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### **HIGH COURT RULES IN FAVOUR OF SURVEYORS' COPYRIGHT**

Copyright Agency Limited (CAL)'s case for surveyors to have their copyright claims acknowledged has proved successful, with the High Court today overturning the Full Federal Court's decision that State governments had an implied licence to use survey plans for free.

Surveyors have been concerned at the extensive use of their works for commercial purposes by State governments since 1997, and asked CAL to negotiate with State governments on their behalf.

CAL is an Australian copyright management company whose role is to provide a bridge between creators and users of copyright material. CAL represents copyright owners, including surveyors, as their non-exclusive agent to license the copying of their works to the general community, including government.

CAL began negotiations with State governments with respect to the use of surveyors' plans in 1997. A Copyright Tribunal application to determine payment was lodged in 2003, with the High Court application commencing in 2007.

Prior to the High Court application the Full Federal Court rejected a claim by the NSW Government that it owned the copyright in plans surveyors created and registered – but found that there was an implied licence allowing the NSW government to use the plans, without payment to surveyors.

CAL appealed the Full Federal Court's decision, on the grounds that the State's use of surveyors' registered plans are subject to section 183 of the *Copyright Act* (Crown Copying Provisions), and therefore should be paid for.

Pat McNamara from the Association of Consulting Surveyors NSW, said that the ruling is good news for surveyors, and importantly, that it will not impede the management of the land title system in Australia.

"The land title system in Australia is one which all surveyors hold dear to their hearts, and our intention has never been to compromise this process," said Mr McNamara.

"However the decision does mean that the extensive unremunerated use of surveyors' work by government will cease, and surveyors will be recognised as creators, and rewarded for the use of their work."

CAL Chief Executive Jim Alexander said that the decision is a significant step for all copyright owners.

“The High Court ruling acknowledges the importance of individual skill and input into survey maps and plans,” said Mr Alexander.

“On a larger scale the decision also acknowledges the importance in valuing creative works. It puts paid to the concept of an implied licence giving away the right to use works without remunerating the creator.”

**ENDS**

**About CAL**

CAL is an Australian copyright management company whose role is to provide a bridge between creators and users of copyright material. CAL represents authors, journalists, visual artists, surveyors, photographers and newspaper, magazine and book publishers as their non-exclusive agent to license the copying of their works to the general community. CAL's Board is authorised under its Constitution to allocate up to 1% of all copyright licence fees collected to support cultural development.

For more information on CAL visit our website at [www.copyright.com.au](http://www.copyright.com.au)

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