Licences for Europe

This document provides an overview of the context and main outcomes of the *Licences for Europe* stakeholder dialogue. The launch of *Licences for Europe* was announced by the European Commission on 18 December 2012 in its Communication *Content in the Digital Single Market.* Its aim was to promote industry-led solutions for bringing more content online in Europe. The exercise lasted 10-months and concluded with the closing Plenary on 13 November, 2013. The evidence provided during this process showed that the market is delivering multiple new and innovative online services in response to consumer demand, thus ensuring that citizens can enjoy Europe's diverse creative and cultural works in a flexible manner across the EU.

Indeed, online content offers are booming: today Europeans have access to over 2 million e-book titles[1], over 30 million licensed songs[2], and over 3500 Video-on-Demand (VOD) services[3]. As new business models and forms of delivery come online, the ability for creators, their producers and distribution partners, to license their work, and so be confident in advance of an opportunity to recoup investments and enjoy a fair return on their endeavours, will be vital to the stability and dynamism of the market.

The process has also shown a commitment by the European Commission, the industry, creators, and other stakeholders to promote the many existing market driven offers available to consumers today, as well as to come up with new and flexible solutions for accessing creative works online.

What is more, the *Licences for Europe* dialogue is just one part of an ongoing process: the current Copyright Framework in Europe is flexible and constantly evolving, be it through legislative measures such as the 2012 Orphan Works Directive and the 2014 Collective Rights Management Directive, or through the market, where businesses of all sizes are constantly developing creative and cultural works and services for European consumers to enjoy.

Main outcomes and next steps

The work of Licences for Europe was divided into 4 working groups:

WG 1 Cross-border availability and portability of subscription services
WG 2 User-Generated Content and Licensing for Small-Scale Users of Protected Material
WG 3 Audiovisual Sector and Cultural Heritage Institutions
WG 4 Text and Data Mining for Scientific Research Purposes

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[1] Alice Enders, *Progress towards Digital Europe*, 2013
[2] International Federation of the Phonographic Industry, 2012
[3] European Audiovisual Observatory MAVISE database, http://mavise.obs.coe.int/

WG 1: Cross-border availability and portability of subscription services

Participants of Working Group 1 worked on identifying viable solutions to foster cross-border on-line access and "portability" across borders of content, as well as showcasing the successful initiatives and services that are already available to consumers.

Audiovisual

Findings

- In a joint statement, audiovisual creators, producers, publishers and distributors reaffirmed their continued interest in the development of **cross-border portability of lawfully acquired audiovisual content** through relevant services for consumers travelling abroad.
- **Successful further development of cross-border portability** of lawfully acquired audiovisual content depends on ensuring *inter alia* commercial and contractual freedom, demonstrable consumer demand, differentiated financing and distribution strategies.
- Territoriality and exclusivity in audiovisual rights' licensing play **an essential role in securing the necessary funding for the production**, publishing and distribution of high-quality professional European content.
- **Main difficulties in cross-border access** include that online platforms are still at pioneering stage and often do not have the scale and cash-flow to be present in several territories.
- **Cross-border and portable access already exists,** for example via the online delivery of national programmes (simul-casting, on-demand/related services, etc) and subscription-based **broadband** services (e.g. Danish IPTV); via TV broadcast overspill (meaning a TV station can be received outside its target market/geographic coverage area) and satellite broadcasting; and via local cable distribution of foreign broadcast programmes;
- **Total demand for trans-frontier TV audiovisual services** is estimated at €760m annually (0.7% of EU TV market). In over 200 markets of the 700 analysed the individual value is below €10,000 p.a.[4]
- **Commercial broadcasters** provide **services for expatriate groups where demand is commercially viable** e.g. Romanian language services in Spain or Italy which is valued at over €400m p.a.[5]
- Download & Play options already available today e.g. UniverCine, iTunes, ITV Player.
- **The Audiovisual Sector proposed to "to engage with the Commission at a mutually agreed time** to continue the review of future market developments regarding cross-border portability of lawfully acquired audiovisual content."

Language and versioning

- **Language versioning is important for promoting cross-cultural outreach**. The decision to offer multiple language versions for a work in a given territory is intimately linked to commercial strategies designed to maximise the exposure of the work to its potential consumer market and to increase the opportunities for a return on investments. It therefore needs to be driven by demonstrable market demand, based on contractual freedom and a case-by-case approach for each film or audiovisual programme. The *Licences for Europe* participants found that specific financial support for the production and dissemination of multiple linguistic versions from European Commission funding programmes could provide a significant incentive for companies seeking to offer multiple language versioning within the same territory.

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[4] TNS/Plum, *Study on the economic potential of cross-border pay-to-view audiovisual media services*, January 2012.
[5] Ibid.

Music

Findings

- **Portability is already provided by online services when travelling or residing abroad**, including downloading works on any device, synchronising through cloud storage and streaming services.
- **Access to playlists abroad is possible** – when limitations exist to cross-border access, they are the result of each service's design to meet its operational needs and optimise the consumer experience by adapting to local markets.
- **Consumer demand for cross-border access to music is met** because the **main music services, which are available in every EU country, hold virtually all international and local repertoires**. For example, a consumer located or residing in Belgium will be able to access not only the full array of international and Belgian repertoires, but also virtually all local repertoires of other member states.

Print

Findings

- In the book sector, publishers have at least pan-European licences, be it for print or e-books, but languages are often a barrier to the marketing of publications. As a result, **markets outside of homogeneous linguistic zones are very marginal** except for widely spoken languages.
- Publishers, together with authors and booksellers are committed to promoting cross-border access of e-books to the benefit of European consumers and agreed on a **joint roadmap to enhance cross-border access, interoperability and discoverability of e-books**.
- In this context, the book secto**r specifically supports initiatives such as [e-Pub](#)** an open standard format for e-books with a wide range of interoperability and accessibility features.

Discoverability of content online: film, books, music, games

Discoverability of content and services plays an essential role in promoting online access to legal offers. The tools listed below are already in existence. Working Group participants noted that the creation of several of these tools would not have been possible without public funding, and that the further roll-out of online discoverability tools could be significantly boosted if financial support were to be made available at national and/or EU level. The European Commission has for instance voiced its support for a discoverability project in the book sector – to facilitate the finding of legal services online – which would need to be financed by the public sector in the long run.

- In **Austria,** the local audiovisual content protection programme, VAP, provides a **[catalogue](#)** of legal offer of film and audiovisual content;
- In **Belgium**, the Belgian Entertainment Association provides a **[catalogue](#)** of legal offers of films, music, games and books;
- In **Denmark**, the public awareness-raising campaign **[Share with Care](#)** is a joint initiative by Danish right holders, telecommunications industry, industry and the Ministry of Culture providing information on legal online services for film, television, books, music and radio;
- **Germany**'s film industry has launched the website "**[Was ist VoD](#)**", an online portal informing on how to access legal online services as well as offering technical advice. The portal also offers a search facility that enables

- consumers to find VoD services according to a variety of criteria, including: country of availability (Germany, Austria and/or Switzerland), the use of subtitles, picture quality, and the payment model;
- **Ireland's** film sector has licensed a localised version of the site "**Find Any Film"** (see United Kingdom below for more information), to be launched soon;
- **Italy**'s content industries launched **Mappa dei contenuti**, a portal that enables users to search a catalogue of the various legal offers of content and services;
- In **The Netherlands**, the content industries have launched "**The Content Map**" providing information on legal services for film & TV, music, games, ebooks and sports;
- In **Poland**, **Legalna Kultura** serves as a portal for legal offer of film, music, press/print, etc. and aims to promote access to culture through legal channels.
- In **Spain**, the portal "**Me Siento de cine**" has been launched with the support of the film industry and the Spanish Government providing information on the various legal services and how to access them. The industry has also supported the launch of **Encuentra Tu Peli**, which enables users to search for online and offline film offers by film title;
- In the **United Kingdom**, **The Content Map** is a website launched by The Alliance for Intellectual Property including legal services for Films & TV, Music, Games, eBooks and Sports. This initiative is complemented by the **FindAnyFilm** website, which allows users to search for legal offers according to specific film titles. The website, which was initially created with the support of a lottery grant, now operates on a cost-neutral basis.
- The **website pro-music.org** provides a list of over **500 legal music services** available across the world.

WG 2: User-Generated Content and Licensing for Small-Scale Users of Protected Material

As outlined by the European Commission, content generated by users themselves on the basis of pre-existing copyright works is often already covered by national exceptions and/or some form of licensing by rights holders, in partnership with certain platforms. The participants of Working Group 2 therefore focused on showcasing the existing scale and coverage of licences for the benefit of the end user. They identified existing successful solutions for micro-licensing and online tools as well as presented new licensing initiatives to come online in the near future. Some of these tools and services are listed below.

Text and image

Findings
- The book sector has traditionally no issue with UGC. There exists a [licensing] grey-zone however, when a user, be commercial or not, wants to go beyond the quotation exception without re-using an entire book. Publishers and their Reprographic Rights Organisations (RROs - their collective management organisations), have identified this issue and highlighted the importance of best practices in the framework of Licences for Europe.
- The book sector has in result committed to **share and promote best practices** across the sector.

Licensing
- European authors and publishers have committed to develop a "**tool kit" for licensing, including micro-licensing in text and image works:**
  - Solutions for the identification of authors and publishers, their agents or other representatives (such as Collective Management Organizations, CMOs) from whom permission can be sought.

- Solutions to give users information about licensing and licensing conditions incl. how the licensing process works; what users can do with a work under a chosen license.
- Streamlined one-click; click-through; accessible and easy pay-per-use transactional systems that make the licensing process quicker and easier.

Online tools

- The UK **Copyright Licences Agency (CLA) Copyright icon** in the UK answers the question "What can I do with this website content" and communicates terms and conditions as well as licence availability under standard licensing agreements.
- **CLA App** and **CLA API App** have been developed for Apple and Android devices, using device cameras to scan the barcode on a printed work. CLA also provides a simple webpage interface and an API (Application Programming Interface) enabling a search of CLA's database of more than 4 million publications for a particular work, using international standards ISBN or the ISSN, either entered by typing it or scanning the bar**c**ode. The search instantly returns a response for the search term, listing the permissions available for the title under a particular CLA licence and usage type.
- **Conlicencia** in Spain gathers licence options, ranging from blanket, to repertoire to case-by-case licences, on a single platform to streamline user demands. Users have access to a repertoire of more than 20 million works and more than 6 million individual works.
- **OnlineArt (OLA)** is a global one-stop-shop offering world-wide licences of fine art works for online uses, including photographic art works and other images, obliging the users also to protect the moral rights.
- **Rightslink** point-of-content licensing service enables rights holders to offer content users the possibility to purchase licences from the rights holders' websites, mobile apps, or metadata/content aggregator websites. Users within seconds obtain price estimates and can purchase the license online.
- **CEPIC Image Registry or Finder** (CiR or CiF) is currently under development by the Centre of the European Picture Industry (CEPIC) within the framework of the Rights Data Integration project and the Linked Content Coalition. It is designed to assist users to identify rights holders by using reverse image search (allowing users to discover content that is related to a specific sample image).

Identification of work and rights online
- The print sector has agreed to **promote widespread adoption of web content declarations** via hubs (eg. UK Copyright Hub) and new web tools providing a standard way for right holders to declare their rights in an authorised, machine-readable, accessible form on the Web:
  - Competi**t**ions or calls for tenders to develop tools and technology to support implementation of Web Content Declarations.
  - Encourage national or regional hubs, and interoperability between them.
  - Design or support initiatives to integrate "orphan works" and public domain registry services and databases with WCDs and the evolving Hub network.

Music

Findings
- The music sector is at the forefront of licensing, with **over 260 licensed digital music services** and **30 millions licensed songs** available across Europe.

- The **dissemination of user-generated content (UGC) is covered by licensing platforms**. Content is licensed through the platform, and **licences are not required for each individual user**.
- The **music sector licenses every platform**, including UGC platforms, if the deals make **commercial sense**, in order to have their artists' music as widely available and disseminated as possible.
- Regarding small-scale uses, **users can generally upload their videos to licensed online platforms** and then **embed them on their own website or blog**, ensuring that the video is covered by a licence.

Licensing

- **A new industry-led pan-European licensing scheme** targeting the needs of small-scale users (i.e. individuals, small associations, small businesses, etc) was announced in November 2013. Through this scheme, small-scale users are able to acquire one-stop pan-European licences from record producers collecting societies, which allows them to easily use recordings on their websites.

WG 3: Audiovisual Sector and Cultural Heritage Institutions

The participants of Working Group 3 focused on solutions to facilitate the preservation, restoration, and online accessibility of the European film heritage.

Findings

- The participants made significant progress in facilitating the preservation, restoration, digitisation and accessibility of European cinematographic heritage, pledging to strengthen collaboration between them, as well as with the European Commission and Member States.
- Film producers, directors and other audiovisual authors and film heritage institutions worked together to produce voluntary **principles and procedures** that will **facilitate agreements on the digitisation of, and access to, European cinematographic heritage works**, as well as boosting interest of European citizens in them.
- The participants also recommend the use of internationally recognised standard audiovisual work identifiers, as well as the full interoperability of ISAN and EIDR systems of audiovisual work identifiers.
- Participants called on the Member States and the EU institutions to introduce **financial mechanisms to** support projects to **digitise European cinematographic heritage works** and to **promote their accessibility and increased discoverability** by European citizens.

WG 4: Text and Data Mining for Scientific Research Purposes

The participants of WG 4 together worked on identifying solutions for and promote the efficient use of text and data mining (TDM) for scientific research purposes.

Findings

- Scientific publishers **commit to ease text and data mining (TDM) of subscription-based material** for non-commercial researchers in the EU through standard licensing models as well as technology platforms that facilitate text and data mining access.

Licences

- One of the pre-requisites for successful TDM is a cross-publisher application interface accessing full text for TDM purposes: CrossRef Prospect is a new service of CrossRef streamlining access for researchers to subscribed content through **click-through agreements for TDM.**

Further information

For further information on any of the points covered in this paper, please contact the Creativity Works! Secretariat:

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