

# Challenges of Tertiary Publishing and Global Market (IPA Position & Recommendation)

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## **Highlights:**

- IPA position on Collective Licencing
- IPA recommendation

## **Introduction**

The IPA is aware of the challenges being faced by local publishers which is not impossible to fix.

In **IPA** report on Collective Rights Management dated 21<sup>st</sup> November 2014:

*“New technologies, from photocopiers to printers, scanners, PCs and the Internet, have allowed new forms of use of copyright-protected works. Some uses, such as small-scale photocopying which is either difficult to control or to administer individually, act by act.”*

*It was also estimated that about a billion pages of educational material were being photocopied annually. Nigeria is not an exception, the level of photocopying and downloads going on in Tertiary Institutions is significantly high.*

As users nurse the feelings of restrictions to quality materials for their academic or general use, publishers and authors are not overly enthusiastic about exploring and exploiting the opportunities in tertiary publishing as they enter the business reluctantly.

## IPA on Collective Licencing:

The IPA acknowledge the fact that something is wrong with the Tertiary Publishing market which **collective licencing** aims to fix. The old world where materials were exclusively available in hard copy is disappearing or at least morphing into a stage where hardcopy and electronic copies now complement each other.

Publishers in some developed countries are now embracing this hybrid model because it allows them to reach a wider, broader readership: that is, more eyeballs than ever before.

Licensing in general and CMOs in particular also allow us to counter arguments that copyright is inflexible or old hat. Instead, we can show that flexibility is central to copyright law.

## IPA and Collecting Societies

Collecting societies are granted a mandate (which can be done on a statutory basis in case of exceptions) to manage the rights of exclusive rightholders (authors and publishers) for **secondary uses**, such as reprography or some digital private copying.

In response to the need to license large-scale photocopying and other reproduction/communication to the public, usually on intranet as a means for access to cultural, educational and scientific text-based works, authors and publishers have notably established RROs to act as intermediaries and facilitate the necessary copyright clearance.

In the analog world, RROs receive their mandate to administer reproduction rights either through statutory exceptions in national laws and/or on a voluntary basis from exclusive rights holders.

In some countries, there are systems of extensive collective management which should be respected where rights holders are satisfied with their functioning. In a majority of cases, publishers and authors grant an RRO the mandate to licence this right only for non-commercial uses.

In the digital world, the general rule is that rights holders can and must make their own decisions whether to manage reproduction rights on an individual or a collective basis. They are also free to choose their RRO (Reproductive Rights Organization).

## IPA Recommendation

The IPA recommends that a mature book market should have an **operative CMO (Collective Management Organizations)** and we recommend that publishers become involved in managing those CMO by joining the board.

## **What are the advantages of CMO?**

- You get to control (to some extent) what is happening.
- You get to understand the secondary market place.
- It's the way that everything is going (Publishers should key in)
- It's another opportunity to work with authors for mutual benefits.

There are many models for the operation of CMOs and Nigeria need to choose the one that best fits with the local commercial and legal reality.

**Thank you**