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Series on Intellectual Property Issues: Part 26

What is collective management of copyright and related rights?

There are many cases where for practical reasons that relate to certain types of use, individual management of rights is virtually impossible. An author is not physically capable of monitoring all uses of his or her works. An author cannot, for instance, contact every single radio or television station to negotiate licences and remuneration. Conversely, it is not practical for a broadcasting organization to seek specific permission from every author each time it wishes to use a copyrighted work. An average of 60,000 musical works are broadcast on television every year, so thousands of owners of rights would have to be approached for authorization. The very impracticability of managing these activities individually, both for the owner of rights and for the user, creates a need for collective management organizations, whose role is to bridge the gap between them in these key areas, among others.

Collective management is the exercise of copyright and related rights by organizations acting in the interest of, and on behalf of, the owners of rights.

What are the most common types of right under collective management?

Collective management organizations most commonly take care of the following:

- ❑ The right of public performance (music played or performed in discotheques, restaurants and other public places);
- ❑ The right of broadcasting (live and recorded performances on radio and television);
- ❑ The mechanical reproduction rights in musical works (the reproduction of works on CDs,

tapes, vinyl records, cassettes, mini-discs, or other forms of recording);

- ❑ The performing rights in dramatic works (theatre plays);
- ❑ The right of reprographic reproduction of literary and musical works (photocopying);
- ❑ Related rights (the rights of performers and producers of phonograms to obtain remuneration for broadcasting or the communication to the public of phonograms).

How does collective management work?

There are various kinds of collective management organization, or groups of such organizations, depending upon the category of works involved (music, dramatic works, 'multimedia' productions, etc.) that will collectively manage different kinds of right.

'Traditional' collective management organizations, acting on behalf of their members, negotiate rates and terms of use with users, issue licences authorizing uses, collect and distribute royalties. The individual owner of rights does not become directly involved in any of these steps.

Rights clearance centres grant licences to users that reflect the conditions for the use of works and the remuneration terms set by each individual holder of rights who is a member of the centre (in the field of reprography, for instance, authors of written works such as books, magazines and periodicals). Here the centre acts as an agent for the owner of the rights, who remains directly involved in setting the terms of use of the works.

'One-stop-shops' are a sort of coalition of separate collective management organizations, which offer users a centralized source from where authorizations can be easily and quickly obtained. There is a growing tendency to set up such organizations because of the increasing popularity of multimedia productions (productions composed of, or created from, several types of work, including computer software), which require a wide variety of authorizations.