

Response from The Publishers Association to the IPO's consultation on the implementation of the CRM Directive in the UK

The Publishers Association ("The PA") welcomes the opportunity to submit some general comments to the Government's consultation on Collective Rights Management in the Digital Single Market.

The PA is the leading representative voice and trade organisation for book, journal and electronic publishers in the UK. Our membership of over 100 companies includes publishing companies in the academic, educational and trade sectors and comprises small and medium enterprises through to global companies. Collectively our members, who represent roughly 80% of the industry by turnover, contribute nearly £5 billion per annum to the UK economy, £3.3billion of which comes from the sale of books and over £1.5 billion from the sale of academic journals.

The PA has been following and contributing to the discussions on the Collective Rights Management Directive at European level via our European representative body, the Federation of European Publishers.

Publishers are rights holders under Article 2 of the Directive and operate two collective management organisations to exercise specific aspects of their copyright on their behalf: the Copyright Licensing Agency Limited (CLA) and the Publishers Licensing Society (PLS) who will submit more detailed responses to the consultation.

For The PA the key aspect in the implementation of the Directive into UK law is the fundamental principle set out in Article 5 and Article 8 which confirms that it is the choice of rights holders how they exercise their rights and which rights they want to be administered by collective management organisations. Equally, publishers need to be in a position to monitor and control the operation of the collective management organisations administering their rights. UK publishers are already in such a position as regards PLS and CLA; both UK collective management organisations also comply with their respective codes of conduct.

Implementing the Directive will ensure that collective management organisations operate under transparent standards of governance; this will also apply to other European collective management organisations which collect monies on behalf of UK publishers. Our collective management organisations are members of the international framework, provided by the International Federation of Reproduction Rights Organisations (IFFRO).

The basic principle of right holder members' choice and control of collective management organisations needs to be considered when implementing any aspect of the Directive.

In our view Government's preferred approach of replacing the existing regulatory framework, including the 2014 Regulations, with new Regulations, copying out the Directive as far as possible, but drawing on existing infrastructure (e.g. the Ombudsman) where feasible (Option 2), is the best way forward to implement the Directive. It provides clarity and is certainly preferable to tinkering with the existing provisions. A clear framework for collective management organisations is of utmost importance for right holders; it will ensure transparency, accountability and general good governance as was the objective of the Directive.