

Digital reuse rights in a fast-changing publishing environment: Content users' demands and licensing options for publishers

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Abstract. Content users in businesses, academic institutions, government agencies and other sectors need digital reuse rights to be able to lawfully share copyrighted materials with others. Advances in licensing are creating new opportunities for publishers and other rightsholders to address current and future needs of content users by streamlining, simplifying and integrating licensing solutions within the user's workflow. Options for publishers to meet content users' needs include the use of technology to automate permission request processes. In addition, publishers can also use the services of collective licensing organizations, which aggregate rights from many different rightsholders. One specific collective licensing option is repertory licenses that offer a solution for users at academic, corporate or government organizations who reuse and share portions of thousands of works on a regular basis.

Keywords: Licensing, publishing, copyright, permissions, rights, rightsholders, collective licensing, Copyright Clearance Center, RightsDirect, RightsLink

1. Introduction

Digitized content and evolving digital and mobile technologies have made it easier for people to find and use published information. But what if they want to share that content with co-workers, clients, students or others? Advances in licensing are creating new opportunities for publishers and other rightsholders to address current and future needs of content users by streamlining, simplifying and integrating licensing solutions within the user's workflow. Today, it's all about expanding market reach and providing a better customer experience through agility and efficiency.

This article, based on a presentation delivered at *Academic Publishing in Europe 2012*, will focus on the demands of content users for digital reuse rights, and some of the options available to publishers to address those demands. First, it's important to define the term "reuse rights". When someone buys an article or other content, they may purchase that information to read. If that buyer wants to then repurpose or share that content with others, reuse rights apply to those types of secondary uses. For example, if reading is the main use in the case of a book or a journal article, reuse rights might include: scanning it (if it were a print copy), emailing a digital copy of it, posting it to a website, renting it for a fee to other readers, translating it, republishing a fragment of it in a different book or journal, and so on. Typically,

the majority of these reuse rights are not included in a primary sale license. In some cases, publishers may include some reuse rights with the primary sale, bundled with the content through a subscription. But they are normally quite limited and vary from one publisher to the next. Select scholarly journal publishers offer this type of bundling.

2. Copyright challenges of content use

Content users across many different markets need reuse rights for a variety of purposes. Let us focus on content consumption in the corporate sector [2], the focus of a study by research firm Outsell in 2010 [4]. Hundreds of knowledge workers in US companies participated in the survey, revealing information about how often they share content, how they share it, and how knowledgeable they are about copyright and licensing. The study revealed that workers share content frequently. In fact, 75% share information with their immediate team members at least weekly, and in many cases, daily. Of course, content sharing goes well beyond company walls. At least 60% of survey participants said they share information with clients and other contacts outside of their organizations on a weekly basis. In all, information forwarding jumped 63% in just five years. While knowledge workers are sharing information more, the Outsell study showed that employees do not have an adequate understanding of how copyright affects them. More than half of the workers surveyed either do not think about copyright or simply do not care. Research also suggests that many corporate workers do not know about their companies' copyright policies or how to go about getting copyright permissions.

What does frequent information-sharing, limited copyright awareness, and a growing availability of content and the means to share it, mean for publishers? It represents specific challenges that call for more efficient, more convenient licensing options that make it easy for workers to make the most of today's information and technology, but still respect intellectual property rights. In almost every publishing subsector, publishers are looking at ways to monetize content and provide a better user experience with increased digital functionality. They are making a significant effort to build their digital brands through enhanced websites and the development of online communities around their content. Yet some may not adequately address the needs of users who want timely and efficient licensing to share content across their companies, around the world. Without an adequate secondary licensing strategy, those publishers may frustrate customers and lose potential revenue.

Corporate researchers, information specialists and other workers cannot afford to wait too long to obtain copyright permissions in order to share content in ways not covered by copyright exceptions and limitations, or by the licenses their companies already have. When a collaborative research project is under development or when financial information is critical, workers need to share information. Lawful sharing should be easy. But there is a gap between what many publishers offer and what their customers expect. As a result, some companies simply give up on attempts to obtain rights for their employees, because the process of securing licensing from multiple rightsholders and navigating complex permission processes requires too much time and too many resources. Instead of obtaining licenses that promote innovation and collaboration among employees, these companies opt to shut down information-sharing by restricting content access. An incredible 80% of participants in a 2011 study by research firm Free Pint [3] said their companies restricted content access as part of their copyright policy to minimize infringement risk. The result? In addition to the obvious limits that puts on researchers and other workers, this approach limits opportunities for rightsholders to extend their licensing business.

Of course, requests for re-use rights extend well beyond the corporate market. There is academia, government agencies, and there are publishers, authors and other creators seeking permissions to republish portions of copyrighted material in new works, such as new books, journals and websites.

3. Using technology to automate licensing

The phrase “rights and permissions” may conjure up images of people working for the “rights and permissions” department in publishing houses, handling contracts and reuse and republication requests. High volumes of permissions are managed here, many of which are free of charge. Requests coming from article authors, from other publishers, from end-users in companies and universities, in government agencies and non-profit organizations, are usually handled by relying on off-line procedures, which makes licensing largely manual, and to a great extent, also purely reactive. This can result in processes riddled with rights and permissions staff members who are over-burdened with requests that come in from all around the world all times of the day, and responses to users that do not meet their needs and expectations. In short, publishers face increasing pressure to provide quick access to content and licensing services.

Publishers may consider using technology to automate permission request processes. By considering the best way to provide seamless licensing that is integrated into the user’s workflow, the appropriate combination of technology and licensing follow almost automatically. The appropriate rights infrastructures and – even more importantly – rights management and licensing know-how are crucial parts of the ideal solution. This is the value of Copyright Clearance Center’s (CCC’s) RightsLink point-of-content licensing technology. This solution enables publishers to streamline and automate permissions online, and process content orders quickly. Participating publishers determine how their content may be used and shared, such as email, intranet and Internet postings. RightsLink also handles open access and other publication fees and services, as well as production of reprints, e-prints and single article sales.

RightsLink embeds a licensing mechanism at the point of content, that is, where the content resides and therefore where content consumption takes place: at the publishers’ websites or mobile apps. A RightsLink button can accompany an article, page, image, video or other types of content. With a simple click, users can access a list of content uses the publisher is ready to authorize online. After responding to a few questions that reflect the publisher’s specific business rules, users get a price estimate and can proceed to pay for and obtain their license online within seconds.

This simple model, in which publishers maintain control without the need to invest in new systems, is based on powerful technology and CCC’s broad expertise in rights licensing. Like most e-commerce sites, RightsLink’s 24-hour availability and instant permission processing represent a big advantage over manual systems for both users and rightsholders. Rights and permissions departments in big STM, news and B2B publishing houses that have implemented RightsLink have freed up time to look for significant licensing opportunities on a more proactive basis.

4. Collective licensing serves both content users and rightsholders

In addition to technology, publishers also have another critical tool to meet the challenges of licensing in the digital age: collective licensing, which aggregates rights from many different rightsholders [1]. People who need to share content produced by multiple publishers, can often save time and effort by getting the copyright permissions they need from one centralized collective licensing provider rather than

pursuing permissions from each publisher individually. Innovative centralized licensing resources can offer great benefits to publishers in terms of rights discoverability and monetization opportunities that may not have otherwise been possible. An example is copyright.com, CCC's central licensing hub, where millions of digital and photocopy reuse and republication rights are licensed voluntarily through CCC by thousands of rightsholders. As with RightsLink, copyright.com allows publishers to automatically propose price quotes and grant licenses online to content users based on customer requests (email or paper distribution, type of requesting organization, purpose of the reproduction, length of Web posting and many other parameters).

In the case of both RightsLink and copyright.com, most participating publishers choose the highest degree of automation for the most common reuse and republication requests. No human intervention is required once the business rules, including pricing calculation rules, are pre-defined. There are other instances in which requested uses may involve a significant transformation of a work, its distribution to extremely large numbers of end-users or distribution beyond the walls of the requesting organization. In these and similar cases, publishers may want to have greater clarity about the nature of those requests before providing a quote or granting permission. Both RightsLink and copyright.com provide this option, with a licensing process that starts online and includes an offline stage.

Rights aggregation provides another solution for the millions of people at academic, corporate and government organizations who use and share portions of many different works on a regular basis for their daily jobs. They need to be able to share content through email, photocopies, collaboration platforms, instant messaging, course management systems, corporate portals and other tools. The solution when content reuse is not occasional, but systematic, comes again through the aggregation of rights and services typically provided by collective licensing organizations, also known as reproduction rights organizations (RROs) in the text and image-based publishing world. Some RROs offer collective licenses, which are different from the transactional, pay-per-use licenses discussed so far, in that they grant permission for the use of many works, and not just for one, two or several specific works. These repertoire licenses are offered by CCC in the United States to academic institutions, businesses and government agencies; and by CCC's European subsidiary, RightsDirect, to multinational corporations based in Europe. Let us focus on the latter in order to better understand how these licenses work. RightsDirect's Multinational Copyright License aggregates specific reuse rights for information sources from thousands of rightsholders, including the largest international publishers. These rights are all available in a single, annual licensing contract that works as an all-you-can-eat subscription to this huge collection of rights, provided the applicable terms and conditions are respected. Employees of a licensed company, no matter the country they are located in, are given the rights to share content internally from many covered works, including books, journals, magazines, newspapers, images and blogs. Forwarding PDFs by email, posting on intranet sites, reusing in internal communications and other uses are included in the license. Some external uses are included as well, like the submission of digital copies to government agencies for regulatory purposes. For other types of content sharing outside of an organization, such as posting on public websites, publishers still require users to obtain a transactional license directly from them, or through copyright.com or RightsLink.

Collective licensing options, like those offered by CCC and RightsDirect, provide a win-win approach for both rightsholders and content users. They allow publishers and other rightsholders to extend their licensing into broader markets, to operate more efficiently and free up staff to work on other priorities by introducing greater efficiency, and to promote respect for their intellectual property rights by simplifying the licensing process for their customers. These solutions combine technology with licensing expertise,

to help rightsholders maximize licensing opportunities through a combination of point-of-content, per-use and repertory options that continue to evolve as the market demands.

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