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# Collective Management of Text and Image- Based Works



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# About the author

Ms. Tarja Koskinen-Olsson has solid experience of collective management of copyright and related rights in different creative sectors, both in Finland and in different parts of the world.

Starting with collective management of rights in the music sector, she continued to build appropriate solutions for the text and image and audiovisual sectors in Finland, where she functioned as the CEO of KOPIOSTO, the joint copyright organization of the country.

She served as Chairperson of the International Federation of Reproduction Rights Organisations (IFRRO) in the 1990s and later on as the Honorary President of the federation.

She now devotes her time to discussing appropriate solutions with policy makers and practitioners in developing and least-developed countries, working as International Adviser of Olsson & Koskinen Consulting.

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# Introduction

This publication offers a general description of collective management of copyright in the text and image sector. It gives insight into the legislative framework and national operational systems in different parts of the world. The first edition of this publication was published in 2005 under the title “Collective Management in Reprography.” Since then, a number of changes have taken place both in legislation and practical operations.

Publishing is an important sector among the creative industries that base their activities on copyright protected works, so called copyright industries. According to the national studies carried out in 42 countries based on WIPO’s methodology,<sup>1</sup> these industries contribute with 5.18 percent to the gross national product (GDP). Press and literature, as this sector is called in the studies, represents 39 percent of the total, thus being the single most important sector in the majority of countries.

The publishing industry consists of a vast variety of different types of publications, such as books, journals, magazines and periodicals, newspapers, sheet music and song books. These are published both as physical copies and in digital formats.

Publications include both text and images. Collective management can facilitate access to text and image-based works in cases where it is impractical or impossible to manage rights individually. Collective management of image-based works in stand-alone format is outside the scope of this publication.

The primary goal of this publication is to offer information to policymakers considering appropriate legislative responses to widespread copying and communication in society. Given the various usages of text and image-based works today, the legislators may need to consider the solution that best fits the different purposes. Seldom does only one legislative model meet with users' needs to access works and rights holders' needs to be remunerated for their use. The complexity calls for careful consideration and in many cases a combination of solutions, based on individual exercise and collective management of rights.

The publication is also a tool for practitioners of intellectual property rights and offers an overview to persons working in collective management organizations (CMOs). Users of text and image-based works and other stakeholders can also benefit from understanding how collective management functions in practice in educational institutions, corporations, and public and private administration, to name a few examples.

The legislative framework needs to offer a solid foundation that can be applied to new and innovative ways in which protected works can be used in the marketplace. Based on an appropriate framework, new licensing solutions can be negotiated between rights holders, their representatives and users. This is where collective licensing can be an answer to some scenarios.

A healthy publishing market is a prerequisite for literary and visual authors to create and for publishers to invest in a wide and culturally rich production and dissemination of products and services. It is therefore of paramount importance that the market functions well, without piracy and unauthorized copying.

It is my hope that this publication will serve as a useful information tool for a range of different users.



# A well-functioning copyright system

There are three prerequisites for a well-functioning market for text and image-based works:

- The legislative framework, based on international treaties, forms the basic foundation.
- Elimination of unauthorized uses through effective enforcement mechanisms is a necessity.
- Individual licensing and collective management of copyright ensures reward for rights holders.

This publication concentrates on collective management. Whereas rights in the publishing industry are in most cases exercised individually, collective management complements direct licensing in cases where it is impracticable or impossible to license individually. The publication explains how CMOs can facilitate access to works protected by copyright.

The ultimate aim of collective licensing is to serve rights holders, users and the society at large, by:

- *Creating a compliance culture*: It needs to be quick and easy for users to obtain the necessary copyright permissions. Collective licensing offers a convenient way to be compliant in many cases.
- *Securing a healthy publishing market*: Licensing and enforcement support each other, both striving toward the same goal by different means. Copying of entire publications on the market is a clear infringement of copyright, requiring rapid and effective enforcement measures by the relevant authorities. Enforcement measures are needed to support licensing.

- *Encouraging and protecting creativity*: Ensuring that copyright owners are remunerated encourages authors' creativity and provides incentives for publishers to invest in new publications. Any country that cherishes its national tradition and advances in the field of culture, science and education recognizes the foundation that intellectual property legislation provides.
- *Promoting national culture and cultural diversity*: Unauthorized copying and pirated publications always hit hardest at the national level. In many smaller language groups, the local market provides the only marketplace for national rights holders. Solid legislative framework and effective enforcement mechanisms are necessary tools to promote diverse national culture.