



## 2018 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**. Currently, **Payback** only applies to works published in print format.

### *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 submitted 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 ten 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, magazines, 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 1997 and 2016 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.

### ***Why can I not enter my works published in 2017?***

The royalties available for the 2018 Payback payment are primarily collected in 2017. The statistical analysis also indicates that minimal copying of a publication occurs the year it was published. Works published in 2017 will be requested next year.

### ***I have submitted a claim in the past. Do I need to submit a claim for 2018?***

If you have submitted a claim in the past, you will only need to submit data for works published in the newly eligible year (2016). If you do not have any 2016 works to add, you **do not** need to do anything as your 2018 Supplementary payment will be based on the information you submitted previously.

### ***I am new to Payback and have never submitted a Payback claim. What do I need to do?***

You will need to submit the total number of works and the total number of pages (for writers) or images (for visual artists) you've had published in print format and for which you retain copyright per eligible year (1997 – 2016) per category (books, magazines, journals and newspapers). Bibliographic details are not required unless you are audited. Digital/online works are not eligible.

### ***Who is eligible to receive a Payback payment?***

To be eligible for the 2018 **Payback** payment, you must have been registered as an affiliate of Access Copyright as of December 31, 2017.

### ***When should I expect to receive my Payback payment?***

Payback payments are distributed at the end of every November. If you are signed up for direct deposit, please make sure your bank account details are up-to-date.

### ***What works can I claim as a Writer?***

Writers can claim:

- Works published between 1997 and 2016.
- 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).
- Translations, which can be reported by both the translator and the author of the work.

### ***Are there any works that Writers should not report?***

The following works are not eligible:

- Works published before 1997 or after 2016.
- 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 digital works. This can include blogs, websites, e-books, online articles and other similar publications. Only print editions can be claimed.
- 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).
- Newsletters unless they have an ISSN and you own copyright. If the newsletter meets these criteria, it should be entered under Magazines.

### ***What works can I claim as a Visual Artist?***

Visual Artists can claim:

- Images in works published between 1997 and 2016.
- 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 are not eligible:

- Images in works published before 1997 or after 2016.
- 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 digital works. This can include blogs, websites, e-books, online articles and other similar publications. Only print editions can be claimed.
- 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 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.
- Images in works published abroad (unless commercially available in Canada and not separately published by a publisher in Canada).
- Images in newsletters unless the newsletter has an ISSN and you own copyright. If the newsletter meets these criteria, it should be entered under Magazines.

### ***Why are digital/online works not included?***

Digital works are currently not eligible. If a digital publication has a print equivalent you should include the print version in your claim. Statistical analysis shows that works published only in digital format are less likely to be copied under our licences.

### ***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, you would enter it under "Books." Please only include the number of pages that you contributed.

***Why don't you need the bibliographic details, such as ISBN/ISSN, title or publisher?***

Payback is calculated based on the numerical data submitted on your claim. Bibliographic details are only required if you are audited or Access Copyright cannot verify your claim.

***What if I am also a Visual Artist but not registered with Access Copyright?***

If you are also a Visual Artist and have not registered with Access Copyright as a dual affiliate, please contact [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca) **Please note: If you are registering this year as a Visual Artist, you will be eligible for Payback for Visual Artists next year.**

***What if I am also a Writer but not registered with Access Copyright?***

If you are also a Writer and have not registered with Access Copyright as a dual affiliate, please contact [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca) **Please note: If you are registering this year as a Writer, you will be eligible for Payback for Writers next year.**

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

If you are the co-author of a book or article, each author can submit a claim by entering all pages of the book or article 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 know the number of words, please enter 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.

***What if I don't know my username? (Not applicable to Estates who must submit a paper form)***

You can retrieve your username by clicking on the "Forgot username and password" link on the Payback login page. Enter your Payback Reference Number (listed as your "RMS ID" on your Distribution Reports) and your email address. An email will automatically be sent to you with your username. **Usernames are usually your first and last name, all lowercase with no spaces, e.g., johnsmith, or the one you created when completing the online registration application form.**

***What if I don't remember my password? (Not applicable to Estates who must submit a paper form)***

Please click on the "Forgot Password" link located on the Payback login page. A link to reset your password will be sent to the email address we have for you on file. If your email address has changed, please advise us at [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca).

***If I miss the deadline to submit my claim this year, can I submit it next year?***

Yes. All eligible Writers and Visual Artists who do not submit a Payback claim form by May 31<sup>st</sup> 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?***

You can make any changes to your claim during the claim period by downloading the "Change Form" after logging into your Payback account (found under the Writer and Visual Artist tabs). Print and complete the Change Form and return a signed copy with your changes to us by mail or scan and email a copy to us by May 31<sup>st</sup>. If you cannot access the Change Form online, please contact us at: [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca). **These changes cannot be made to the online form.**

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

Yes. If you have not already done so, please contact [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca) to ensure that your Power of Attorney 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 [affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca) to make the necessary estate arrangements for the file of the writer or visual artist.

***What is the contact information for Access Copyright?***

Access Copyright  
Attention: Royalties and Client Services  
320 - 56 Wellesley Street West  
Toronto, ON M5S 2S3  
[affiliates@accesscopyright.ca](mailto:affiliates@accesscopyright.ca)

***I am a member of Copyright Visual Arts. Should I contact Copyright Visual Arts with any questions concerning Payback?***

Certainly. Please contact Copyright Visual Arts by email at [membership@carfac.ca](mailto:membership@carfac.ca).