



# Copyright licensing: a virtuous circle

Peter Shepherd

[peter.shepherd@cla.co.uk](mailto:peter.shepherd@cla.co.uk)



# About this presentation

- ✦ Role of RROs
- ✦ Some practicalities of licensing
- ✦ Rightsholders and users
- ✦ Benefits of © licensing

# About RROs

- ✦ **Reproduction Rights Organisations:**
  - ✦ Meet need for licensing of © works where rightsholders cannot act individually
  - ✦ Draw authority from national legislation and/or contracts with rightsholders
  - ✦ Issue licences to end users
  - ✦ Handle royalty collection and distribution
  - ✦ Promote respect for ©



## What an RRO licence usually authorises:

- ✦ Copying of a portion of a publication
- ✦ In limited numbers of copies
- ✦ For internal use of institutional users
- ✦ Access to other countries' © works through agreements between RROs

# Copyright made user friendly

- ✦ Increase understanding of ©
- ✦ Increase respect for ©
- ✦ IFRRO's activities include
  - Awareness raising
  - Training
  - Loans and grants for developing RROs
- ✦ RROs' © promotion programmes include
  - User guidelines
  - Leaflets
  - Posters
  - Awards
  - Public and institutional awareness raising
- ✦ Students, teachers, researchers, librarians, business managers, professionals ... legislators and government ...
- ✦ **Protect copyright, encourage creativity**

# What a typical RRO licenses

- ☀ Photocopying and scanning

- ☀ Licences tailored by sector

- ☀ Education

- Schools
- Further education
- Higher education

- ☀ Government

- ☀ Businesses

- ☀ Professions

# Licence types

## 1. Statutory

## 2. Voluntary - blanket

- No individual clearances
- Flat fee per student/employee per year
- Controls within licence for example:
  - Authorised persons
  - Licensed premises
  - Copying limits 5%, 1 chapter, 1 article
  - Excluded works/categories (few)
  - Rights of access by CLA to licensed premises

## Transactional

- Fee per transaction e.g. document delivery

# Outline of typical licence: Higher education CLA UK

- ☀ Type: Blanket
- ☀ Photocopy/scan: Photocopy with scanning option (trial)
- ☀ Fee metric: FTES
- ☀ Fee : £4.42
- ☀ Extent limit: Standard
- ☀ Authorised Persons: All staff and students
- ☀ Negotiating body: UUK
- ☀ Copy from copies: Yes subject to conditions
- ☀ Survey rights: Yes CLA has right to survey
- ☀ Audit rights: Yes subject to conditions
- ☀ Storage restrictions: No (photocopying) yes (scanning)



# RROs achieve equilibrium

- ✦ Requirements of rightsholders
- ✦ Needs of users
- ✦ Access to cultural, scientific and educational works
- ✦ Protection of moral and economic rights

# Governed by rightsholders ...

- ✦ Rightsholders are the creators of our culture
- ✦ Rightsholders govern RROs
- ✦ Rightsholders grant mandate to issues licences
- ✦ Rightsholders agree data collection methodology
  - Surveys, reporting, audits
  - Categorical research, analysis, interpretation, etc
- ✦ Rightsholders agree the means of distribution
- ✦ Aim to distribute as closely as possible to the copyright holders of the works actually copied – authors, visual creators, publishers
- ✦ Creators are remunerated fairly for the copies made of their works

# ... with users in mind

- ✦ Needs of users researched by consultation
- ✦ Model licences can be developed for specific sectors e.g.:
  - Schools
  - Business and professions
- ✦ Model licences are developed by RRO with sector's own representative bodies
- ✦ Model licences share many core features
- ✦ Licences are easy to operate
- ✦ Fee levels may be negotiated with sector representative bodies
- ✦ – or by tariff based on levels of usage, set by RRO or tribunal body
- ✦ Users receive fair value for money

# Creating a successful licensing structure

- ★ Key features of a successful licence are:
  - Efficiently administered by RRO
  - Simple terms and conditions
  - Good value
  - Help and support to end users
- ★ Benefits to users include:
  - Able to copy © material
  - Easy and no legal concerns
- ★ Benefits to rightsholders include:
  - Payment for use of works
  - Moral rights protected
- ★ Benefits to society include:
  - © awareness and compliance
  - TRIPS, Berne compliance

# The digital environment

- ☀ Threat and opportunity
  - Increased access
  - Loss of control / remuneration
- ☀ Scanning from paper to digital
  - About 50% of RROs mandated
- ☀ Licensing from born digital
  - Several RROs have / are developing solutions
- ☀ IFRRO 3-year plan
  - Facilitate exchange of digital mandates
  - Develop trial licence for use by RROs
- ☀ Extensive consultation programme under way with rightsholders
- ☀ Similar consultation programme planned for users



# Important considerations

- ✦ Fairness
- ✦ Value for money
- ✦ Ease of use
- ✦ Comprehensiveness
- ✦ Transparency
- ✦ Cost effectiveness
- ✦ Efficiency
- ✦ Protection and reward for creators of cultural works



# National culture

- ★ National creators and publishers are greatest beneficiaries of © licensing
  - Generally receive 85% of fees distributed
- ★ © exceptions may damage national culture by removing incentive to create
- ★ © licensing schemes help to:
  - Encourage growth of local publishing industry
  - Stimulate creation of literature, textbooks, etc
  - Promote diversity and richness of culture
- ★ Protect national culture, encourage national creativity



# Copyright licensing: a virtuous circle

Peter Shepherd

[peter.shepherd@cla.co.uk](mailto:peter.shepherd@cla.co.uk)