

Application to register DACS as a licensing body in Ireland

(e) details of the scheme:

Established by artists for artists in 1984, DACS is a not-for-profit visual artists' rights management organisation based in the UK. DACS represents copyright and related rights for a range of visual artists from photographers, sculptors, illustrators, painters, mixed media artists and more.

DACS licenses copyright and collects and distributes royalties to visual artists and their estates through a range of services: Copyright Licensing and Artimage; Payback®; and the Artist's Resale Right

Copyright Licensing and Artimage: DACS licenses the use of visual artist's works in a range of products from book publishing to online uses; advertising; film and TV. DACS negotiates a licence on behalf of the artist (the DACS member) and puts in place a licence that ensures the exploitation of the rights are appropriately remunerated. In 2014 DACS launched **Artimage**, a one stop shop for licensing customers who require both a license and a high resolution image file for their intended uses.

Artist's Resale Right: The UK adopted Artist's Resale Right in 2006 initially only for living artists and then extended in 2012 to benefit artist's heirs and estates. Artist's Resale

Right (ARR) must be collected and distributed by a rights management organisation under the UK law and DACS is set up to administer this right on artist's behalf.

Payback®: DACS collects royalties and distributes them to artists on a collective basis through an annual scheme that DACS has termed Payback ®. DACS receives royalties from a variety of UK and overseas licensing schemes including:

- Reprography schemes run by the Copyright Licensing Agency (CLA)
- Educational recording schemes run by the Educational Recording Agency (ERA)
- Cable retransmission schemes (overseas)
- Public Lending Right schemes (PLR) (overseas)
- Extended Collective Licensing schemes (ECL) (overseas)

Visual artists can claim a share of these royalties on an annual basis by making a claim for Payback ® through an online portal.

(f) details of the scales of charges or proposed charges to be levied by the applicant:

DACS is a not-for-profit organisation. DACS does not charge membership fees or joining fees to visual artists for mandating rights to DACS, therefore DACS only deducts a percentage of royalties to cover administration costs. Different deductions are made depending on the service due to the nature of the work involved:

Copyright Licensing and Artimage: DACS makes a deduction of 25% of the licensing fee which covers work that takes place to manage requests, negotiate prices and grant rights to a customer. For Artimage, DACS deducts 35% for direct members and 30% for repertoire managed on a Collection's behalf.

(g) the class of rightsovers represented or proposed to be represented by the applicant: and

DACS represents visual artists and their heirs who hold copyright in respect of an artistic work.

Section.4 Copyright Designs and Patents Act 1988 (CDPA) describes an artistic work as a “graphic work, photograph, sculpture or collage irrespective of artistic quality; a work of architecture being a building or a model for a building; or a work of artistic craftsmanship”.

(h) in the case of a licensing body within the meaning specified in section 38 , the names of the rightsholder or rightsholders in respect of whom the body concerned claims entitlement to receive payments under that section

Not applicable

(i) in the case of a licensing body in relation to which any provisions of the European Union (Collective Rights Management) (Directive 2014/26/EU) Regulations 2016 apply, a statement of compliance and appropriate supporting evidence” DACS is a UK licensing body also known as a collective management organisation and therefore UK statute The Collective Management of Copyright (EU Directive)

Regulations 2016 (available at: <https://www.legislation.gov.uk/ukxi/2016/221/contents/made>) apply to DACS. DACS can demonstrate compliance with the law through publication of DACS' Annual Transparency Report 2023, enclosed, as required under s.21 of the Regulations.

DACS also confirms compliance with the Regulations in a statement to rightsholder as required under s.4(i) of the Regulations (enclosed and on DACS' website here: https://www.dacs.org.uk/DACSO/media/DACSDocs/DACS_Notice-to-rightsholders_October-2016.pdf) and in DACS Code of Conduct: <https://www.dacs.org.uk/about-us/corporate-resources/code-of-conduct>

For further information please contact:

Reema Selhi

Head of Policy and International

DACS

reema.selhi@dacs.org.uk

Copyright Licensing Fees - DACS

Type of use	Subcategory of Use	Fees	
Advertising, Promotion and Company communications	Editorial use, price per reproduction ranges from: Front cover use, price per reproduction ranges from: Presentation templates for internal company use, price per reproduction	£182 - £362 + VAT £362 - £762 + VAT £88 + VAT	
Auction Houses and Commercial Galleries	Sales or exhibition catalogues Print editorial Print cover Digital (editorial or cover) Combined print + digital editorial Combined print + digital cover Ebulletin	£177 + VAT £502 + VAT £177 + VAT £319 + VAT £502 + vat £191 + VAT	
Book Publishing	Books	Print Run	Distribution territory / Worldwide languages
			(English language only) (all languages)
			Type of reproduction Editorial Cover Editorial Cover
		up to 500	£53 £235 £56 £249
		501-1,500	£86 £279 £91 £295
		1,501-3,000	£112 £334 £119 £352
		3,001-5,000	£136 £420 £145 £443
		5,001-10,000	£164 £480 £172 £507
		10,001-15,000	£179 £542 £190 £571
		15,001-20,000	£198 £602 £209 £635
		20,001-30,000	£223 £670 £234 £705
		30,001-50,000	£248 £739 £262 £779
		50,001-80,000	£266 £809 £281 £851
	Monograph	POA	
	Academic books	Print Run	Printed Publications Digital version Digital version only
			(excl. Journals) (when licensed with printed version)
			Ed Cover Ed Cover Ed Cover
		up to 500	£32 £141 £20 £30 £26 £59
		501-1,500	£51 £165 £30 £38 £35 £78
		1,501-3,000	£66 £198 £40 £50 £49 £100
		3,001-4,000	£82 £250 £50 £60 £55 £125

Digital Publishing and Apps	Electronic articles, ebooks and applications	Downloads	Digital & Hard Copy Publication*		Digital only		
				Editorial	Front cover	Editorial	Front cover
			Up to 1000	£33	£35	£35	£72
			Up to 1,500	£41	£44	£43	£88
			Up to 3,000	£53	£57	£56	£116
			Up to 5,000	£65	£70	£69	£141
			Up to 10,000	£77	£85	£80	£168
			Up to 15,000	£85	£92	£90	£186
			Up to 20,000	£94	£102	£99	£204
			Up to 30,000	£105	£114	£110	£230
			Up to 50,000	£124	£138	£131	£274
			Up to 80,000 as above	£127	£139	£133	£277
Monographs							
Other digital uses		Prices on request					
Merchandising	Merchandising	Price on request					
Magazines	Magazines	Print run	Editorial	Cover			
				(print and digital)	(print and digital)		
			1-20,000	£138	£276		
			20,001-100,000	£180	£360		
Newspapers	Newspapers		100,001- 400,000	£250	£500		
			Covers (print and digital)	£225			
			Editorial (print and digital)	£138			
			Single format (print or digital)	£103			
Public Galleries, Museums and Cultural Organisations	Exhibition catalogues and other publications	Print Run	Worldwide		Worldwide		
				(English language)	(All languages)		
				Editorial Content	Front Cover	Editorial Content	Front Cover
			up to 1,000	£29	£80	£57	£159
			1,001-3,000	£37	£104	£72	£207
			3,001-5,000	£45	£133	£89	£264
			5,001-10,000	£48	£140	£95	£280
			10,001-15,000	£53	£156	£105	£312
			15,001-20,000	£56	£175	£112	£351
			20,001-30,000	£64	£192	£127	£383
			30,001-50,000	£71	£207	£144	£414
			50,001-80,000 as above	£80	£215	£159	£430
Monographs							
Marketing literature	Editorial	£74 + VAT					
	Front cover	£80 + VAT					

	Outdoor promotion (on and off premises) Merchandise	Price on request Usually 10% of retail price or 15-20% of wholesale price. Full details on request			
	Digital engagement	No. of artworks	Price/work		
		1-100	£10		
		101-300	£8		
		301-500	£7		
		501-1,000	£6		
		1,001-3,000	£5		
		3,001-5,000	£4		
		5,001-10,000	£3		
		10,001 or more	by negotiation		
	Digital marketing and promotion	Websites:			
		Duration	Fee		
		5 years	£88		
		E-bulletins from the museum to existing members:			
		Number of recipients	Editorial fee		
		Up to 20,000	£55		
		20,001 - 250,000	£61		
		250,001 - 500,000	£67		
		E-bulletins from the museum to non-members:			
		Number of recipients	Editorial fee		
		Up to 20,000	£55		
		20,001 - 250,000	£92		
		250,001 - 500,000	£100		
Television and Film	Television	Usage	UK	Worldwide	
			5 years	In perpetuity	5 years In perpetuity
		Standard TV	£94	£140	£190 £222
		Non-Standard TV	£50	£84	£100 £140
		VOD (includes catch-up VOD)	£70	£116	£137 £229
		Videogram & DTO	-	-	£112 £222
		Non-Theatric	-	-	£84 £147
		All of the above including the discount	£214	£272	£623 £767
Universities, Schools and Colleges	Film	Price on request			
	Reproduction on stage	Price on request			
	Exam papers	£50 + VAT, per reproduction			
	Digital uses available for free	£55 + VAT, per reproduction.			
	Commercial digital uses	Price on request			

DACS

Annual Transparency Report 2023

DACS' Core Services

About DACS

Established by artists for artists, DACS is a not-for-profit visual artists rights' management organisation. DACS collects and distributes royalties to visual artists and estates through three main services: Artist's Resale Right; Copyright Licensing; and Payback, the collective licensing service. Through Payback, DACS distributes royalties that are collected through a variety of UK and overseas licensing schemes including:

- Reprography schemes run by the Copyright Licensing Agency (CLA)
- Educational recording schemes run by the Educational Recording Agency (ERA)
- Cable retransmission schemes
- Public Lending Right schemes (PLR) – overseas scheme
- Extended Collective Licensing schemes (ECL) – overseas scheme

DACS campaigns for the rights of visual artists and their heirs and pays them their due royalties, which help support their livelihoods and artists' legacies. DACS works with galleries, dealers and auction houses to fulfil the obligations arising from the Artist's Resale Right Regulations.

Relationships with other Collective Management Organisations (CMOs)

DACS' relationships with other CMOs are vital in its mission to ensure that artists are fairly remunerated for uses of their work.

The Copyright Licensing Agency (CLA) sells licences to businesses, educational institutions and public sector organisations, allowing them to photocopy and scan publications containing copyright-protected content. As a member of the CLA, DACS can ensure that this revenue goes back to visual artists. DACS is a member of the Educational Recording Agency (ERA), which runs a blanket licensing scheme for educational institutions for off-air recordings which also include visual artists' works. These royalties from the CLA and ERA schemes are, amongst others, distributed via Payback.

DACS is a truly global organisation with strong relationships with overseas collecting societies, known as sister societies. These relationships mean that UK artists can get royalties when images of their works are licensed for products or works are re-sold on the secondary art market in other countries, and, in return, DACS represents its sister societies' members in the UK. Payments to and receipts from these societies are detailed in the table below.



DACS

Managing Artists' Rights

There is no fee to rightsholders for using DACS' services, instead, DACS covers its administration costs by deducting a percentage of the royalties that it collects for artists.

- **Copyright Licensing**

For the Copyright Licensing service DACS makes a deduction for administration of 25% which covers the work that takes place to manage requests for licensing members' works – from pricing to rights granted. DACS actively develops its customer base.

DACS makes a deduction for administration of 15% for royalties collected from its overseas sister societies for Copyright Licensing.

- **Artist's Resale Right**

DACS deducts 15% for Artist's Resale Right (ARR) to cover the work carried out collecting and distributing ARR royalties in a timely manner. Unpaid royalties are proactively pursued from art market professionals that do not declare their sales, and DACS searches for artists and their heirs who are due ARR royalties. DACS actively campaigns for a global resale right so that all artists can benefit from this vital right, irrespective of their nationality.

DACS makes a deduction for administration of 5% for ARR royalties collected from its overseas sister societies.

- **Collective Licensing**

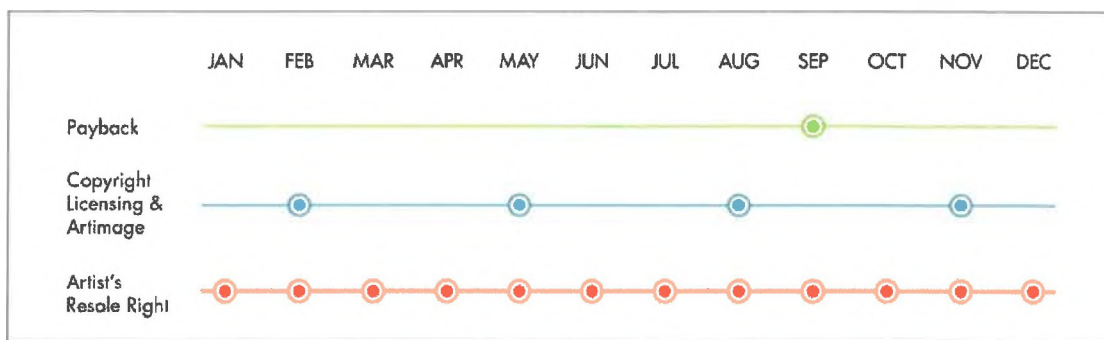
Payback is paid to rightsholders each year, with DACS making administrative deductions of 15%. In 2023, the Payback campaign ran from January to May, during which time members submitted claims for the usage and publication of their works through DACS' online Payback System.

Extended Collective Licensing – ECL – allows collecting societies to run licensing schemes without individual permission from the rightsholder. This means that in addition to granting licences on behalf of its members, a collecting society can also grant licences on behalf of copyright owners who they do not directly represent, but who are covered by the scheme. In 2023 there were no ECL schemes authorised under the ECL legal framework in the UK. However, where DACS receives royalties for UK artists from ECL schemes abroad, DACS makes a deduction of 15% to cover the management of these ECL royalties in the UK.

Public Lending Right (PLR) is received by DACS from sister societies operating where public lending libraries pay a royalty in their territories, for instance through the Dutch Public Lending Right Scheme. These royalties too are subject to a 15% deduction for the administration of these royalties in the UK.

Distribution Timetable

The distribution timetable is established by DACS' Distribution Policy, which is agreed by Voting Members annually in DACS' Annual General Meeting (AGM). The Distribution Policy can be found on the DACS website: <https://www.dacs.org.uk/about-us/corporate-resources/distribution-policy>



Memberships of Other Bodies

DACS' relationships with other organisations improve its governance, keep it at the forefront of changes in the legal and political landscape and allow DACS to make heard the voices of the thousands of visual artists it represents.

DACS is a member of international bodies who set standards for CMOs, such as CISAC, and European lobbying organisations, such as EVA.

In the UK, DACS is a member of the Alliance for IP; the British Copyright Council; the Creators' Rights Alliance; Creative UK and the International Authors Forum.

Social, cultural, educational and other activities

DACS does not make deductions from royalties to fund social, cultural, educational and other activities.

Refusals to grant a licence

DACS reserves the right to refuse granting a licence under certain circumstances, such as when permission has not been given by the rightsholder, in which case DACS will inform the client without undue delay. Any unlicensed requests are recorded and reviewed on a quarterly basis. In 2023 DACS was unable to grant a licence in 20 instances due to rightsholders refusing permission for the intended use.

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DACS' Financial Statements

This report should be read in conjunction with DACS' Financial Statements and Annual Review, both of which are available on the DACS website: <https://www.dacs.org.uk/about-us/corporate-resources/annual-reports>

Revenue recognition for each categories of rights

Revenue is recognised in DACS' accounts when it is probable that the economic benefits will be realised, and the revenue can be reliably measured. Each category of rights has criteria by which revenue is recognised:

Category of rights	Criteria for revenue to be recognised
Copyright Licensing	Copyright licensing refers to those rights that can be administered on an individual and transactional basis. Income is recognised at the point of invoicing.
Artist's Resale Right	Artist's Resale Right is conferred by legislation, which allows DACS to collect income on behalf of qualifying artists on secondary sales made by art market professionals. Income under the Resale Rights scheme is invoiced once DACS has been informed that a sale has been made to a third party by the art market professional. DACS reviews each sale and verifies with the art market professional that all the necessary conditions are met. Revenue is recognised once the sale has been confirmed with the art market professional.
Collective Licensing	Collective licensing cannot be administered on a transactional basis. Rights are licensed under blanket licensing schemes operated by a third party. Where there is uncertainty regarding the timing and amount of such funds, the income is recognised on a notification basis only.



Income arising from the investment of rights revenue

Funds that arise because of a timing difference between payment being made to DACS by clients, art market professionals or other collecting societies and payment being made by DACS to the rightsholder, are invested as per DACS' investment policy, which is available on DACS' website or upon request.

This income is allocated to each category of rights based on the average balance of funds due to, but not yet distributed to, rightsholders during the year. It is shown in the Income and Expenditure Report by category of rights managed as interest and investment income, and comes to a total of £374,786 in 2023.

Fair value movements are changes to the value of investments held due to movements in the stock market. Gains of £98k in 2023 are excluded from the allocation and are reported as other activities in the Income and Expenditure by category of rightsholder report.

Income & Expenditure by Category

	ARR	COPYRIGHT LICENSING	COLLECTIVE LICENSING	OTHER	TOTAL
	2023	2023	2023	2023	2023
	£	£	£	£	£
Turnover	11,975,543	2,131,186	9,949,742	68,677	24,125,148
Payable to Artists & Other Cost of Sales	(10,204,408)	(1,648,352)	(8,512,411)	(45,238)	(20,410,409)
Net Income	1,771,135	482,834	1,437,331	23,439	3,714,739
Direct Costs	(304,363)	(308,434)	(157,131)	(90,276)	(860,204)
Gross Profit/(Loss)	1,466,772	174,400	1,280,200	(66,837)	2,854,535
Income and Other Operational Items	142,693	26,401	206,192	18,268	393,554
Fair Value Movements				98,305	98,305
Contribution	1,609,465	200,801	1,486,392	49,736	3,346,394
Administration Costs	(1,196,175)	(214,400)	(1,000,966)	-	(2,411,541)
Occupancy Costs	(89,702)	(53,321)	(63,669)	-	(206,692)
Indirect costs	(1,285,877)	(267,721)	(1,064,635)	-	(2,618,233)
Profit/(Loss) before Taxation	323,588	(66,920)	421,757	49,736	728,161
Costs of Rights Management	1,590,240	576,155	1,221,766	n.a	3,289,856
Costs as a % of Revenue	13%	27%	12%		14%

In 2023 the CLA changed the pattern of their distributions for visual rights. This resulted in a one off gain to revenue of £3,676k in the year, temporarily reducing the cost to income ratio for Collective Licensing.

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Income from and Distribution to Other Collective Management Organisations

	Income from other CMOs	Distribution to other CMOs
Artist's Resale Right	£830,511	£2,925,493
Collective Licensing	£9,992,421	£133,569
Copyright Licensing	£508,339	£610,281
Total	£11,331,271	£3,669,343

Non-distributable Amounts

In line with our distribution policy, DACS holds funds for artists and beneficiaries for six years after the corresponding funds were received, whether in respect of Artist's Resale Right, Copyright Licensing or Collective Licensing income. DACS' members have elected that DACS should continue to search for the relevant rightsholders for a further three years after Regulation 12 (9) of The *Collective Management of Copyright (EU Directive) Regulations 2016 (CRM Regulations)* classifies these royalties as non-distributable.

After six years, the funds are then classified as undistributable and paid out according to the following guidelines:

- Undistributable Artist's Resale Right royalties: DACS Voting Members decide on an annual basis how these are treated. At 31 December 2023 the amount of undistributable ARR royalties was £67k. Members voted at the 2023 AGM to return £35k of this to Art Market Professionals in 2024 and a further £7k has subsequently been distributed.
- Undistributable Copyright Licensing royalties: These are royalties that generally could not be distributed because of a change in the beneficiary structure and are either being paid to an authorised representative in the form of an executor/administrator of the will or the remaining beneficiaries once the six year period expires. At 31 December 2023 the amount of corresponding undistributable Copyright Licensing royalties was £1.8k.
- Undistributable Collective Licensing royalties: These are returned to the annual Payback distribution. On 31 December 2023 the value of the fund was £100.5k.



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Deductions made by revenue stream, rights managed and types of users

DACS revenue stream	Deductions when managed by DACS	Deductions when managed by overseas CMOs	Rights Managed	Types of uses	Purposes of deduction
Copyright Licensing	25%	15%	Copyright Licensing Rights and Secondary Rights	Physical reproductions and reprographic Digital reproductions Inclusion in other media	Administration costs
Artimage	35% direct and 30% collections		Copyright Licensing Rights Secondary Rights	Physical reproductions and reprographic Digital reproductions Inclusion in other media	Administration costs
Payback	15%	ECL: 15% PLR: 15%	Secondary Rights	Physical reproductions and reprographic Digital reproductions Educational recording Cable retransmission Public Lending Right Extended Collective Licensing Inclusion in other media	Administration costs
Artist's Resale Right	15%	5%	Artist's Resale Rights	N/A	Administration costs

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Key: COL = Collective Licensing; ARR = Artist's Resale Right; CL = Copyright Licensing

Total Income from and distribution to other CMOs by territory and by category of rights

Territory	Country	Category of rights		Royalties by Value	
		Income	Distribution	Income	Distribution
UK					
ACS	UK	ARR	ARR	£104,012	£6,803
ALCS	UK	COL		£1,907	
BBC	UK	COL		£76,594	
CLA	UK	COL		£8,224,192	
ERA	UK	COL		£240,300	
FLS	UK	COL		£314,648	
EUROPE					
ADAGP	France	ARR, CL, COL	ARR, CL, COL	£543,823	£1,723,406
AKKA-LAA	Latvia	COL		£9,001	
BILDRECHT	Austria	ARR, CL, COL	ARR, CL, COL	£36,373	£26,327
BONO, Billedkunst opphavsrett i Norge	Norway	ARR, CL, COL	ARR, CL, COL	£32,225	£3,522
EAU	Estonia	CL, COL		£7,660	
GESTOR	Czech Republic	ARR	ARR, COL	£1,169	£14,434
HUNGART	Hungary		ARR, CL, COL		£1,721
IMRO	Ireland	COL		£65,062	
IVARO	Ireland	ARR, CL, COL	ARR, CL, COL	£27,970	£18,301
KUVASTO	Finland	ARR, CL, COL	ARR, CL, COL	£3,375	£669
LATGA-A	Lithuania				
LITA	Slovakia	ARR, CL	ARR, CL, COL	£146	£188
OOA-S	Czech Republic	CL	CL	£71	£224
OSDEETE	Greece		ARR, CL, COL		£1,667
PICTORIGHT	Netherlands	ARR, CL, COL	ARR, CL, COL	£226,111	£44,561
PRO LITTERIS	Switzerland	CL	CL, COL	£11,486	£11,414
RTE	Ireland	COL		£3,454	
SABAM srl	Belgium	ARR, CL, COL	ARR, CL, COL	£140,097	£128,436
SAIF	France		ARR, CL, COL		£15,234
SIAE	Italy	ARR, CL, COL	ARR, CL, COL	£83,010	£414,523
SOFAM	Belgium		ARR, CL, COL		£6,950
SPA, Sociedade Portuguesa de Autores, Cri	Portugal	ARR, CL, COL	ARR, CL, COL	£4,813	£1,661
VCSS, Bildupphovsrätt i Sverige, ek.för	Sweden	ARR, CL, COL	ARR, CL, COL	£217,653	£14,287
VEGAP	Spain	ARR, CL, COL	ARR, CL, COL	£121,219	£177,240
VG BILD KUNST	Germany	ARR, CL, COL	ARR, CL, COL	£531,892	£693,950
VISDA	Denmark	ARR, CL, COL	ARR, CL, COL	£62,591	£36,663
AMERICAS					
ARS	USA	CL	ARR, CL, COL	£78,873	£214,988
AUTVIS	Brazil	CL	CL, COL	£742	£1,403
SOCAN	Canada	CL, COL		£1,933	
SOMAAP	Mexico		CL, COL		£2,299
VAGA	USA		ARR, CL, COL		£102,597
REST OF WORLD					
COPYRIGHT AGENCY	Australia	CL, COL	ARR, CL, COL	£143,394	£5,038
DALRO	South Africa		ARR, CL, COL		£834
ICSC	China				
JASPAR	Japan	CL		£12,758	
SACK	South Korea	CL		£2,721	

M. J. H.