

COPYRIGHT AGENCY LIMITED®

# Artists' resale royalty scheme: information for buyers and sellers of artworks

13 August 2010

**This information sheet is for guidance only. It is not legal advice.**

The artists' resale royalty scheme, started on 9 June 2010.

The Australian Government has appointed Copyright Agency Limited (CAL) to administer the scheme.

The scheme requires:

- information to be reported to CAL about resales of artworks (even if a royalty may not be payable); and
- payment of a 5% royalty on certain resales.

The scheme does not apply to private sales between individuals, where there is no agent involved.

## How does the resale royalty scheme affect you?

The scheme requires sellers to ensure that:

- certain information about their commercial resales of artworks are reported to CAL (even if a royalty may not be payable); and
- together with the agent involved in the resale, to ensure that any royalty is paid.

## What information must be reported?

Sellers must provide sufficient information to enable CAL to determine:

- if a royalty is payable; and
- if it is, who is liable.

Sellers can report through an agent, such as a gallery or auction house.

If CAL receives sufficient information from the agent, and any royalty is paid, then CAL does not need information about the seller or buyer.

If necessary, CAL can seek additional information from sellers, buyers and art market professionals to help it determine if a royalty is payable and, if it is, who is liable to pay.

## Which artworks?

The scheme applies to original works of visual art. These include batiks, carvings, ceramics, collages, digital artworks, drawings, engravings, fine art jewellery, glassware, installations, lithographs, multimedia artworks, paintings, photographs, pictures, prints, sculptures, tapestries, video artworks and weavings.

Manuscripts, and architectural drawings and plans are excluded.

A limited edition reproduction, such as a numbered print, is covered if its making was overseen by the artist.

Mass-produced items, such as posters, are excluded.

## What information must be provided?

To determine whether the royalty is payable, CAL needs information about some, and in some cases all, of the following:

1. the sale date;
2. whether the seller acquired the work after 8 June 2010;
3. the sale price;
4. a description and/or image of the work;
5. the title of the work;
6. the name of the artist;
7. whether the artist is living or dead and, if dead, the date of death; and
8. the artist's nationality or residency.

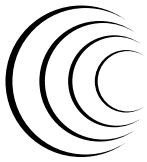


### More information

Copyright Agency Limited  
Level 15, 233 Castlereagh Street,  
Sydney NSW 2000

Tel: 1800 066 844  
Fax: +612 9394 7601

Email: [resale@copyright.com.au](mailto:resale@copyright.com.au)  
Website: [www.resaleroyalty.org.au](http://www.resaleroyalty.org.au)



COPYRIGHT AGENCY LIMITED®



In some cases, sellers may not have information about some or all of the last four matters. Where CAL receives insufficient information, there is a presumption that a royalty is payable.

### What is the process for reporting?

You can report the information:

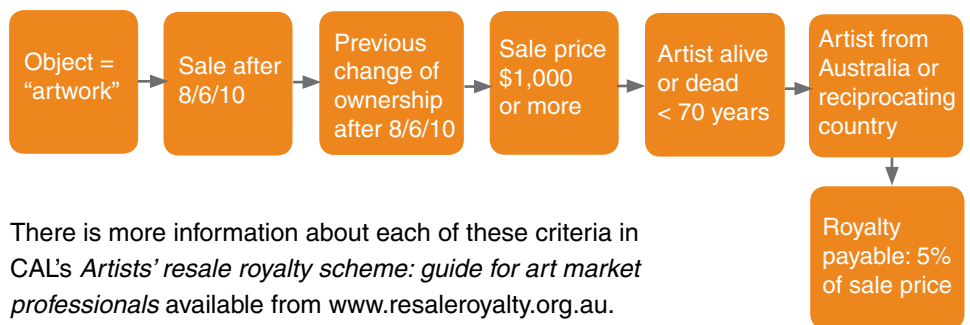
- yourself; or
- via an agent (the gallery, dealer or auction house involved in the resale).

To report the information yourself:

1. Go to [www.resaleroyalty.org.au](http://www.resaleroyalty.org.au);
2. Click the "Register" button, complete the online form with your contact details and register to set up a secure login;
3. Provide information about commercial resales by:
  - completing the online form; or
  - uploading a document, such as an Excel spreadsheet, with information about multiple sales.

To report via an agent, make sure that you provide the agent with sufficient and accurate information to pass on to CAL, to enable CAL to determine whether the royalty is payable.

### When is a royalty payable?



There is more information about each of these criteria in CAL's *Artists' resale royalty scheme: guide for art market professionals* available from [www.resaleroyalty.org.au](http://www.resaleroyalty.org.au).

### Who has to pay the royalty?

The seller and the seller's agent are jointly responsible to ensure the royalty is paid. If the royalty is not paid, CAL can take enforcement action against either of these.

In most cases, CAL expects to receive the royalty from the agent.

However, if a seller provides inaccurate information that leads to a false determination that a royalty is not payable, and CAL subsequently learns that a royalty is payable, CAL will seek payment of the royalty from the seller.

If there is no agent involved, the buyer is jointly responsible, with the seller, to ensure the royalty is payable.

### More information

More information available from [www.resaleroyalty.org.au](http://www.resaleroyalty.org.au) includes:

- *FAQs for buyers and sellers of artworks*
- *Artists' resale royalty scheme: information for art market professionals*
- *FAQs for art market professionals*

There is a link to the legislation at [www.arts.gov.au/resale\\_royalty](http://www.arts.gov.au/resale_royalty)

You can also ask us for more information by:

- emailing us at [resale@copyright.com.au](mailto:resale@copyright.com.au); or
- phoning 1800 066 844

### Use of this information sheet

Check CAL's website for the terms of use for this and other CAL information sheets, and to make sure that this is the most recent version of this information sheet.

#### More information

Copyright Agency Limited  
Level 15, 233 Castlereagh Street,  
Sydney NSW 2000

Tel: 1800 066 844  
Fax: +612 9394 7601

Email: [resale@copyright.com.au](mailto:resale@copyright.com.au)  
Website: [www.resaleroyalty.org.au](http://www.resaleroyalty.org.au)