

International Authors Forum speech at the National Conference on Quality Education: Access and Rights Management in Nigeria, November 2017

Before I start I'd like to thank the organisers for not only inviting me to this very important Conference but to thank John Asein in particular for working with me to get my visa, without him and the lovely Jean you have working in the Nigerian High Commission in London I wouldn't have got here today. If tenacity is what it takes to get a Collecting Society off to a good start then you'll have it in abundance with John!

I am here as Company Secretary of the International Authors Forum, a membership 'collective' in its own right of authors' organisations. The IAF is a forum for discussion, debate and action on a global scale between organisations representing authors. We currently have 58 members from all continents representing over 600,000 authors. In Africa we have members from Nigeria, South Africa, Malawi, Uganda, Tanzania, Zimbabwe, Namibia. But we would like more authors' organisations to join so we have the biggest authors voice when we are standing up for authors' rights.

The IAF has been formed as a permanent international platform to ensure that the voice of authors is heard among others with rights and interests in creators' work such as publishers and libraries, who already have globally representative bodies.

We organise events, publications and discussions. We collaborate with other organisations representing authors to complement each others' works and promote the importance of creative work, financially, socially and culturally.

One of the areas we are currently representing the authors voice is at the Copyright sessions at the World Intellectual Property Organisation in Geneva who are with us here today. Copyright issues are being discussed that affect authors and the IAF makes sure the authors voice is heard so that delegates take the needs of creators into account when looking at what can be done on issues such as exceptions around education and libraries and archives and the Artist's Resale Right.

With a different hat on I am also Deputy Chief Executive of the Authors' Licensing & Collecting Society in the United Kingdom. It has 95,000 writer members and looks to protect and promote authors' rights. Last year we collected £32m or US\$42.6M and distributed just as much. Whilst we only represent authors we are part of the collective 'eco system' that exists to ensure creators and authors are rewarded for uses of their works.

A substantial portion of our income comes from the UK RRO, the Copyright Licensing Agency, which we co-run with the Publishers Licensing Services, and two visual arts collecting societies. The CLA go out and sell licences to schools, colleges, universities, businesses and government departments and when the money comes in it gets split between ALCS and PLS and two other members to distribute to our own respective members. Thus this income helps writers to continue to write, artists to create and publishers are able to commission further works as part of their commercial business strategy.

In 2012 the UK government surprised us all by looking at the educational licensing system in the UK as operated by our RRO the Copyright Licensing Agency. Our Intellectual Property office considered a range of options to save money in educational establishments. In the end, after significant lobbying of government by all interested parties, they made a modest change but it is important to understand the role RROs and the money they collect for licensing means to authors and publishers and visual artists and the 'eco system' they help to sustain.

PricewaterhouseCoopers (PwC) was commissioned by the Copyright Licensing Agency Ltd. (CLA) to provide an economic analysis of the impacts of proposed changes to education exceptions in copyright in the UK. The CLA licenses organisations copying extracts from print and digital publications on behalf of authors, publishers and visual content creators.

The economic rationale for copyright is to deter consuming goods without paying, which threatens the sustainability of copyright dependent industries such as educational publishing, as well as to provide a sustainable framework which maintains incentives to produce creative content.

The economic rationale for collective licensing and the role of CMOs is to provide access to extracts from copyright works for the benefit of education, business and government and to substantially reduce transaction costs. Without the CMOs, the transaction costs of licensing would be prohibitive.

The Report showed that Secondary licensing income has a material impact on authors' incentives to create educational works: some 54% of the ALCS author members who received the most from CLA licences suggested that it was 'essential' and 36% indicated it was 'important' in supporting the development of new works.

Publishers' incentives to invest in new content development also depend on secondary licensing income as Elisabeth Tribe, the

Secondary licensing income represents a significant proportion of the funds publishers use to invest in content development and the development of new digital learning resources such as are needed for interactive white boards.

The most outrageous of all the options the UK Intellectual Property Office was considering – removing the ability of licensing in educational establishments – meant that it would have the largest impact on industry stakeholders. In the short - run, revenue would be redistributed from publishers and authors to educational establishments. The cost savings for educational establishments would be small; copyright licensing payments make up less than 0.1% of an educational establishment's expenditure.

A 10% decline in CLA income would result in a 20% drop in output, according to authors surveyed by the ALCS, whilst a 20% decline in secondary licensing income would result in a 29% decline in output. PWC estimated this would equate to a fall of around 2,870 works per year.

So you can see the importance of getting the right copyright in system in place, that allows appropriate access to the works your educational establishments need, that you have an RRO in place to manage and administer the licences and that creators and publishers get remunerated for the uses of these works. You also need strong and well-functioning authors' organisations and that's what the IAF is here to advise you and put you in contact with others to help.

IAF's Perspective on Publisher-Author Fair Contracts and Agreements

Article 27 of the Universal Declaration of Human Rights ensures everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, and that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Furthermore, in an increasingly homogenised world the preservation of cultural diversity is as important as that of environmental diversity for the future. Authors preserve that diversity by maintaining indigenous arts, literatures, languages and music as much as the rainforest maintains natural diversity.

Authors need fair remuneration if they are to continue to produce the work everyone want to access – without payment they will not be able to continue to create. All authors want the widest possible lawful access to their works - but to be paid fairly. They need to know what a fair contract looks like, they need to be empowered to negotiate the best deal they can with publishers and the International Authors Forum has worked with its members across the world to develop 10 Principles of Fair Contracts. It is important that authors are educated in what is fair so that they can properly benefit from the fruits of their labour. At the IAF we have been working with our members to ensure they spread the word about the 10 Principles of Fair Contracts and we also started a campaign earlier this year telling publishers the problems authors face and asking for dialogue so that contracts can consistently be fair to all.

The IAF statement reflects the issues and details how we went about the campaign and we hope that this might spark some ideas of how

authors can work in solidarity across Africa to put them in a stronger position when negotiating their contracts.

We wish you a constructive Symposium.

Trust and Transparency

Communications

Sometimes our organisations do something because we think we should. And sometimes our actions are imposed upon us by legislation. ALCS believes it is a very open and transparent organisation with just about anything you want to know about us available on our website. But it is also a complex business and gauging the level of information members want or need can be challenging so typically anything we are unsure about we'll test on a focus group or two.

Our main methods of communication

- With our members
 - E-newsletter
 - Website
 - App
 - E-bulletins
 - Annual Report & Accounts
 - Members' Handbook
 - Focus groups

- ‘Plain English’ Mandate
- With the public
 - Website
 - Press releases
- Governance
 - Code of conduct
 - Distribution rules
 - Memorandum & Articles of Association
- Lobbying
 - Briefing notes

Our e-newsletter

- Goes out monthly to all our members for whom we hold email addresses – currently over 30,000
- Goes to politicians
- Goes to sister organisations
- Informs all stakeholders as to what we are doing regarding collections of licensed income and distributions
- Informs all stakeholders about the campaigns and lobbying we undertake
- Informs all stakeholders of current issues affecting writers

We want our newsletter to be the authoritative communication where all those affected by or interested in what’s happening in the writing community go to.

This includes sharing information that is

- Relevant to writers
- Interesting
- Topical

Information in this communication includes details on the sources of income we pay out for, how many people are getting paid in a particular distribution, when payment will be made, interesting facts such as books receiving the highest payments.

It also includes features on topical issues such as self-publishing and how writers are making a living from it. We commission journalists to deliver such articles.

Therefore, this communication intends to be more than just details on a collecting society but more about a holistic approach to what writers need.

Website

- Public forum for sharing information
- Approx 10,000 hits per month
- Updated each day with relevant news
- Access to the Members' area

The e-newsletter goes to members and interested parties who have asked to go on our mailing list

The website is for everybody. It is a moving feat of information

It is updated daily

Reviewed regularly where information may change/needs to be updated eg at distribution time

When designing a website:

- Get ideas together in house
- Identify your target audiences
- Test out your ideas with these audiences in mind
- Make sure as far as possible it works for all your audiences.
- If you need to keep some information private to your members, set up a members' area
- Your design should fit in with your corporate design if possible so that branding is reasonably consistent and identifiable with your organisation
- Think about how best to deliver your messages.

e-Bulletins

- We use these to target specific sections of our membership
- Quite often these might be used to remind members we want them to do something
- Or we might ask our members to help us lobby
- Examples of when we have used these are:
- Deadlines for journals articles claims
- Educational exception lobbying when we were both informing members of the problem and asking them to raise it with their Member of Parliament as well as the Minister in charge of the consultation

- Rights information when we are defending a particular position in a particular sector
- So this can have quite a targeted focus.

Annual Report & Accounts

This gives a clear overview of all the actions taken by ALCS in a given financial year

- Gives an overview of what we have done in terms of:
 - Licensed income for members
 - Membership recruitment
 - Lobbying
 - Communications with members
- Includes a full set of our Report & Accounts
- It is posted on the ALCS website and a link sent to all members
- The link is also shared with any interested parties
- This is the annual review of all that we do
- It is available for all to see
- It includes details of all income and expenditure
- It identifies major projects we are undertaking
- The accounts are audited
- Questions can be asked at our Annual General Meeting
- We are held accountable
- Our members aren't shy of asking questions

- Make sure they are presented in a clear and professional manner – you are judged on the presentation of such documents.

Members' Handbook

- Gives clear guidance about:
 - What to expect from ALCS
 - What ALCS expects from its members
 - What we do
 - How ALCS works
 - How writers can maximise their income

Focus Groups

- Small informal sessions
- Variety of topics
- Different areas of the country
- Enable us to seek feedback on ALCS communications and services
- Introduce writers in the same geographical area to each other
- We love these!
- They give us direction and engagement with our members
- We get validation if we are planning to do something useful
- We don't pursue ideas if they are not useful – therefore saves us times and money
- It also brings writers together which they enjoy.

Plain English Mandate

- Simplified explanation of the rights we collect as covered in our Memorandum & Articles
- Clarity for Members who are unsure about primary/ secondary rights
- Available for review on our website: www.alcs.co.uk/what-we-do
- What do we do?
- We try to take some of the complexity out of the standard Mandate but producing one which is in Plain English. That way people 'get' what we do and appreciate the fact that we are not trying to hide behind jargon – a BIG issue as far as we are concerned.
- If you want to engender trust and confidence you need to make sure you are very clear in your message. Test it out on people who aren't involved in the industry if you are unsure to see if they understand what you are trying to convey ...
- We have a copy of the plain English Mandate posted on our website for all to see

CMO Code of Conduct

- The British Copyright Council has developed a policy framework from which to develop individual Codes of Conduct
- Sets standards regarding
 - Governance
 - Sharing of information

- Identifies what creators and rightsholders may expect from the CMO
- Identifies what CMOs are entitled to expect from their members and licensees
- In short: Provides clarity and transparency
- To provide a framework for
 - Governance structure
 - Licensing arrangements
 - Collection and distribution practices
 - Admin charges
- To provide awareness of and access to information about copyright and the role of CMOs in licensing and administration
- To promote confidence in CMOs by way of best practice
- To enhance experience of members and licensees when dealing with CMOs

- Codes to be written in plain English and be user-friendly
- Be at an appropriate level of detail
- Can be cross referenced with materials already available to members
- Contain the appropriate review mechanisms against performance and at regular intervals
- Give access to appropriate complaints review service

Content

- Identify role and function of CMO
- Transparency:
 - What CMO does
 - Who it does it for
 - What it costs
 - Where to get more information
- Accountability and consultation:
 - Governance
 - Decision making
- Service Level and operational issues:
 - Offering to members
- Data protection:
 - Policy
- Queries, complaints and dispute resolution

Regular Review

- Policy to be implemented within 12 months after publication
- BCC will convene Policy Framework Review working party to ascertain that CMO has
 - Code in place
 - Compliant content regarding principles
 - Implemented

– Updated

- Independent Code Reviewer appointed

ALCS' Code of Conduct

- Background to Code
- Introduction to ALCS
- What we do
- Membership and mandates
- Distributions
- Charges
- Governance
- Information provided by members
- Complaints
- Contacting ALCS
- Communications
- Code Review

So following on from all the good advice given by the BCC, ALCS developed it's own Code of Conduct.

It has forced us to be very specific and concise around the area of 'What we do' BUT we utilise other organisations email address in there as well so people can delve more deeply if they want to.

Information provided by Members is very clearly set out so that members know exactly what we will and won't do.

A clear complaints procedure is fully identified as well.

There was nothing there for us to be worried about, though the BCC group as a whole put in place the Code Reviewer which organisations have signed up to using.

What we did

- Drafted the Code which was amended and agreed by our Research & Development Committee
- Agreed by our Board
- Communicated to our members
 - Website
 - Newsletter
- Asked for feedback by deadline date
- Posted our agreed Code of Conduct on
 - Website
 - Member's Handbook
 - Newsletter

Governance: Distribution rules

- Over 100 different sources of income
- Different levels of data collected
- Rules set out the ways in which we pay out money and to whom
- Changes/ new rules are taken to internal committees and major changes approved at Annual General Meeting

- Rules available and signposted for members at www.alcs.co.uk/rules

Our Distribution rules are recommended by our Distribution and Membership Committee and approved by the Board.

These are the rules distributions are paid out against.

They are occasionally challenged by members (usually when they don't work in their favour!) and they are then reviewed again by the Committee to decide if any changes are required. Usually I have to say if any changes are made they have been the result of long deliberations looking at the issues from many angles so that there is a clear audit trail as to why certain decisions were made. But we will always review if necessary.

Governance: Mem & Arts

- The general terms under which ALCS operates
- Any changes have to be passed by the Membership at the AGM
- Proposed changes are indicated on our website prior to the AGM
- All members are informed (by email or post) of proposed changes and invited to the AGM to vote

Copyright Education

- And finally, to improve trust and awareness around us we partner with a number of organisations to promote the benefits of copyright in schools:
- Carnegie Shadowing Scheme
- National Schools Partnership

- What the Dickens? 2012-2013
 - Shakespeare 2013-2014
- National Literacy Trust
 - Poetry programme 2012-13
 - Journalism programme 2014-15
- This commitment to promoting copyright is also seen as giving ALCS authority in this area in Parliament

We feel copyright education is paramount. Without buy in from students you have little hope of effectively enforcing the spirit of copyright as they leave school .

We hope our programme foster debate and thought for the subject of copyright within a framework of competitions and copyright education activities interspersed with creative writing. In our latest offering around Shakespeare we are actually asking for a debate in the class.

Ultimately, by carrying out these sort of activities we can raise our profile in parliament by ensuring relevant people are informed or by holding an event and this promotes awareness of ALCS, what we do and how important copyright is to our members. This in turn gives us kudos for undertaking such work and helps us appear an a trusted authority on the subject.

In Summary

- We do a lot of work that should be shared on various platforms such as websites, newsletters, etc
- It should look professional and informative to promote trust and confidence

- By not sharing as much as we can, it looks like we may have something to hide!