

# **Co-operation and it´s conditions between National Library – Collecting society – Publishers**

IFLA Pre-Conference in Mikkeli August 7-9, 2012

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# Kopioisto

## – joint copyright organisation

- Authors, publishers, performing artists
  - 44 member organisations
  - 46,000 Finnish right holders
  - Foreign rightsholders through reciprocal agreements

### Printed works, Internet

- Photocopying, scanning of literary works
- Digital copying in education
- Use of digitized press collections of libraries

### AV-works

- Retransmission of broadcasted TV-programs
  - Recording of TV-programs in education
- 25 Meur income / year

# Nordic Framework

## Small

- countries, rather homogenous cultures
- language areas = markets

## Well-developed

- library network
- copyright regimes, -organisations

## Clear legal back up-systems

- for digitalization of Library collections
- to enable joint licensing between Libraries -CMO's

# What do the Libraries want to be ?

- **Licensors**

- License digitalized archives together with rightowners
- Collect remuneration/ fee from the licensees – together with rightowners
- Get their own share of monies
- Active role in creating the model

- **Licensees**

- Buy the rights from the rightowners
- Open the collections respectively to the users
- Relatively passive role

# What must be done ?

The CMO and National Library must together define a **business/licensing model** that

- **Is attractive** to the publishers
  - fits with their strategies
  - does not jeopardize their future digital prospects
  - optimal, if strengthens publishers brand or customer-relationship
  - preferably based on **licensing-scheme**
- Carries **well- defined benefits**
  - fosters copyright protection
  - clarifies the rules of digitalization projects
  - income productive, **not cost productive** to the rightowners, CMO's

# Rightowners prefer licensing schemes

- Free Internet distribution seldom a viable business-model for the rightowners
  - No customer- relationship, user control
  - Difficult to develop new services
  - Do governments have the resources to pay for the licenses ?
- If the collection/archive is opened through publishers own web-pages
  - added value to the publisher

# Find the sweet spot...

- Which **publications** in the Library collections are such, that regarding their digitalization there is
    - Only limited commercial interests, but great cultural value
    - Minimal demand for strict rightsowner control
    - Small risk of conflicting interests
- = **national scientific and learned journals**, cultural journals, local or minor scale newspapers and journals
- =archive/historical collection in the library

....sweet spot

- Which **user groups** of digital material are such that it would be
  - **unjustified/unfair** to deny their access to the digitalized collections of libraries
- = **scientific research**
- = disabled people ?
- **vice** to give them the access to the publishers material
- = schools, pupils
- = recent subscribers !

# Division of the Labour - The National Library

**KOPIOSTO**  
TEKIJÄNOIKEUSJÄRJESTÖ  
UPPHOVSÄTTSORGANISATION  
COPYRIGHT SOCIETY

- **Digitalizes** the publications, collections
- **Administers** and owns the physical and digital copies
- **Organizes** the access to the users
- **Signs** agreements with the rightowners/CMO
- **Collects** data about the use
  
- Signs agreements with users and collects fees from them ?
- Is responsible for the marketing of the service ??
- Creates new forms of usage – crowd sourcing etc ?

# The division of Labour

## Kopioisto – The CMO

- **Creates** a consensus among different interest groups - authors, publishers etx
- **Collects mandates** from the rightowners
- **Distributes** remunerations
- **Drafts** agreements
- **Takes** at least the economic responsibility on behalf of represented rightowners
  - What about the non-represented rightowners ?
  - Indemnity clauses in the agreement ?
  - Legal back up – Extended collective agreement license in Nordic countries

# 1. Research License

- Permission to use the digitalized collection in **scientific research**
- The amount of scientific research and the number of researchers is limited
  - = politically important, difficult to resist, riskless, "cheap"
  - = Ministry of Education or Universities as customers ?
  - = formation of relevant collections takes a long time !

## 2. Teaching license

- Teachers and pupils in schools etc.
- A wide user-group
  - = politically important user group, difficult to resist
  - = for a school or municipality ~cheap
  - = which collections would be of importance to schools ?

### 3. A License to general public

- A permission for private use and access for citizens
- From the PC:s in the library ?
- To the holders of Library Card ?
  - On-line Access with a identifier connected to the library card
- Municipalities/libraries as customers

= relatively good control system, user data

= trusted partner

= maximal access to the citizens – but not unlimited

## 4. Other limited user group i.e. subscribers

- A permission to use the database for private use
- Cooperation with the newspaper or magazine publishers
- Access to the subscribers of today's paper – strengthens today's publishing activity

= could be a very good "teaser" to get the publishers on the boat

= as one part of the licensing model could ease the demand for monetary compensation, **barter**

# The Pros of a Library license

- The **society invests** in the digitalization process
- All the collections will be digitalized in the long run
- National Libraries have covering collections
- smaller scale, i.e, local papers have the possibility to be visible through cooperation models
- Creates remuneration and visibility to the publications and journalists
- Can have great cultural value – private parties would never invest in uncommercial material

# The Cons of a Library License

- The development of business- or licensing models is not the core activity of Libraries
- Libraries are used to be Licensees, not Licensors
- Libraries have difficulties to
  - define a clear strategy – whom to serve; researchers, students, public in general, rightowners?
  - invest in the development of licensing services
- Rightowners afraid to loose the control
  - want to decide about the use , outlook ,quality and content of the service
  - the choice the Libraries are offering is not interesting enough for the big publishers?

# Some Legislative points

- Rightsowners in Nordic countries **promoted** the right to digitalize Library collections for preservation purposes
- Libraries need a **legal back up solution** to facilitate licensing of digitalized collection with the help of CMO's
- Also **publishers need similar legal help** in order to be able to use their own archive-material for digital re-publishing !
- Library community could support both of these back-up solutions
  - more active cooperation, optimal use of resources
  - division of labour and markets/user groups

*THANK YOU!*