

Monitoring Educational Copying & Communication

What is Screenrights?

Screenrights is a non-profit copyright collecting society for producers, directors, distributors, rightsholders in scripts, music, sound recordings of music and artistic works, and other rightsholders in film, television and radio programs. We distribute royalties to our members, including educational royalties in Australia and New Zealand.

The purpose of this information sheet is to explain how Screenrights monitors the copying and communication of audiovisual material in Australian and New Zealand educational institutions.

What are educational royalties?

Australian and New Zealand educational institutions can copy from television and radio for educational purposes, provided they pay a fee to rightsholders. In Australia, institutions are also entitled to "communicate" copied programs (for example, email or place on an internal network). Again a fee must be paid for these uses. Payment is made to Screenrights, which then distributes this money to rightsholders in the form of educational royalties after the deduction of its administrative overheads only.

How can copying and communication be monitored?

Educational copying and communication can be monitored in two ways:

Record keeping

Schools, TAFE's and universities can keep a record of every copy they make and every time they communicate a copy. This is known as full record keeping. Where an educational institution elects to have their off air copying and communication monitored using this method they report all copying and communication activities 24 hours a day, 365 days a year.

The sampling system

Copying and communication practices can also be monitored by means of a statistical sample. Using this method, a selection of educational institutions report all off air copying and communication activities for a short period only. These records are then used to give a picture of what has been copied and communicated across the sector in that period. At any point in time, 365 days a year, a selection of educational institutions are being sampled.

Prior to the commencement of the survey, staff are trained as to their obligations. During the survey, all teaching staff and other staff with copying responsibilities keep full records of any copying and communication done on behalf of the institution.

Most Australian and all New Zealand institutions have elected to have their copying and communication practices monitored by means of a sample.

How is sampling preferable to full record keeping?

The administrative burden of keeping full records generally leads to under reporting. For this reason, sampling is a more effective means of monitoring copying and communication.

As Screenrights deducts its administrative overheads from the royalties it distributes, our aim always is to ensure that these overheads are as low as possible. Apart from being more accurate, sampling is also a less costly means of distributing the money we collect.

How does the sampling system work?

The sample is conducted by an independent survey authority, ACNielsen. Separate surveys are conducted in each education sector (schools, TAFE's and universities) for both Australia and New Zealand. ACNielsen selects institutions according to size and location in order to have a representative sample across each of these sectors.

My program was broadcast in a rural centre only. If it is copied or communicated for educational purposes will it be picked up by the sample?

Screenrights samples institutions across Australia and New Zealand, including those in rural areas as well as those in major cities. This ensures that the information we receive reflects copying and communication practices across the sector and not just practices in city-based educational institutions.

My program was broadcast out of regular school hours. If it is copied or communicated for educational purposes will it be picked up in the sample?

Copying can occur both after hours and outside term times. For example, a documentary may be copied over a vacation for use in the classroom the following semester or a teacher may copy a program at home in the evening to use for education purposes at a later date. The survey picks up copies made by the educational institution's audiovisual departments as well as copies made by teachers at home. Copying and communication is monitored via the survey 365 days of the year, with certain selected institutions participating in the survey even during the holidays.

My program is appropriate to a specific course taught in only certain educational institutions, will it be picked up by the sample?

Again, the selection of institutions is designed to take into account the different courses offered across each education sector. This is to ensure that the sample picks up as broad a range of programs being copied or communicated as possible.

How accurate is the sample?

No sample is completely accurate, but in Screenrights' experience we have found that the information we obtain from the sample is more accurate than that which we obtain from full record keeping. This is because the administrative burden of full record keeping leads to under reporting.

Can I make a royalty claim if I believe my program was copied or communicated for educational purposes but was not picked up in the sample?

Screenrights can make an 'ad hoc' royalty payment in certain circumstances where a rightsholder has evidence of copying or communication of program by a sampling institution outside a sampling period.

To make such a claim, you must supply information about the program and its use to Screenrights in a statutory declaration, and forward evidence of the copying or communication. Screenrights will then investigate the claim and where it is satisfied that the evidence does support the claim, Screenrights will make an 'ad hoc' royalty payment.

The value of an 'ad hoc' royalty payment reflects the actual copying or communication, and is often substantially less than a reported survey copy that is representative of wider copying practices.

If you would like more information about this process, please email memberservices@screenrights.org

Where can I get more information?

If you would like more information on how the sample works, we are happy to assist. Our contact details are below.