

Retransmission Royalties

What are they and how will they be paid to rightsholders?

What is retransmission?

Retransmission occurs when a free to air television or radio signal is retransmitted across a different network. Currently the most common form of retransmission is where pay television operators carry the free to air networks as part of their service.

What are retransmission royalties?

Retransmission royalties are generated when free to air television or radio broadcasts are retransmitted across a different network. This is because provisions in the Australian Copyright Act allow broadcasts of copyright material to be retransmitted in Australia provided the retransmitter pays a royalty to the rightsholders.

When did retransmission come into effect in Australia?

Retransmission came into effect in Australia on 4 March 2001.

What is Screenrights' role?

Screenrights is a non-profit copyright collecting society that has been appointed by the Australian Government to administer the retransmission provisions. We enter agreements with companies that are retransmitting free to air broadcasts (such as pay television operators), we monitor what is being retransmitted and we allocate and pay the royalties we collect to the rightsholders in the retransmitted programs.

How much is the retransmission royalty rate?

In the case of retransmission by pay television operators, the rate was set by the Copyright Tribunal at 22.5 cents per subscriber per month. This is paid by the pay television operators in the form of a licence fee.

How does Screenrights work out which programs have been retransmitted?

In Australia, the free-to-air channels, their affiliates and multi-channels are retransmitted across the cable network. These include ABC, SBS, 7, 9 and 10.

Network	including
ABC	<ul style="list-style-type: none">regional variations in signalmulti-channel ABC2
SBS	<ul style="list-style-type: none">same signal across AustraliaSBS World News multi-channel
7	<ul style="list-style-type: none">regional variations in signalregional affiliate Prime
9	<ul style="list-style-type: none">regional variations in signalregional affiliate WIN
10	<ul style="list-style-type: none">regional variations in signalregional affiliate Southern Cross

There are therefore 38 channels broadcasting about 15,000 programs each per year, giving an approximate annual total of 555,000 programs broadcast on free to air television and retransmitted by pay television.

To determine which programs have been retransmitted, Screenrights could:

1. Obtain details of every program retransmitted; or
2. Monitor a sample of the free to air broadcasts that are retransmitted and use this data to obtain an overall picture of the programs that are retransmitted.

As Screenrights deducts its administrative costs from the royalties it collects for distribution, our aim is to keep our overheads as low as possible while still obtaining accurate data. The first option (obtaining complete records) is costly as it involves processing a considerable number of records. As each network duplicates much of its programming in different regions, there will also be many instances of duplicated data.

Screenrights is therefore monitoring a sample of programs broadcast on free to air television and retransmitted by pay television operators, in order to reduce both the number of records that it has to collate and the duplication of these records. This sample (75,000 programs) is used to determine the allocation of royalties.

How does Screenrights ensure that regional variations in programming are picked up in the sample it monitors?

Although there is considerable duplication in programming broadcast by the free to air networks across different regions, there are also variations, particularly in news and sports programming. Any sample that Screenrights monitors must therefore pick up these variations.

Screenrights does this by monitoring each network's signals across Australia for a certain number of days during the year. For example, the ABC has seven signals across Australia. If 40% of the people who receive the signal come from Sydney, we would use Sydney data for 40% of the year, which equates to 146 days. The actual days during which the Sydney signal is monitored would change annually to ensure the sample picks up the changes in programming that occur at different times of the year.

How are the royalties allocated to a particular program?

The amount of retransmission royalties allocated to a particular program will depend on the duration of the program, how often it plays, the time of day it is broadcast, the television network on which it's aired, and the extent to which that network is retransmitted throughout Australia. Each allocation to a particular program is then divided between the rightsholders in the film, script, musical works, sound recordings of musical works and any artistic works used in the program. To find out more about the distribution policy for retransmission royalties, see our [fact sheet](#).

Who is entitled to claim retransmission royalties?

If you own or control the right to retransmit a program (or any of the underlying rights in a program) you can register your claim for retransmission royalties.

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In order to determine who owns or controls this right, it is usually necessary to look at any agreements or contracts that have been entered into concerning the program or underlying rights in the program. For example, where a producer enters an agreement with a distributor or a funding agency, the question of who owns the relevant right (and is therefore entitled to Screenrights' royalties) is normally dealt with in this contract. If you are uncertain as to the effect of particular clauses in your contracts, you should seek legal advice.

How can I ensure I am entitled to claim retransmission royalties for my future programs?

You will need to address this issue in any contracts you enter concerning your new programs. Screenrights publishes suggested [standard clauses](#) that you may wish to consider including in your agreements. Alternatively, you may wish to seek legal advice on the best way to address this issue.

What do I need to do to collect retransmission royalties?

You must register your programs with Screenrights. If you have already registered your programs, contact Member Services (memberservices@screenrights.org) to ensure that your registrations cover the retransmission service.

My program has been broadcast, will I automatically receive retransmission royalties?

No. Royalties are not automatically generated by virtue of the program being broadcast. They are only generated when free to air television or radio broadcasts are retransmitted across a different network, such as a cable television network.

Where a multi-channel is retransmitted, do the programs on the channel receive retransmission royalties?

Currently ABC and SBS have multi-channels as part of their network (ABC2 and SBS World News). Where audience share data is available for the multi-channel, the multi-channel contributes a number of days to the statistical sample for the network. Where audience share data is not available, the multi-channel doesn't contribute any days to the sample and therefore programs on the channel are not allocated retransmission royalties. There is currently no audience share data available for the multi-channels.

My program was retransmitted last week, when will I receive retransmission royalties?

If your program accrues retransmission royalties there is at least a 6 to 18 month delay before royalties are available for distribution. The Australian Retransmission Service operates on an Australian financial year basis (July to June). During that period retransmission records are collated, audited and researched prior to the commencement of distribution in December of that year.

Where can I get more information?

Visit our website www.screenrights.org or contact Member Services (memberservices@screenrights.org).