



Payback 2009 - Questions & Answers

Please make sure you read through these questions and answers before completing your form.

1. What is DACS?

DACS (Design and Artist's Copyright Society) is the UK's not-for-profit copyright licensing and collecting society for artists and visual creators.

2. What is Payback?

Payback is the service from DACS which pays artists, photographers, illustrators and many other visual creators (including their heirs and beneficiaries) a share of collective licensing revenue. Collective licensing is used in situations where it would be difficult or impossible for an individual to licence their rights, such as photocopying of their work. DACS negotiates a share of this money on behalf of visual creators in the UK.

3. Who can claim Payback?

Every kind of visual creator. If you are an illustrator, sculptor, cartoonist, photographer, animation artist, fine artist, architect, designer, craftsman, or any other type of visual creator you can make a claim. If your professional category is not listed on the claim form please choose the one that describes you most accurately. Representatives of visual creators can also claim (as can beneficiaries of artists' estates) – see Q&A 14.

4. Where does Payback money come from?

The money comes from a number of licensing schemes:

Publications:

- Photocopying (by central and local government departments, universities and other businesses)
- Slide Collection Licensing Scheme (in educational establishments)

Television:

- Cable re-transmission of UK terrestrial broadcasts
- BBC Prime & BBC World
- Off-air recording of programmes (by educational establishments)
- Cable re-transmission of BBC digital broadcasts

5. So how can I get some money from Payback?

All you need to do is fill in the claim form attached, telling us how your works have been used in books, magazines and on television. Make sure you return it to DACS by 30 September, 2009. You can also claim online at www.dacs.org.uk. If you have a valid claim, we will aim to pay you during December 2009.

6. Do I need to be a member of DACS to claim Payback?

No, you don't. Any visual creators can claim a share of Payback whether a member of DACS or not. You cannot claim Payback through any other organisation. However if you are interested in finding out more about joining DACS for Payback membership, please contact us on 020 7553 9062 or payback@dacs.org.uk for further details.

7. Why do I need to submit a claim to get a share of Payback?

There is a vast community of visual creators in the UK and an enormous number of artistic works in copyright. There is no central source of information recording whose works have been used, and where. We have to find other ways of getting this information in order to share the funds between visual creators, so we ask you to tell us how your work has been used in publications or on television.

8. How do I know if I have a valid claim?

You may have a valid publications claim if you are a visual creator whose work has been reproduced in a book, magazine or journal in any year up to 31 December 2008. You may have a valid television claim if you are a visual creator whose work has been included in a television programme broadcast on BBC1, BBC2, ITV1, Channel 4/S4C or Channel 5 or any of the BBC Digital Channels between 1 January and 31 December 2008.

9. Will I receive as much as I did last year?

Not necessarily. Even if your publications claim has increased, you may find that you receive the same amount, or less than last year. The amount we receive in licensing revenue can vary from year to year. The number of claimants can also vary. So although we may have more money to share, it may have to be divided between more visual creators.

10. What if I can't answer all the questions on the form?

It is important that you complete all the sections on the claim form which apply to your claim – including ticking 'None' if that is the answer to the question. This helps us process your claim quickly. If you cannot complete all the relevant sections, we will not be able to process your claim.

11. What can't I claim for?

- Artistic works out of copyright at the time of use
- Works included in newspapers, weekend supplements, leaflets and brochures
- Publications without an ISBN or ISSN number
- Photographs licensed for use under the BBC TelPic contract
- Works you have claimed for in a television claim in the past (unless repeated on television in 2008)
- Works used in feature films
- Ordnance survey maps
- Logos and trade marks
- Writing, literary or musical works
- Industry manufactured products
- Videos or computer games
- DVD, CD-Rom, internet

12. I was paid for my work when it was first used in a television programme or publication. Can I still make a claim?

Yes. The money available in Payback is for secondary uses, not primary uses, of your work. Even if you have already been paid for the primary use of your work, you may be able to claim for the secondary use through Payback.

13. Can I make a claim on behalf of some one else?

Yes, provided you are the authorised representative of that person, such as the visual creator's agent. You will need to obtain signed authorisation from the visual creator which confirms that you can claim on their behalf. You can download a form at www.dacs.org.uk.

14. I am the beneficiary of a deceased visual creator's estate. Can I make a claim?

Yes. You will need to tell us when the visual creator died and whether you are the sole beneficiary. Make sure you sign the appropriate declaration at the end of the claim form.

15. I am a British visual creator living abroad. Can I claim?

If you don't live in the UK, contact the collecting society in your country of residence. If you can't do this, then you can submit a claim to DACS if your work has been included in a programme broadcast on UK terrestrial television channels and/or appeared in a book or magazine published in the UK.

16. I don't know if my work has been photocopied. Can I still claim?

We don't ask you if your work has been photocopied. We just need to know if your work has appeared in a book, magazine or journal. If it has, then it is available to be photocopied and you may have a valid claim to a share of the money.

17. My publications claim was successful last year. Can I claim again this year?

Yes, once your work has been reproduced in a British book, magazine or journal, it is always available for copying. So make sure you claim for everything you have previously claimed for and any new publications which feature your work too. The more works you claim for, the better the chance you have of putting your publications claim into a higher band. If you have had no new activity, simply repeat the claim you made last year.

18. I've made a television claim before. Can I claim again?

You can only claim for works which were featured in a programme (whether new or a repeat of an old programme) on one of the channels indicated between 1 January and 31 December 2008.

19. Can I claim for digital broadcasts?

Yes. DACS has an agreement with the BBC for a share of royalties for retransmission of BBC1/2 and certain digital channels in Ireland. If your work was broadcast on any of these channels in 2008 only please tell us by ticking the appropriate box at Question 24 of the claim form.

20. How will DACS check the authenticity of claims?

You need to sign a declaration on the claim form and provide examples of publications and television programmes which featured your work, together with titles and ISBN or ISSN numbers (for publications); and the title, channel and year of broadcast (for television programmes). We cannot process your claim without this information as it is necessary to ensure compliance. We may also ask you to provide additional information in support of your claim. If you cannot sign the declaration or provide supporting information, we will not be able to assess your claim.

21. What are ISSN and ISBN numbers?

These are standardised identifiers for magazines (ISSN) and books (ISBN). The ISSN number should be printed above the barcode on the cover of any magazine whereas ISBN numbers are usually found on the back cover just above the barcode (paperback) or on the inside fly of the jacket (hardback). You can also search for the ISBN in the Integrated Catalogue of the British Library at <http://catalogue.bl.uk>

22. I don't know very much about copyright. Does that matter?

No. But bear the following in mind: copyright in all original artistic works is established at the moment of creation and lasts for 70 years after the death of the visual creator. The visual creator is usually the first copyright owner. Copyright can be transferred to someone else, however, and we can only make payments to the current owner of the copyright in any artistic work. So it's important for you to establish that you own the copyright in your work before you make a claim. If you are unsure about this, seek professional advice and also visit our website www.dacs.org.uk where you can find free information sheets giving information on many aspects of copyright.

23. What does DACS charge?

DACS makes an administrative charge on the revenue we receive on behalf of artists and visual creators in order to cover our operating costs. For Payback 2009, DACS will charge a 23% administration fee on the royalties we collect on your behalf to cover our running costs for operating this service.

For further information please contact a member of the Payback team:

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