

# PLR: International Perspectives

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# What this presentation covers

- What is Public Lending Right?
- Role of PLR International
- Current spread of PLR systems internationally
- Different PLR approaches
- EU Directive on PLR
- How has PLR been implemented in the EU?
- How far have we come since 1995?
- Case study: PLR in the United Kingdom

# *What is Public Lending Right?*

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**‘PLR is the right that authors and other rightsholders have to receive payment for the free use of their works in libraries’**

# *What is PLR International?*

- PLR Network set up 1995 and reconstituted in 2016 as PLR International (PLRI)
- PLRI Steering Committee and IFRRO funding
- Working with IFRRO, WIPO, authors, visual artists and publishers
- Advice and promotion of PLR
- Two-yearly conferences: London, 2019
- Website: [www.plrinternational.com](http://www.plrinternational.com)

# How many countries have PLR?

- Currently 35 countries have PLR systems
- An estimated 25 other countries have PLR legislation but no system in operation yet



# *Countries with working PLR systems*

**35 in all, including:**

- 25 out of the 28 EU Member States
- Faroe Islands, Iceland, Georgia, Greenland, Norway, Liechtenstein
- Israel
- Canada
- New Zealand
- Australia

# *Distribution of PLR countries*

**The 25 countries with a lending right in copyright or other legislation but no system yet include:**

- In the EU: Portugal, Bulgaria and Romania
- In Europe: Moldova and Ukraine
- In Africa, Burkino Faso, Ethiopia and Mozambique include a right to authorise lending but only Malawi and Zanzibar have expanded this and drafted regulations
- St Lucia in the West Indies
- Samoa in the Pacific
- Armenia, Kazakhstan and Bhutan

# Who will be next?

- Authors lobbying for PLR in Bulgaria and Romania. PLRI has raised failure to set up PLR with European Commission
- In Hong Kong the PLR Alliance pressing for PLR
- In Taiwan government-run PLR pilot project completed successfully and PLR system could be rolled out soon
- Malawi and Zanzibar have passed legislation and are working on PLR regulations
- PLR campaign launched by Authors' Guild in the United States. Copyright Register speaking at conference in Sept in London
- In South Africa ANFASA leading PLR campaign
- Draft copyright legislation in Turkey makes provision for PLR



# *Legal basis for PLR systems*

## **Copyright-based systems**

- Lending as an exclusive right
- Licence fees negotiated with libraries or government
- Systems administered by collective management organisations (CMOs)
- Underpinned by the 2006 EU Directive on Rental and Lending

## PLR as a remuneration right

- EU Lending Right Directive allowed derogation from exclusive lending right
- EU countries such as the UK and Ireland provide for a statutory remuneration right
- PLR administered by government body (eg British Library in UK, Arts Council in Canada)
- Outside Europe, countries like Australia and New Zealand have separate PLR legislation
- Canada and Israel – no PLR legislation

## **PLR as state support for national culture**

- Scandinavian model – PLR paid to authors writing in country's national language(s)
- Language eligibility criterion not seen by the Commission as discrimination under EU law
- Not copyright-based so national treatment does not apply but payment to authors in other countries if they write in the required languages

# *Different operational models for PLR*

## **Loans-based systems**

- Payments to authors related to how often works are lent out by libraries
- This is the system in the UK, Ireland, Germany, Estonia and others
- Payment based on a rate-per-loan
- Payment therefore reflects public usage of works

## Stock-based systems

- Payments relate to the number of copies of an author's works held by libraries
- Examples include Australia, Canada, Denmark, New Zealand
- Annual or periodic census of book stock for PLR purposes
- In the past this system was cheaper to administer than a loans-based approach

## Other calculation and payment models

- Payment based on book purchases (France)
- Payment based on payment per registered library user (Spain, France)
- Payments made as travel or study grants (Norway, Slovenia)
- Part of PLR funds going to authors' pensions (France, Germany)

# *Who receives PLR payments*

- Every PLR system benefits authors - writers, visual artists, editors, translators etc
- PLR in UK and Ireland open to authors across the EEA
- Austria, Germany, France, Netherlands etc pay authors in other countries under reciprocal agreements
- Publishers get PLR payments in at least 9 countries
- The surviving family of dead authors have the right to their PLR in some countries for up to 70 years
- Payment to authors writing in country's national language(s), eg Denmark, Sweden

# What works are covered by PLR?

- Printed books are included everywhere
- Non-book materials included in Netherlands, Latvia, Denmark, Slovenia etc
- ECJ judgement Nov 2016– ebooks covered by Lending Right Directive and UK has implemented
- Ebooks included in the UK, Canada and Denmark



# *What types of library are included?*

- In the UK and many countries only public libraries are included
- Australia covers both public and educational libraries
- In Germany and Austria public and scientific libraries are included
- In Iceland and the Faroe Islands books held by public and school libraries and the National Library are included in PLR

# *EU Directive on Rental and Lending*

## **What the Directive says**

- Passed 1992, and reconstituted in 2006
- Recognises lending as an exclusive right enabling rightsholders to licence or prohibit lending of their works
- All member states and candidate states must implement the Directive in their national legislation
- But the Directive includes flexibilities:

# *EU Directive (cont'd)*

- member states may derogate from an exclusive right provided that authors obtain remuneration for loans of their books
- member states are free to determine this remuneration taking account of their cultural promotion objectives
- member states may exempt certain categories of (library) establishment from the payment of remuneration

# EC Judgements relevant to PLR

- 2003: Belgium told non-implementation by other states not a reason for inaction
- 2005-07: Ireland, Spain etc told public libraries cannot be excluded
- 2011: Belgium told PLR payments must be 'adequate' and not symbolic
- 2016: Ebooks covered by Lending Right Directive

# *Impact of Directive on Member States*

- There are now PLR systems in 25 EU member states
- Newest system in Greece
- Not yet Portugal, Romania, Bulgaria: authors campaigning in Romania and Bulgaria
- Cuts in PLR funding in many countries

# *Benefits of PLR for authors*

- Support for creative economy
- Support for minority languages
- Support for wide range of rightsholders – writers, visual artists, publishers
- Recognises importance of libraries and making available authors' backlists
- Another source of income for emerging CMOs

# *How far have we come since 1995?*

- 14 countries with PLR systems then, 35 now
- New systems expected soon in Malawi, Zanzibar and Turkey
- PLRI Steering Committee promoting PLR and working internationally with partners like WIPO
- PLR introductory guide and best practice code
- Court judgements in Europe strengthening PLR
- Ebooks now included in UK, Canada and Denmark

# *Case study: PLR in the UK*

- 1979 PLR Act after long authors' campaign
- Open to writers, illustrators etc in EEA
- Central govt funding – not from library budgets
- Based on public library (printed) book loans
- Payment based on Rate Per Loan
- Also managing Irish PLR
- Since 2013 managed by British Library
- What authors like/dislike about PLR
- For more info: [www.plr.uk.com](http://www.plr.uk.com)





# Funding and payments

- Government grant – not from library budgets
- Payments calculated on basis of book loans
- Rate Per Loan – loans divided into funding
- Annual payments
- Statements to authors
- Maximum and minimum payments

# Eligibility and registration

- Authors in UK and EEA countries qualify
- Can't discriminate on basis of nationality
- Must apply for registration
- Authors apply for each new book – ISBN
- Writers, illustrators, translators, editors
- Not publishers
- Printed books, audio books and ebooks
- Online registration and printed forms

# Libraries and loans data

- Only public libraries in the UK
- Changing 25% sample
- Monthly loans data reports
- Annual 'grossing up'
- Libraries must participate if chosen
- Costs reimbursed to libraries

# What authors like

- Fairness – payment based on number of loans
- Sampling across the whole country
- Reliable payment – same day each year
- Maximum payment ceiling - £6,600
- Info on book loans in statements
- All authors benefit – not just bestsellers

# More information

- Contact PLR International Co-ordinator Jim Parker at [jim.parker@plrinternational.com](mailto:jim.parker@plrinternational.com)
- See website [www.plrinternational.com](http://www.plrinternational.com) for latest developments
- Network holds two-yearly conferences: next one Sept 2019 in London
- Introductory guide to PLR and best practice charter