the retransmission right.

You need to register your programs with Screenrights to receive Australian retransmission royalties. If you are interested in this or have further questions, please contact Member Services; email: [memberservices@screenrights.org](mailto:memberservices@screenrights.org)

### International royalties

Screenrights has arrangements in place with international copyright collection societies to collect royalties for the rights they administer. These include retransmission and copying royalties.

Screenrights registers titles with these societies in order to access royalties they are holding. If you would like Screenrights to collect some or all of these royalties on your behalf, please email: [international@screenrights.org](mailto:international@screenrights.org).

## Suggested clauses for collecting royalties under Screenrights' services

In these sample clauses, “Creator” is used to refer to the individual or company that created the original work, such as the film, script, music or artistic work.

If you are not the original creator of a work, but you are the owner of the relevant copyright, you may wish to use the term “Owner” in place of “Creator”. In this case, it will be important to check all contractual documentation to ensure that you actually own the rights.

The clauses and information contained here are only for the purposes of highlighting legal issues. They are not to be relied on as a substitute for legal advice. Before acting on any matter, you should therefore obtain legal advice from a qualified legal practitioner. Screenrights accepts no liability for any loss caused by reliance on the clauses and information contained here.

### Royalties for all Screenrights' collection services

If you wish Screenrights to collect royalties under all our Australian and international collection services, you will need to ensure that your agreements provide for this. You may wish to consider including one of the following clauses in any contract or arrangement you propose to enter into:

#### 1. Royalty rights retained by the Creator

The Creator retains the right to receive all royalties from all collecting societies throughout the world, in relation to any copyright arising out of this Agreement.

#### 2. Rights assigned or licensed

The Creator [assigns to ENTITY NAME] OR [grants to ENTITY NAME] for [No.] years the right to receive all royalties from all collecting societies throughout the world, in relation to any copyright arising out of this Agreement.

### Educational and government royalties in Australia and New Zealand

The following suggested clauses address who is entitled to collect educational and government royalties:

#### 1. Royalty rights retained by the Creator

Australia

The Creator retains the right to receive educational royalties under Parts VA and VB and government royalties under section 183 of the Copyright Act 1968 in relation to any copyright arising out of this Agreement.

New Zealand

The Creator retains the right to receive royalties payable under section 48 of the Copyright Act 1994 in relation to any copyright arising out of this Agreement.

#### 2. Royalty rights assigned or licensed

Australia

The Creator [assigns to ENTITY NAME] OR [grants to ENTITY NAME] for [No.] years the right to receive educational and government royalties under Parts VA and VB and section 183 respectively of the Copyright Act 1968 in relation to any copyright arising out of this Agreement.

screenrights

Street address:  
Level 3, 156 Military Road  
Neutral Bay NSW 2089  
Australia

Postal address:  
Post Office Box 1248  
Neutral Bay NSW 2089  
Australia

Australia  
Phone: +61 2 9904 0133  
Fax: +61 2 9904 0498

New Zealand  
Freephone: 0800 44 2348  
Freefax: 0800 44 7006

[info@screenrights.org](mailto:info@screenrights.org)  
[www.screenrights.org](http://www.screenrights.org)

SCC0807

## Standard Contract Clauses – Relating to royalties administered by Screenrights

### New Zealand

The Creator [assigns to ENTITY NAME] OR [grants to ENTITY NAME] for [No.] years the right to receive educational royalties under section 48 of the Copyright Act 1994 in relation to any copyright arising out of this Agreement.

### Retransmission royalties in Australia

The following suggested clauses address who is entitled to collect Australian retransmission royalties. It should be noted that directors are entitled to retransmission royalties in certain cases, and may also use these clauses to clarify whether they can claim this money:

#### 1. Royalty rights retained by the Creator

The Creator retains the right to receive retransmission royalties in Australia under Part VC of the Copyright Act 1968 in relation to any copyright arising out of this Agreement.

#### 2. Royalty rights assigned or licensed

The Creator [assigns to ENTITY NAME] OR [grants to ENTITY NAME] for [No.] years the right to receive retransmission royalties in Australia under Part VC of the Copyright Act 1968 in relation to any copyright arising out of this Agreement.

### International royalties

The following suggested clauses address who is entitled to register for international royalties collected by Screenrights:

#### 1. Royalty rights retained by the Creator

The Creator retains the right to receive all royalties collected by Screenrights from other copyright collecting sources throughout the world, in relation to any copyright arising out of this Agreement.

#### 2. Royalty rights assigned or licensed

The Creator [assigns to ENTITY NAME] OR [grants to ENTITY NAME] for [No.] years the right to receive all royalties collected by Screenrights from other copyright collecting sources throughout the world, in relation to any copyright arising out of this Agreement.

### Joint authorship

Where you are a joint rightsholder with another person or the work is otherwise jointly owned, you may wish to use the following clause for any of the royalty collection services Screenrights offers:

The Creator and ENTITY NAME hold, as tenants in common throughout the world, the right to receive all royalties from all collecting societies in relation to any copyright arising out of this Agreement in the following proportions:

- (a) Creator [No.]%; and
- (b) ENTITY NAME [No.]%.

### Pre-existing arrangements – who can collect Screenrights' royalties?

All of Screenrights' services involve the administration of particular rights.

Determining who is entitled to particular royalties is a matter of determining who controls the relevant rights. For example, the person who is entitled to claim Screenrights' Australian Educational Service royalties will be the person who owns or controls the right to copy the program off air in Australia and the right to communicate copies of that program. These rights are separate to the right to broadcast the program or the right to distribute video or DVD recordings of the program.

It is therefore important that any entitlement to claim the various Screenrights' royalties is addressed in any agreement you enter into. To ensure that royalties are paid to the correct person, Screenrights may ask to see the contract that deals with the rights.

If Screenrights is notified of a competing claim for royalties, Screenrights has an alternative dispute resolution (ADR) policy and procedure that may assist in resolving the matter.

To view our ADR policy, visit our website at [www.screenrights.org](http://www.screenrights.org)