



2012 FREQUENTLY ASKED QUESTIONS

What is Payback?

Payback recognizes the value that creator affiliates contribute to Access Copyright's repertoire of published works. Fifteen percent of all available revenue is paid out yearly to all affiliates. Creators are paid via **Payback**. Additionally, in cases where Access Copyright cannot identify the rightsholder or where it is impossible or impractical to collect information on the actual works used, we distribute a portion of these royalties via **Payback**. So far Payback only applies to works published in print form.

How is the Payback payment calculated?

Payback royalties are divided into two pools – **Payback for Writers** and **Payback for Visual Artists**. Payments for writers and visual artists are then calculated separately.

Payback payments within each pool are calculated in two steps:

Step one:

- 40% of the **Payback** pool is distributed equally amongst all writers and visual artists (the "**Base**" payment).

Step two:

- 60% of the **Payback** pool is distributed to writers and visual artists depending on how much you have contributed to the repertoire of works that are licensed by Access Copyright (the "**Supplementary**" payment). **Only creators who have completed a Payback claim form will be eligible for this portion of the payment.**

What factors are considered in the calculation of the Payback supplementary payment?

Statistical data was compiled using titles from all of our title specific distributions over a six year period. This data was used to determine the likelihood of a work being copied. The calculation relies on the following factors:

- **Publication type:** Different types of publications have different probabilities of being copied. Four types of publications are factored into the equation: books, magazine, journals and newspapers.
- **Number of pages and images:** For writers, the more pages in a work, the more likely that it may be copied. For visual artists, the more images you have published, the more likely your images may be copied. The Payback supplementary payment is calculated using the number of pages or images you reported on the **Payback** claim form.
- **Year of publication:** The age of a publication impacts the probability that it may be copied. The calculation will be made using works published between 1991 and 2010 and the weighting will be based on the year of publication.

Why are you only asking for works published within the last 20 years?

Our statistical analysis of copying data shows that works published more than 20 years ago are unlikely to be copied under our licences.

I completed the 2011 form. What do I do in 2012?

If you submitted a supplementary claim last year, you will only need to submit data for works published in 2010. If you did not submit data in 2011 or you have recently become eligible for Payback, you will be asked to submit data for the years 1991 to 2010. If you completed a form in the past, any relevant data from that submission will be applied but we urge you to give us data for 2010.

Who is eligible to receive a Payback payment?

To be eligible for the 2012 **Payback** payment, you must have been an affiliate of Access Copyright as of December 31st, 2011.

What works should a writer report?

The following works **should be reported**:

- Works published between 1991 and 2010.
- Works in which you own copyright or a share of the copyright.
- The original edition of a work or a newer/alternate edition with a different ISBN.
- The first publication of an article and each subsequent publication in a periodical with a different ISSN.
- Excerpts in books and periodicals, including items such as a poem, essay or foreword and each subsequent occurrence of an excerpt that appears in any publication with a different ISBN.
- Works published abroad, only if they are commercially available in Canada and not separately published by a publisher in Canada. (If separately published in Canada, you should report only the Canadian edition.)
- Any translation should be reported by both the translator and the author of a work that has been translated.

Are there any works that Writers should not report?

The following works should not be reported:

- Works published before 1991 or after 2010.
- Any unpublished work.
- Anything published by the federal or any provincial/territorial government.
- A masters or doctoral thesis unless it has been published commercially.
- Any works that are born digital. This can include blogs, websites, e-books and other similar publications.
- Anything created for your employer while you were an employee, unless there is a specific agreement between you and your employer that you retain the copyright to the work.
- Any work in the public domain or no longer covered by copyright or any work for which the copyright owner has indicated that it may be freely reproduced, e.g. under a Creative Commons licence.
- A consumable (i.e. a work meant for one-time use such as a workbook, a colouring book, a sticker book, a crossword-puzzle book, etc.), reproducible or other type of publication not covered by an Access Copyright licence.
- Works published abroad (unless commercially available in Canada and not separately published by a publisher in Canada).

What works should a visual artist report?

The following images **should be reported**:

- Images in works published between 1991 and 2010.
- Images in which you own copyright or a share of the copyright.
- Images in the original edition or a newer/alternate edition with a different ISBN or ISSN.
- Images in works published abroad, only if they are commercially available in Canada and not separately published by a publisher in Canada. (If separately published in Canada, you should report only images in the Canadian edition.)

Are there any works that Visual Artists should not report?

Images in the following works should not be reported:

- Images in works published before 1991 or after 2010.
- Any unpublished work.
- Advertisements.
- Anything published by the federal or any provincial/territorial government.
- A masters or doctoral thesis unless it has been published commercially.
- Any works that are born digital. This can include blogs, websites, e-books and other similar works.
- Anything created while you were an employee of a publishing organization, unless there is a specific agreement between you and your publisher that you retain the copyright to those works.
- Anything dedicated to the Public Domain or is otherwise not covered by copyright.
- A consumable (i.e. a work that is meant for one-time use such as a workbook, a colouring book, a sticker book, a crossword-puzzle book, etc.), reproducible or other type of publication not covered by an Access Copyright licence.
- Works published abroad (unless commercially available in Canada and not separately published by a publisher in Canada).

What if I am the co-author of a work?

If you are the co-author of a book or article, enter all the pages of the work on the Payback form.

How many words are counted as a page?

Authors may consider 250 words to be one page. If you do not want to count words, we will also accept the actual page count as it appears in the publication.

What is the difference between a magazine and a journal?

Access Copyright considers a journal to be an academic, scholarly, research based publication. Everything that does not fall into this category is considered to be a magazine.

How do I enter a short story, a chapter, or an article that I contributed to a book?

Provided you own copyright to the text, such as a short story, poem, introduction, afterword, letter, article or chapter that is included in a book by someone else, you would enter it under “books”. Please only include the number of pages that you wrote.

What if I don't know my username? (Not applicable to Estates)

If you don't know your username, please email Affiliate Services at affiliates@accesscopyright.ca. We will respond to your email during business hours. User names are usually your first and last name, all lower case with no spaces, E.g., johnsmith. Your username will be sent to the email address we have on file for you. **This is not applicable to Estates who must submit a paper form.**

What if I don't remember my password? (Not applicable to Estates)

There is online help for lost passwords at the bottom of the screen on the login page. A link to reset your password will be sent to the email that is in your profile. If your email has changed, please email Affiliate Services at affiliates@accesscopyright.ca. **This is not applicable to Estates who must submit a paper form.**

If I miss the deadline this year, can I send in my Payback for Writers or Payback for Visual Artists claim form next year?

Yes. All eligible writers and visual artists who do not submit a claim form this year by the deadline will be able to submit the claim form next year. You will not, however, be able to make a claim for a previous year's **Payback** payment.

What do I do if I made an error in this submission or previous submissions?

Please contact Affiliate Services in writing at affiliates@accesscopyright.ca and request a Payback correction form. **These changes cannot be made online.**

I have a Power of Attorney for a writer or visual artist who is not able to complete the form himself or herself. Can I make a claim on behalf of someone else?

Yes. If you have not already done so, please contact Affiliate Services to ensure that this status for the writer or visual artist is noted in his or her file and request a paper **Payback for Writers or Payback for Visual Artists form**. You will need to submit a copy of the Power of Attorney document. Please fill out the paper form on behalf of the writer or visual artist.

I am the executor or beneficiary of a deceased creator. Can I make a Payback for Writers or Payback for Visual Artists claim?

Yes. Please contact Affiliate Services at affiliates@accesscopyright.ca to make the necessary estate arrangements for the file of the writer or visual artist.

Can my Payback royalties be paid to my business?

If you wish to have your royalties paid to your business, please contact Affiliate Services by email at affiliates@accesscopyright.ca to make the necessary changes to your file.

What is the contact information for Access Copyright?

Access Copyright
Attention: Affiliate Services
One Yonge Street, Suite 800
Toronto, ON M5E 1E5
affiliates@accesscopyright.ca