Co-operation and it’s conditions between National Library – Collecting society – Publishers

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

Jukka-Pekka Timonen
Executive Vice President
jukka-pekka.timonen@kopiosto.fi
Kopiosto
– 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
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

• **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
Kopiostot – The CMO

- Creates a consensus among different interest groups - authors, publishers etc
- 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!