



Authors and Publishers Licensing in practice

WIPO-BCC
8th September 2021

Sarah Faulder
Chief Executive
Publishers' Licensing Services

About PLS

- Set up by publishers in 1981
- We exist to manage the interests of publishers in collective licensing
- We represent the interests of magazine, book and journal publishers
- Over 4,000 publishers signed up



- We are directed by our 4 members:
- Not for profit

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)

Why collective licensing?

- Practical way to address large-scale copying of multiple titles
- Ensures that those wanting to copy and share within their organisations can do so without fear of breaking the law
- Provides revenue back to the rights holders where direct licensing would be neither cost effective nor practicable
- Enables access to content and creates an orderly marketplace
- The best defence to exceptions to copyright

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

Who are the licensees?

- **Business** users including:

- Finance
- Law
- Pharmaceutical
- MMOs
- Media agencies



- **Education**

- Schools
- FE colleges
- Universities



- **Public sector** including:

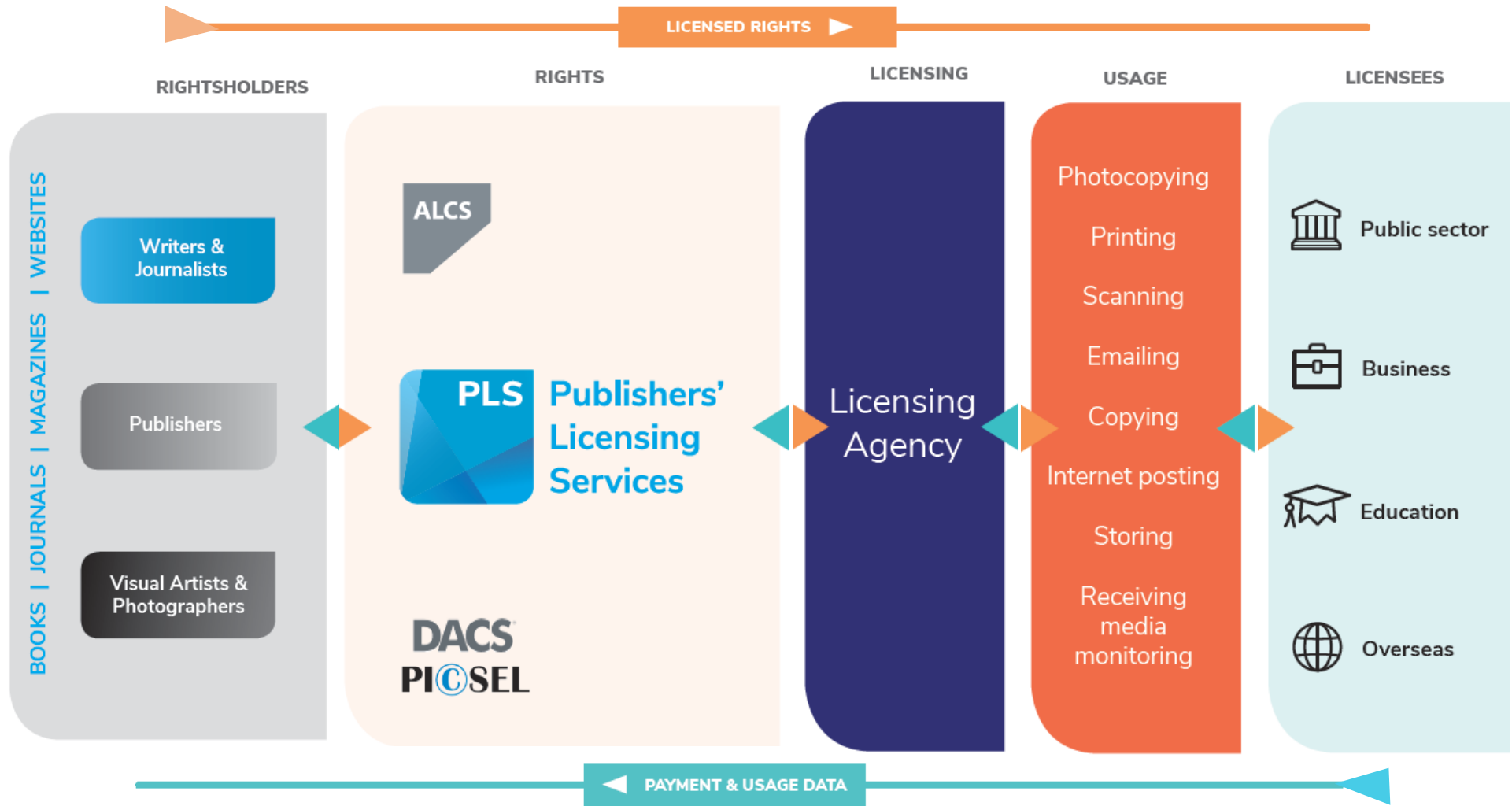
- Central government
- Local authorities
- NHS



- **Overseas**

via bilateral agreements
with collective management
organisations





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

Other ways in which PLS supports publishers:

- Open access agenda
 - Providing free access to journals through public libraries
 - Access to Research initiative
- Making copyright licensing easier
 - Clearing permissions – PLSclear
- Providing guidance on best practice in rights management
 - Rights & Licensing Hub



Rights & Licensing Hub

Future challenges

- Expanding licensing to new digital media, including large platforms, to ensure the use of published content is fairly remunerated
- Ensuring that licensing terms meet the needs of users so that licences stay relevant and collective licensing revenues continue to flow
- Avoiding any further expansion of copyright exceptions and the introduction of fair use
- Providing services to publishers in areas where it is not practicable or economic for them to handle matters at an organisation level