



## Plain English Mandate

## Frequently Asked Questions

### Who do CLA grant Licences to and on what terms?

The Copyright Licensing Agency (CLA) grants licences for the copying of extracts from books and serials to users in business, education and government. CLA also licenses certain libraries to supply limited extracts from books and serials. CLA licences also include artistic works through its agency agreement with the Design and Artists Copyright Society (DACS). Details of the licensed sectors and the applicable terms (including fees) can be found on the CLA website at [www.cla.co.uk](http://www.cla.co.uk)

### What are 'electronic sources'?

Currently the ALCS mandate to CLA permits digital copying in the context of converting paper originals of works into digital copies, through processes such as scanning, and copying portions of works published in a digital format such as an e-book or e-journal. As with all CLA licences the right to copy from electronic works is accompanied by prescribed terms as to the amount that may be copied alongside measures designed to preserve the integrity of the underlying works. It is also a requirement of CLA copying licences that the licensee owns an original version of the work they are copying from.

### Does this mandate include all my digital rights?

No. ALCS will only exercise digital rights on behalf of its members in cases where collective administration is the most appropriate option. Writers are advised, when negotiating individual agreements, to ensure that all potential uses of their works (digital or otherwise) are recognised and accounted for.

### What if I have already signed these rights away to my publisher?

The long and fruitful partnership that ALCS and the Publishing Licensing Society (PLS) have enjoyed has enabled users to copy a broad repertoire of works – the rights in which are owned by both authors and publishers – under collective CLA licences. Through discussion and negotiation ALCS and PLS agree the overall shares for the apportionment of fees derived from these licences. The application of

pre-determined shares removes the need for an analysis of the rights position for each individual work being copied.

### **What if my Employers own my Intellectual Property rights?**

Under UK law copyright ownership of works created in the course of employment vests in the employer, subject to any agreement to the contrary. Therefore if, for example, you are employed by a university faculty, it may be possible to agree with your employer that you shall retain the right to mandate to secondary rights to ALCS to receive the author's share due under collective licence schemes. However, this is not a requirement for receiving ALCS fees because, as stated above, the ALCS/PLS agreement removes the need to analyse the rights position for each work.

### **Does ALCS Collect PLR fees?**

In the UK the Public Lending Right (PLR) was established by the Public Lending Right Act 1979 giving British authors the right to receive payment for the lending of their books by public libraries. To qualify for payment authors must apply to the Registrar of PLR. Full details on the scheme and registration process can be found at the PLR website at [www.plr.uk.com](http://www.plr.uk.com).

Through the All Party Writers Group ALCS has been working with UK PLR to secure amendments to the current scheme that will ensure a fair remuneration for all books lent in public libraries, irrespective of the format.

A 1992 EC Directive required member states to ensure that authors have a right to remuneration in respect of public lending. ALCS receives fees for UK writers from several PLR schemes in Europe. Through its association with organisations such as the European Writers' Congress and PLR International, ALCS is working to secure further fees for UK writers from public lending within Europe.

### **Why do I get money for broadcast retransmissions?**

For many years subscriber-based providers such (such as cable companies) have included TV and radio programmes from neighbouring territories as part of their services. This may involve retransmission of entire UK channels – such as the simultaneous relay by cable of BBC1 into Belgium – or the inclusion of individual UK produced programmes within overseas channels. In 1993 an EC Directive made the exercise of these 'cable retransmission rights' subject to compulsory collective administration. ALCS participates directly in the retransmission licensing arrangements for Northern Ireland and the Republic of Ireland, while fees in respect of transmissions between other member states are received under the terms of our bi-lateral agreements with overseas collecting societies.

## **In what way do ALCS licences relate to individual or union-negotiated minimum terms contracts?**

ALCS licences are confined to uses for which collective licensing is demonstrably appropriate, typically covering situations in which an individual contract does not provide for the payment of fees directly from a publisher or producer. Through the Writers Organisations Advisory Group ALCS consults with colleagues from writers unions (the SoA, WGGB and NUJ) and authors agents (the PMA and AAA) to discuss and evaluate areas that are suited to collective administration.

## **How do you identify works that are being used overseas?**

Through a combination of in-house research, out-sourced data collection and liaison with our partners from the overseas collecting societies.

## **What is 'private copying'?**

The legislation of many countries provides for a levy to be charged on the manufacture, import, sale and even use of copying equipment such as video recorders, blank tapes etc. The resulting fees are divided amongst the various groups of copyright and related rights owners whose works are available to be copied. As no such provision applies in the UK law, ALCS currently only receives fees from this source through its bi-lateral agreements with overseas collecting societies.

## **What does 'equitable remuneration' mean in the context of the rental of works?**

The right to 'equitable remuneration' for rental was established by the 1992 EC Directive on rental and lending. Essentially authors are granted an unwaivable right (i.e. one that cannot be bought-out by contract) to remuneration in cases where their exclusive rental right has been transferred to a film or record producer. As with cable retransmission the remuneration right can only be transferred to a collecting society.

ALCS is continuing to campaign for formal schemes to recognise and account for this remuneration right. Currently only Germany and Spain operate collective schemes that provide fees for UK writers.

## **Will ALCS authorise the use of my work as part of on-demand services?**

It is anticipated that, in coming years, the combination of digital broadcasting and universal Broadband connectivity will result in a shift in the way that we all use works subject to copyright and related rights. Alongside 'traditional' broadcasting (e.g. programmes broadcast to a fixed schedule), 'on-demand' services will provide users with far greater choice as to when, where and how they access works. The right of 'communications to the public' effectively covers both scenarios.

As with all new ALCS collections, any proposals for collective administration in the context of on-demand services will be subject to consultation through the Writers Organisations Advisory Group.

**How do I stop ALCS from exercising the rights in the mandate?**

Once a writer has been a member of ALCS for a full year, they are entitled to send notice to the Company Secretary signifying their intention to cease their membership, thereby withdrawing the mandate. On an individual basis Members can advise ALCS to exclude certain works from CLA licence schemes at any time.