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Breakfasts 2017

**Welcome to February's BIC Breakfast:
Knowing Your Rights: The Challenges of
Book Rights in a Changing & Increasingly
Digital Landscape**

#BICBreakfast

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New Trends in Publishing Seminar (5th September 2017)

BIC Networking Events
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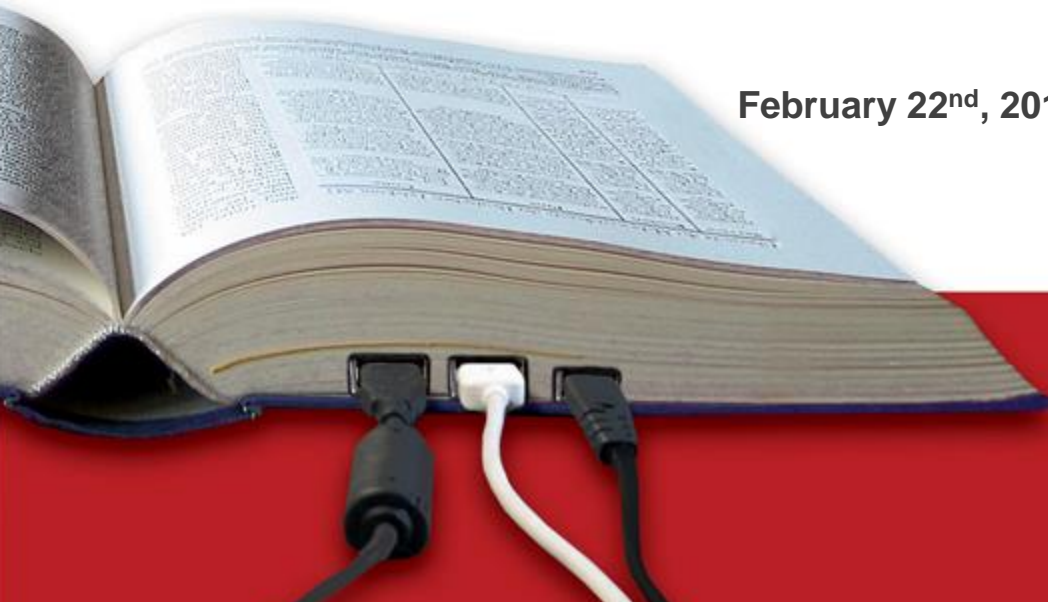
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BIC Breakfast

**The Challenges of Selling Book
Rights in a Changing & Increasingly
Digital Landscape**

February 22nd, 2017



A trusted partner in media solutions

Klopotek software supports **more publishers** and **information providers**, with more users, in more locations, developing and distributing more products around the world **than any other publishing software vendor.**

Klopotek is a **leading supplier** of international standardized software and consulting services for publishers of digital products, books and journals.



Corporate Headquarters
Berlin, Germany

Regional Sales and Consulting Offices
Amsterdam, London, Munich, Paris, Parsippany

Software Development
Berlin and Milan

180 employees



Worldwide Customer list - 4 million products from 2,500 publishers are managed using Klopotek



Klopotek Solution Modular - End to End



End-to-end support by 4 strategies

TEP

Title Management,
Product Marketing
Editorial and
Production

CRR

Contracts, Rights,
Licenses,
Permissions and
Royalties

O2C

Order to Cash

CRM

Customer
Relationship
Management

Klopotek Publishing Solution

Third party
financial
system

Klopotek end-to-end integration covers the entire Publishing Supply Chain.

Klopotek solutions for rights

Contract Workflow Manager

create and manage contract documents with ease and ensure transparency of the signature process

Rights Sales Manager

streamlines the rights negotiation and selling process while having crucial information regarding rights availability and customer profiles at your fingertips

Royalty Account Manager

provides comprehensive royalty account information, royalty managers and publishing team members, business analysts and rights accountants can access all relevant information at one glance

Permissions and Compliance Manager

control and manage the multitude of complex specifications and licensing agreements involved in the acquisition and licensing of content assets

Authors Online

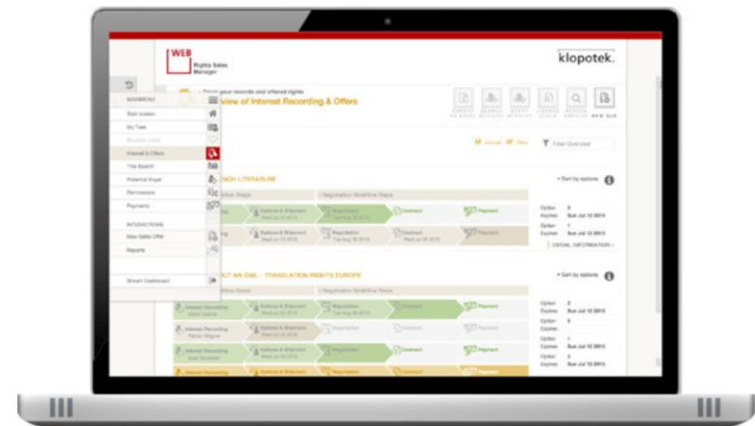
offer your authors more transparency and detailed royalty information – including a comprehensive history

Rights Sales Manager

Rights Sales Manager is a workflow-oriented solution designed to support and guide users through the rights negotiation and selling process



- Browser-based solution
- User interface available in English, German, Dutch, French, Italian, Portuguese and Chinese
- Available as an integrated module with the Klopotek solution or as standalone solution in the cloud
- Simple and transparent payment: a fee per user per month





For a demonstration of Rights Sales Manager, please visit our website @ <http://www.klopotek.co.uk> and select 'Webinars' under the Events tab.



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Over to Diane...



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From
Under the Road
to
Up in the Cloud
Changes in Rights Management

Diane Spivey

Group Contracts Director

BIC Breakfast 22 Feb 17

Rights and Contracts

- Contracts and rights – different perspective
- Sales plus detail
- Feeding the inner nerd

Do you own the rights?

- No longer a simple question
- You can't sell what you don't own
- How do you find out?
- New opportunities for exploitation

Changing business environment

- Amalgamation of companies (and agencies)
- Lack of publishing history
- Lack of copyright trail

Where do the rights come from

- What constitutes 'the Work'
- Original material
- Embedded material
- The © cascade – downstream
- Looking upstream at the tributaries

Copyright pressures

- Protection of copyright and improving access
- Protection of moral rights holders

Publisher in the middle

- Rights record-keeping
- Contracts record-keeping
- Integrated systems
- Content versus data

All the other stuff...

- Third party clearance
- Storage and data extraction

Dragging rights into 20th Century

- PLS and CCC and rights selling platforms
- Copyright hub & ARROW
- Getting our houses in order



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Over to Lynette...



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Selling Rights – a changing scene?

Lynette Owen, Copyright and Rights Consultant

BIC Breakfast, February 22nd 2017

Key changes in the rights world

(1) - technology

- Contact with licensees can now be conducted by telephone, e-mail and Skype
- Sample material for assessment can be sent (or shown) electronically rather than via proofs or reading copies
- Rights catalogues can be posted on websites and sent as PDFs
- Rights trading platforms (e.g. PubMatch and IPR License) can facilitate trading
- Speed of communication impacts on rights business – but face to face contact (e.g. at book fairs or on sales trips) is still vital
- Rights sellers and buyers can keep track of submissions and rights deals on appropriate databases, rather than in paper files or on index cards

Key changes in the rights world

(2) – control of rights

- In trade publishing, author's agents are now more likely to retain control of some categories of rights, and may limit some rights granted to publishers in terms of duration or exploitation ("use it or lose it")
- In educational, academic and professional publishing, publishers are more likely to secure full grant of rights – however, they need to be sure they are contracting with the correct person. Author, or the institute which employs him or her?
- The Society of Authors often advises against assignment of copyright but there are often valid reasons for this practice in the educational/academic sector e.g. multi-author works, faster action against piracy. Authors normally still receive advances, royalties and share of subsidiary rights income

Key changes in the rights world (3) – the changing importance of rights categories

- Paperback rights now rarely licensed to third parties - most publishers acquire “vertical” publishing rights for both hardback and paperback publication
- UK book club rights – once a key area of licensing – have virtually disappeared once retail price maintenance was discontinued
- Digest rights are no longer key for Reader’s Digest in the UK
- Revenue from serial rights to newspapers is now more modest
- Possibilities for licensing digital rights have expanded – e.g. licensing content to websites, licensing digital summaries, adding e-book rights to print contracts, e.g. to US or foreign language publishers

Key changes in the rights world

(4) – changes in licensing policy

- Agents and subagents feature more prominently, especially in the trade publishing sector
- Multinational publishers may favour licensing “within the family” to their own subsidiary companies, and some may handle rights sales to third parties in some markets via regional offices
- More attention paid to control of content when licensing, especially when third party material is involved
- For some content, more opportunities to “slice and dice”, e.g. for custom publishing
- Some content licensing may be automated via services such as CCC’s RightsLink and PLSclear

Key changes in the rights world – the future?

- Some publishers may seek to publish projects created entirely in-house, to ensure they control full range of rights
- More than 50% of all rights deals stem from English language content, so unlikely that Brexit will deter licensees from seeking British books
- But – exchange rates may affect currency in which deals are done
- And will UK publishers be able to justify seeking exclusivity in the European market once the UK leaves the EU?
- Although most countries belong to one or more of the international copyright conventions, many (including China and Japan) still have a shorter term of copyright protection than the UK, other EU countries and the USA
- Vital for publishers to keep track of exact rights they are acquiring (in terms of type of usage, sales territory, duration etc) and which rights they are able to license out

Contact details and publications

- lynetteowen@hotmail.co.uk
- *Owen: Selling Rights 7/e* (Routledge 2014, ISBN 978 0 83564 0)
- *Owen (General Editor) :Clark's Publishing Agreements: A Book of Precedents 9/e* (Bloomsbury Professional 2013, ISBN 978 1 78043 220 5; 10/e due July 2017)
- *Jones & Benson: Publishing Law 5/e* (Routledge 2016, ISBN 978 1 138 80379 4)



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Knowing your rights:

The challenges of selling rights in a changing & increasingly digital landscape

The BIC Breakfast
London, February 2017

Michael Healy
Executive Director, International Relations
Copyright Clearance Center



Copyright Law: maintaining balance

- Incentive to Create and Publish
- Promote Authorship and Scholarship

- Public Need for Information
- Access to and Use of Content

Exclusive Rights

**COPYRIGHT
HOLDERS**

**Exceptions and
Limitations**

**CONTENT
USERS**



Today's Copyright Debate

- Copyright and economic growth and development
- Rights vs. Responsibilities
- Focus on exceptions and limitations
- Information and transparency
- Transactional simplicity and automation



Technology-enabled infringement

- Social Networks
 - 1.4 billion active Facebook users
 - 500 million tweets every day
 - 100 million Snapchats daily
- Email
- Linking
- File-sharing



Government Reviews of Copyright

- Australia
 - Productivity Commission 2015-2016
- United Kingdom
 - Hargreaves Review (2011)
 - Hooper Review (2012)
- European Commission



New Copyright Legislation

- Canada
- South Africa
- Brazil
- China
- European Union



Key Judicial Decisions on Copyright

- USA
 - Georgia State University
- European Union
 - Hewlett Packard vs. Reprobel
 - Vogel vs. VG WORT
- India
 - Delhi University



Key issues: summary

- Proliferation of technology-enabled infringement
- Legislation, regulations, and judgements injurious to interests of © owners
- Absence of effective licensing mechanisms in key markets
- State of © education and advocacy



Protecting copyright: 3 foundations

1. Education

2. Enforcement

3. Licensing

“

We need a global infrastructure that permits simple, global licensing. One that makes the task of licensing cultural works legally on the Internet as easy as it is to obtain such works there illegally.

”

**Francis Gurry
Director General
WIPO**



Licensing types: meeting the users' needs



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ABOUT THE BOOK

Diamonds, Gold, and War
The British, the Boers, and the Making of South Africa
Martin Meredith (Author)
September 2008
Trade Paperback · 592 Pages
\$19.95 U.S. · \$25.00 CAN · €14.99 E.U.
ISBN 9781586486419
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Description

Southern Africa was once regarded as a worthless jumble of British colonies, Boer republics, and African chiefdoms, a troublesome region of little interest to the outside world. But then prospectors chanced upon the world's richest deposits of diamonds and gold, setting off a titanic struggle between the British and the Boers for control of the land. The result was the costliest, bloodiest, and most humiliating war that Britain had waged in nearly a century, and the devastation of the Boer republics. The *New Yorker* calls this magisterial account of those years "One of the best history.... Meredith expertly shows how the exigencies of the diamond (and apartheid.)"

...ther, and historian who has written extensively on Africa
...books include Mugabe and The Fate of Africa. He lives

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Book: Diamonds, Gold, and War

Author: Martin Meredith

Publisher: Perseus Books Group

Date: 2008

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Martin Meredith is a journalist, biographer, and historian who has written extensively on Africa and its recent history. His previous books include Mugabe and The Fate of Africa. He lives near Oxford, England.

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Customer Answers Questions Regarding Reuse

Publisher maintains control of the licensing process

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Thank you for attending February's BIC Breakfast:
Knowing Your Rights: The Challenges of Book Rights
in a Changing & Increasingly Digital Landscape

Alaina-Marie Bassett
Business Manager
Book Industry Communication Ltd

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Alaina-Marie@bic.org.uk