

APRIL 2016

FACT SHEET
AWG/AWGACS claims regarding Screenrights**Background**

Screenrights was established in 1990 to administer provisions of the Australian Copyright Act that require educational institutions to pay royalties for radio and TV programs they use or copy.

Today Screenrights also administers royalties from government departments which use broadcast material as well as from pay TV companies who retransmit free-to-air programs.

Screenrights has no role in administering copyright outside of these defined broadcast categories.

Of the \$39.7 million in royalties available for distribution by Screenrights in 2014-15, \$31 million (78%) was collected from educational institutions and government agencies, predominantly for their use of news, documentaries and other factual programs.

Only a small proportion of the royalties collected by Screenrights are from feature films or TV dramas.

Anyone who owns or controls rights in a program can join Screenrights at no cost and register their claims directly. Currently Screenrights has 3,894 members.

Allegations made by AWG and AWGACS

On 3 March, the Australian Writers Guild (AWG) and the Australian Writers Guild Authorship Collecting Society (AWGACS) filed Federal Court proceedings against Screenrights alleging breach of trust, breach of statutory duty, misleading and deceptive conduct, and interference in contractual relations.

The AWG/AWGACS allege Screenrights has not fairly represented screenwriters and, over 20 years, 'may have misdirected possibly tens of millions of dollars' that should have been paid to screenwriters.

The AWG/AWGACS currently has a submission before the Productivity Commission outlining some of the changes it is seeking to copyright law in Australia.

Screenrights response to the Allegations

Screenrights totally rejects the AWG/AWGACS claims that large sums of royalties may have been misdirected. Screenrights continues to pay royalties according to Australian law.

Screenrights role is limited to administering a section of the Copyright Act involving the collection of royalties from educational institutions, government and program retransmitters and the payment of those funds to the current rights holder.

The ownership of rights is determined by Copyright Law. These rights may be varied by industry agreements or contracts signed by writers, directors and producers, usually before a program is made.

Individuals can assign their ongoing rights and/or negotiate a deal to retain royalties. Screenrights has no role in that process and is generally not privy to the terms agreed. For that reason, Screenrights relies at first instance on warranties provided by its members that they are the relevant rights holder.

Where more than one member claims to be the rights holder, they can access Screenrights' competing claim resolution procedures. The vast majority of competing royalty claims are settled by agreement between our members.

Screenrights is currently administering more than 3.6 million records and, of those, less than 0.5% remain in active dispute.