

COPYWORKS

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CEO Kathy Moore resigns

CEO Kathy Moore has resigned from her post at Copyright Licensing Limited after fifteen and a half years with the company. During that time she has seen a number of changes and has played a key role in the company's development and success.

"I was here when the company set up its first office and signed licences with the first universities," Kathy said.

A former lecturer of commercial law, Kathy joined CLL as office manager in 1994. That same year CLL issued its first copyright licences to five New Zealand Universities, with the remaining universities following suit early in 1995.

In 1997 Kathy completed an Executive MBA through Massey University. By 2000 she had not only taken on the role of Chief Executive Officer for CLL, but was secretary of the Book Publishers Association of New Zealand and the Copyright Council, and was responsible for the financial affairs of all three organisations. CLL continued to thrive under her leadership.

Over the years, Kathy has developed a wealth of knowledge and expertise in the area of copyright, having studied copyright law through the University of Auckland and the World Intellectual Property Organisation (WIPO) Worldwide Academy. She has lobbied for changes to copyright law in both New Zealand and Fiji, and has provided numerous seminars and workshops encouraging copyright compliance in educational and other institutions in New Zealand. Kathy has also been involved in seminars and conferences advocating copyright compliance and supporting the role of copyright collectives overseas.

"My time at CLL has been immensely rewarding, but now I'm looking for new challenges in the South Pacific," says Kathy, who has worked with different publishers and authors on the CLL board and made friends of many colleagues from copyright collectives around the world."

The CLL board held a function on 26th March in the Penthouse, Spencer-on-Byron, Takapuna, for publishers and colleagues in the copyright world to farewell Kathy. The chairman Chris Else spoke of Kathy's achievements during her time at CLL and presented her with a gift and flowers. CLL staff and board wish Kathy all the best for the future.



Photo: Kathy Moore, Chris Else (Chairman)

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Results for 2009

OVERVIEW OF FINANCIAL PERFORMANCE

Revenue

Gross revenue for 2009 was over \$6 million due to exceptional revenue receipts from other Reprographic Rights Organisations (RROs) overseas. Domestic licensing revenue was \$4.85 million, up 7% on the previous year. Increased revenue came from the educational sector as shown in figure 1.

Figure 1

Operating Costs: Gross Revenue

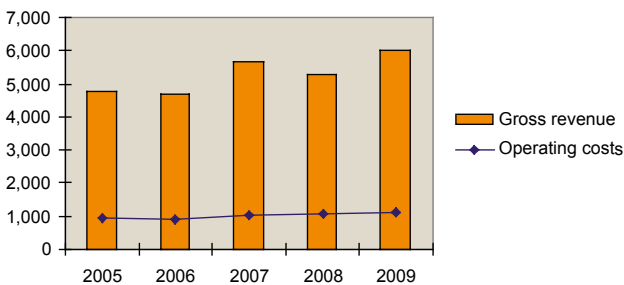


Figure 2

Net Operating Costs: Domestic Licensing

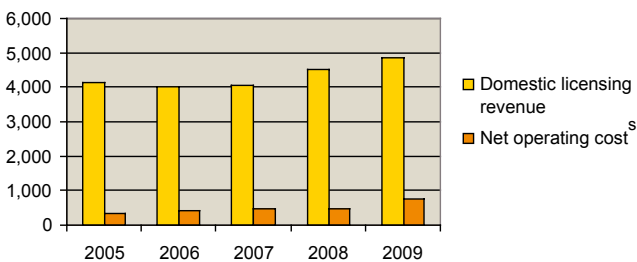
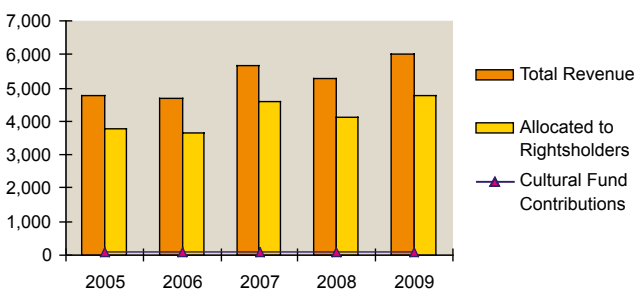


Figure 3

Rightsholders' Returns



Operating costs

Operating costs, which included costs relating to industry research, increased by 7.7% and represented 18.8% of gross revenue (see Figure 1). When offset by revenue from administrative charges and interest, operating costs reduced to \$772,849 and represented 16% of domestic licensing revenue (Figure 2).

Distribution to rightsholders

More than \$5 million of licensing revenue from previous years was distributed to rightsholders during the year. This represented 84% of distributable funds available for distribution at the beginning of the year.

After the deduction of net operating costs for the year, a total of \$3,971,248 has been allocated for distribution from 2009 domestic licensing revenue. With net overseas revenue added, this means over \$4.7 million will be available for distribution to rightsholders in 2010.

To ensure the fair distribution of licensing revenue, each year we collect data about the copyright material being copied in licensed educational and business institutions. In 2009, a total of 68 organisations were involved in such surveys. Once the data collected in 2009 has been processed, the funds will be allocated to the rightsholders whose works have been identified as having been copied. The monies will be available for distribution in the second half of 2009.

The graph shown in figure 3 below shows the returns to rightsholders over the last five years after deduction of net operating costs and a 2% contribution to the Cultural Fund. The return for 2009 represents 78.3% of gross revenue.



Kathy Moore
Chief Executive Officer



Copyright and the Internet

We all know by now that if a creative work has the © symbol, then it is protected by copyright. However, the copyright symbol is merely a reminder that the work is protected, and its absence does not mean the work is freely available for use. Nowhere is this more misunderstood than on the Internet, where copyright notices aren't always visible.

It's important to get into the habit of checking for copyright information when you want to copy work from the Internet. This information can usually be found under the copyright or privacy statement, at the bottom of the website page. Where there is no information given, assume the work is protected and may not be used without permission. This applies not only to text, but also images, logos, software and emails. Once they have been contacted, copyright owners are usually happy to grant permission to use their work.

If you are the creator of a website, how do you protect your content?

Firstly, the work must be your own.

Don't use content from another website in the creation of yours. You can use free graphics, but make sure they actually state they are free; otherwise you will need to ask permission for their use. If you've employed someone to create part of your website you need to have a contract that states the copyright belongs to you. Otherwise, you only have a license to use the work.

The design of the web page, text, graphics and audio are all protected by copyright, just as much as if the work were on a piece of paper or canvas.

Include specific copyright terms and conditions on your website. How you word them is up to you, but they should be clear and unambiguous. A sample notice could read something like this:

All content on this website is copyright of [name] – © [name] [year].

Except as permitted under the New Zealand Copyright Act (1994) for the fair dealing purposes of research or study, no part of this website may be reproduced, distributed, or transmitted in any form, or stored in an electronic retrieval system without prior written permission.

There are some circumstances where people may freely copy from your website. If you state that your website material can be copied for non-commercial use for instance, or if you indicate that it is free for education.

Copyright is automatic and a notice on your website is not a legal requirement. However, it does make it easier for users to contact you for permission to use your work.



New Videos Available

Would you like to know more about the basics of Copyright? Do you need to know what is involved in the sampling process?

We now have two new videos that explain it all in easy-to-understand terms. Go to the Copyright Licensing website at

www.copyright.co.nz

The *Copyright Basics* video is – not surprisingly – listed under Copyright Info/Copyright Basics, while the *Sampling* video can be found under Licensing/Educational/Sample Data Collection.

Plagiarism no Joke for UK Comedians

UK comedians have raised concerns over plagiarism after their jokes have been posted on the internet. Often an audience will know what the comedian is about to say because they have already read the material on Twitter or one of the comedy websites, even when the material is relatively new.

Under UK copyright law, as in New Zealand, for work to be copyright it has to be expressed in material form. Legal experts are advising comedians to write down their jokes and record when they were created, so they have evidence should a copyright dispute arise. Any ad-libbing is fine because the substantiality will be the same.



CLL Writers' Awards

It's time for non-fiction writers to figuratively sharpen their pencils as CLL are now accepting entries for this year's CLL Writers' Awards. As in previous years, two more non-fiction writers have an opportunity to win \$35,000 each.

Last year it was the turn of acclaimed novelist Peter Wells MNZM, who was awarded one of the prizes to write *The Hungry Heart: The Enquiring Mind*, a book of biographical essays on William Colenso.

Writer and curator Damien Skinner also received \$35,000 for his project *The Hands of the Ancestors: Customary Maori Carvers in the Twentieth Century*.

The proposed work can be on any non-fiction subject, but applicants for the 2010 awards must be writers of proven merit.

The CLL Writers' Awards were established eight years ago to provide financial support for the writers of non-fiction and are now firmly established on the literary calendar.

Applications must be received by 15 July. The winners of the awards will be announced at a ceremony in September. CLL Writers' Awards are held in association with New Zealand Book Month.

Full details and conditions can be found on the website: www.copyright.co.nz

CLL Announces New Awards

Copyright Licensing Ltd, in association with the Publishers Association of NZ (PANZ) is providing further encouragement for writers with the creation of a new award which recognises and rewards authors and publishers in the New Zealand educational market.

Administered by PANZ, the CLL Educational Publishing Awards will be an annual event taking place at a function in November.

Four awards of \$5000 each will be made for:

- Best Book/Series in Primary Publishing
- Best Book/Series in Secondary Publishing
- Best Book in Higher Education Publishing
- Best Digital Media Solution.

Each award will be divided equally between the author and publisher.

Visit our website at <http://www.copyright.co.nz/> for more information.

CLL's New Company will help NZ Ebook Market

A new company aims to advance the NZ ebook market with its plans to launch a digital warehouse and digital content distribution service.

Digital Publishing (NZ) Ltd (DPNZ) was set up by Copyright Licensing Limited to help publishers take full advantage of emerging ebook opportunities.

Only a few months ago there was barely a market in this country for ebooks or ebook readers, nor were there many services to help publishers create and sell them. DPNZ will provide a comprehensive ebook distribution service for New Zealand publishers at a critical time when they are ready to scale up their ebook businesses. Without this sort of facility, many publishers will be left grappling with complex technical issues, time-consuming operations and file security challenges. By working together collectively, this service can provide New Zealand publishers of all sizes with a world class facility.



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