

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?
- New developments

What is Public Lending Right?

'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
- Website: 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 pilot program for PLR
- In Taiwan government-run PLR pilot project completed successfully and PLR system could be rolled out soon
- South Korea investigating the benefits of PLR
- Malawi and Zanzibar have passed legislation and are working on PLR regulations
- PLR campaign launched by Authors' Guild in the United States.
- 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, Netherlands 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, Belgium
- 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
- Not implemented in The Netherlands

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

- 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, best practice code, infographic, FAQ's, an introductory video (soon)
- Court judgements in Europe strengthening PLR

New developments

- At WIPO:
 - Standing Committee on Copyright and Related Rights (SCCR)
 - Proposal for a study focused on Public Lending Right
 - by Sierra Leone, Malawi and Panama

More information

- Contact PLR International Co-ordinator Arjen Polman at arjen.polman@plrinternational.com
- See website www.plrinternational.com for latest developments
- Network holds two-yearly conferences: last one Sept 2019 in London