



Introduction to collective rights management in the publishing sector

WIPO - BCC
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Licensing overview

- Reprographic copying – ‘secondary copying’
- Extracts only from published content in:
 - Books
 - Journals
 - Magazines
 - Some websites

Note: not newspapers
- Text and images
- Education, public and business sectors

Legal basis

- Voluntary licensing of copying - Whitford Committee – (s.17 CDPA 1988)
- Fair dealing exception for private research and study for non-commercial purposes (s.29 CDPA 1988)
- Exception for copying (non-reprographic) for the purpose of (non-commercial) instruction (s.32 CDPA 1988)
- Exception for reprographic copying by educational establishments for the purpose of (non-commercial) instruction – up to 5% to the extent there is no licence (s.36 CDPA 1988):
 - licence override incentivises licensing
 - implied indemnity (s.136 CDPA 1988)

Remunerates
rightsholders for
the copying of
their works

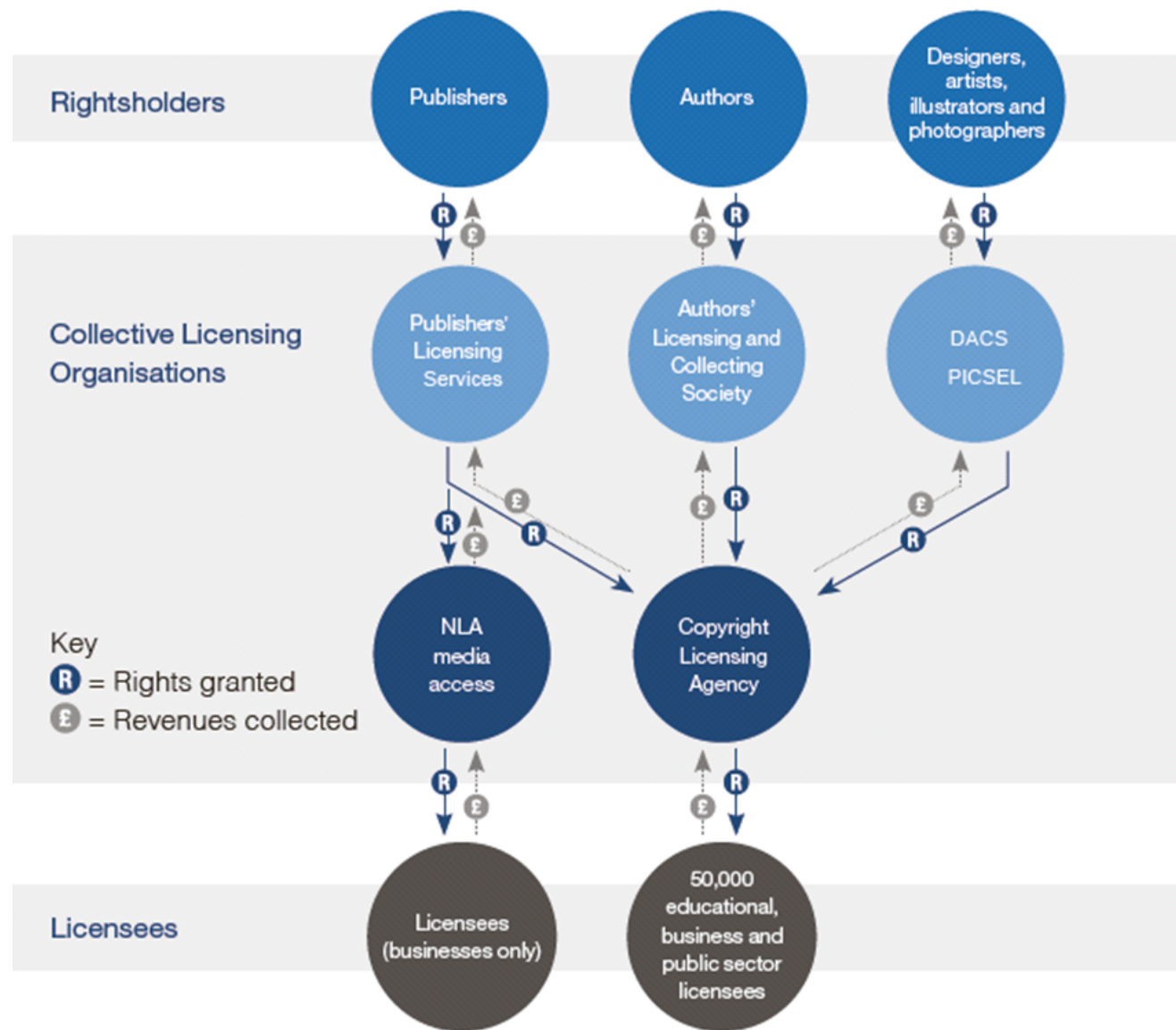
Alleviates
administrative
burden of multiple
small permissions
requests

Provides convenient
one-stop-shop for
users to access
content legally

Ensures orderly
marketplace

Helps to raise
awareness of
copyright

Licensing reduces
need for
exceptions to
copyright



Scope of CLA Licensing

- Secondary rights – copying
 - Print – photocopying and scanning
 - Digital – electronic copies, PDFs, print offs
 - Websites
- Limited extracts only:
 - up to 5% of the work (10% in the case of universities) or
 - a single chapter of a book, a single law report, or single article from a periodical whichever is greater
- UK and, via bilateral agreements, overseas

Basic CLA licence terms

The licensee must own a legal copy or have legal access to an original publication for licensed copying use.

Generally, material cannot be distributed to third parties.

A licensee must request permission directly from the publisher to copy above and beyond their CLA licence terms.

CLA licences do not permit republishing

Scope of NLA licensing

- Licenses MMO, PRCs and End Users to copy from web and print sources for media monitoring / internal use, including:
 - photocopying
 - digital copying - scanning / access to PDF copies on NLA database
- Licenses organisations to post copies on corporate websites
- No limit on what can be copied (NLA tariffs mainly work on an amount copied basis)

Basic NLA licence terms

Licensees not required to own original but must have legitimate access to copy

Content can only be distributed to third parties if separately licensed to do so

Licensees must request permission directly from the publisher to copy above and beyond their NLA licence terms.

NLA licences do not permit translation or republishing

Rights Valuation 2015

- Negotiated splits between publishers, authors and visual artists have historically caused tensions and contention
- First ever independent determination as to how licensing revenues should be split by expert valuer (<https://www.pls.org.uk/media/185324/Reprographic-Rights-Valuation-December-2015.pdf>)
- Evidence based:
 - Publishers were obliged to respond to questions about their ownership of rights
 - Responses validated through legal analysis of title documents
 - Research into copying behaviour
 - Written arguments from all sides
- Binding on all 5 parties: PLS, ALCS, DACS, BAPLA and ACS
- Subject to review on a 3 yearly cycle

Valuation splits: UK

Format	Publishers (%)	Authors (%)	Visual Artists (%)
Books: Schools	42.00	42.00	16.00
Books: Further Education	42.50	42.50	15.00
Books: Higher Education	48.00	48.00	4.00
Books: Business and Public Sector	49.50	49.50	1.00
Journals	76.00	23.00	1.00
Magazines	72.50	17.50	10.00

Valuation splits: overseas

Format	Publishers (%)	Authors (%)	Visual Artists (%)
Books	Same ratio as UK revenue for books across all sectors in previous year.		
Journals	76.00	23.00	1.00
Magazines	72.50	17.50	10.00
Non-title specific	Same ratio as UK revenue across all formats and sectors in previous year.		

About PLS



Core role of PLS

- Securing publisher mandates (no charge)
- Licence development - oversight
- Distribution of licensing revenue to publishers:
 - in accordance with PLS Distribution Charter:
(<https://www.pls.org.uk/publishers/distribution-charter-new/>)
 - ‘Regularly, diligently and accurately’
 - Based on usage data on actual copying wherever possible:
 - Surveys, record keeping, quota sampling by availability, census reporting and MMO data
 - Data from overseas RROs

Licensing revenue 2018/19

- Worth **£38.3 million**, after deduction of PLS 6% admin charge, collected from the following licence sectors:

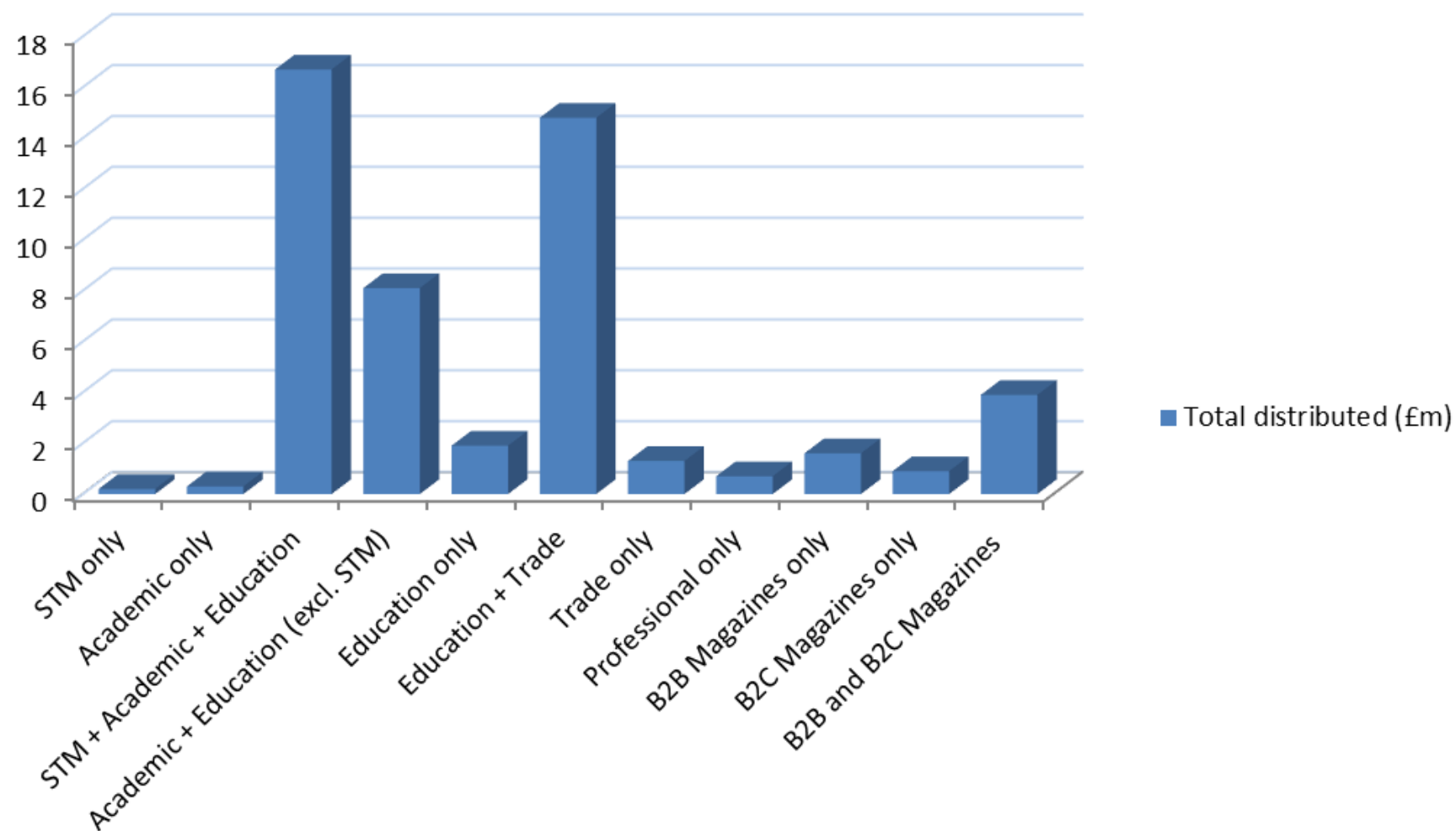
- CLA:

UK:	£27m	Education:	48%
		Business:	41%
		Public sector:	10%
		Other:	1%

Overseas: **£6m**

- NLA: UK only: **£5m** Business and government

CLA licence revenue: allocations by publisher type





Free online service to publishers to:

- Manage licensing options and take advantage of new licensing opportunities
- Manage titles, licences and territories
- Keep track of sources of licence fee income
- Review and analyse PLS income

Legislative developments affecting CMOs:

- Expansion of copyright exceptions, notably:
 - Education: from 1% per quarter to 5% (section 36 CDPA)
 - Copying for text and data 'analysis' for non-commercial research for those with lawful access (section 29A CDPA)
- Publishers' share of levy monies post Hewlitt-Packard v Reprobel
- Extended collective licensing

Regulation of CMOs:

- Voluntary self-regulation through Codes of Conduct
- Regulation of relevant licensing bodies as a back stop (2014)
- Collective Rights Management Directive 2014/26/EU
- Collective Management of Copyright
(EU Directive Regulations) 2016

Further developments relevant to the publishing sector

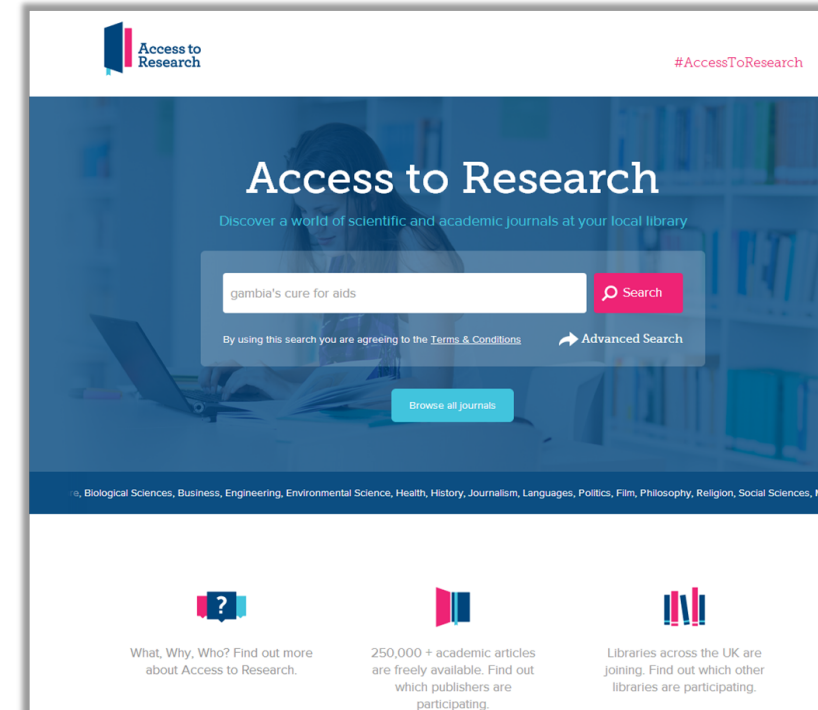
How PLS has responded to political pressure on behalf of publishers:

- Open access agenda
 - Providing free access to journals through public libraries
 - Access to Research initiative
- Making copyright licensing easier
 - Clearing permissions – PLS Permissions
 - Copyright Hub

What is Access to Research?



- Free service for local libraries to provide users with access to academic articles, currently c.15 million
- Content comes from leading academic publishers (eg. Wiley, Elsevier, Springer, OUP, CUP, Sage, Taylor & Francis)
- Content covers a broad range of subjects (from health & biological sciences to dance & drama)
- Uses a digital platform - Proquest's *Summon* - already widely used in academic libraries.
- A walk-in service only accessible from terminals within local public libraries



Who does it help?



- **Local library users** looking for high-quality academic papers (from students and independent researchers to patients and farmers)
- **Publishers** who are able to demonstrate flexibility and a willingness to support local communities
- **Local libraries** who are able to provide a more service to their users

Birmingham library

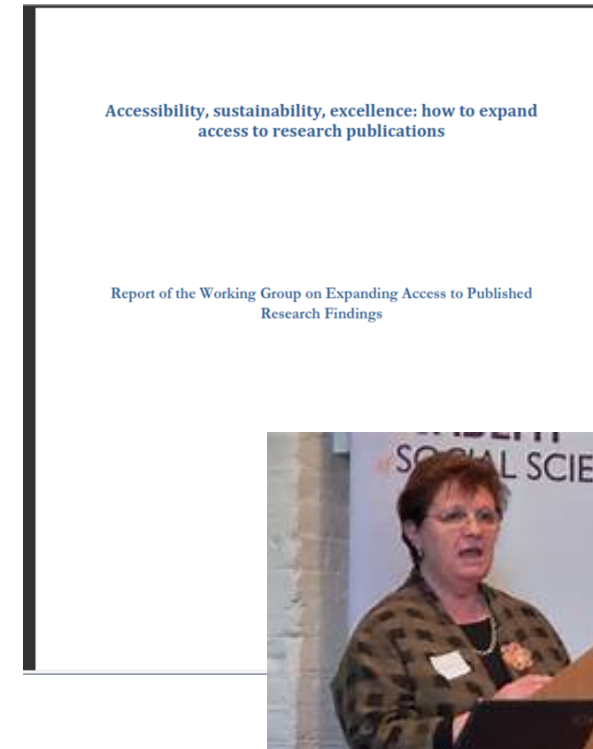


Why was it developed?

1. Finch Group report (2012)
recommendation:

Major academic publishers should grant public libraries a licence to provide free access to their journals and conference proceedings.

2. Access to Research is the publishing industry's response
3. Need for collective action (involving publishers & the library community), which PLS was able to lead



What is it?



Permissions



Outsource the **entire management** of publisher's permissions to PLS

- Permissions requests handled according to publisher's pricing and licensing policies
- Real-time reporting on the status of requests received
- Secure payment and credit control for fee-payable requests



Permissions Direct

Streamline the management of publisher's permissions

- Manage publisher's own permissions requests in one simple online account
- Set publisher's own pricing and licensing terms quickly and easily
- Issue responses automatically based on your settings
- Real-time reporting on the status of requests received
- Secure payment and credit control for all fee-payable requests



Get permission to re-use content **quickly and easily**

- Free online service for those seeking permissions
- Search our database of over 50 million titles
- Request permission through a simple online account
- Track progress of requests in real time
- Streamlined permissions clearance

Copyright Hub

Making licensing simpler



- Professor Ian Hargreaves recommended a Digital Copyright Exchange
- Richard Hooper commissioned by Government to investigate
- Following a feasibility study Hooper recommended Copyright Hub in 2012
- Technology base was developed in partnership with Digital Catapult
- eCopyright symbol being used by publishers to facilitate rights clearance
- Potential applications under DSM Copyright Directive
- Visit www.copyrighthub.co.uk



Thank

you

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