

THE ROLE OF PUBLISHERS ASSOCIATIONS, RROS AND AUTHOR SOCIETIES IN THE TIGAR PROJECT

This document is a supporting document to the ‘TIGAR Project Summary for Rightsholders’ document which should be read beforehand. It has been prepared specifically for publishers associations, RROs and author societies.

TIGAR is a pilot project that is developing and implementing solutions to enable Trusted Intermediaries to exchange electronic files for accessible versions of books with each other across national borders. These solutions will be adapted based on the experience gained.

TIGAR COPYRIGHT SOLUTION

A vital component of the project is the copyright solution. Trusted intermediaries use copyright exceptions or licenses in their own countries to produce accessible versions of books. However, in most cases¹, these copyright exceptions or licenses do not allow them to share their books with trusted intermediaries in other countries. In some countries, these exceptions or licences are managed by RROs, publishers associations or authors’ societies on behalf of rights holders. In other countries, TIs have direct agreements with publishers.

The TIGAR MOU² forms the licensing solution for TIGAR which needs to be signed by rights holders. Once signed, Trusted Intermediaries can search the collections of other TIs for accessible versions of books and select titles for the rights holders that have signed the MOU. On receipt of a request to exchange electronic files for one of these titles, rights holders are then asked to provide their permission to allow the file to be exchanged between TIs using the WIPO technology solution.

In many cases, national or international publishers have chosen to sign the MOU and manage permissions directly. However, in many countries a collective model has been adopted.

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In many countries, RROs, publishers associations or author societies that already work with TIs to provide collective rights management services can sign the MOU if mandated by their publishers, authors and other rightsholders to do so. Having signed the MOU, they may also either provide permissions on their behalf or manage the permission clearance process for them. The exact arrangements depend on existing roles fulfilled by these ‘collecting’ organisations. For example:

- In South Africa, DALRO has signed the MOU on behalf of publishers and is the primary contact point for the PCC. The PCC contacts DALRO to request permissions and DALRO obtains the permissions from the publishers. A similar role is adopted by CLL in New Zealand, Kopinor in Norway, who has the permission from both authors and publishers, Jamcopy in Jamaica and the Swedish Writers’ Union,.
- In Switzerland, ProLitteris already has arrangements with publishers and manages some rights on their behalf. It is aiming to extend its agreements with its publishers so that it will be able to grant permissions for TIGAR directly without the need to contact publishers.

¹ Some cross border sharing of accessible books is allowed under existing exceptions or agreements e.g. in Scandinavian countries.

² The full name is the TIGAR Fast Track Memorandum of Understanding.

Rights holders in any country may choose to use such a 'collective' solution. Whichever organisation signs the TIGAR MOU must first have a clear mandate from rights holders. The process to achieve this is dependent on national circumstances, but needs to be led by rights holders i.e. the publishers association and/or authors' association. A working group can be formed to determine the best solution for the country. The TIGAR Project Team can support this process.

THE FUTURE

The TIGAR Steering Committee and Project Management Team have always considered the TIGAR MOU to be an interim solution. Title by title permission clearance was necessary to enable the project to get established but it is not a scalable solution and will not be viable as the TIGAR network continues to expand.

For some time, a collective management solution in which RROs, publishers associations and authors' societies would play a significant role has been considered a more efficient and effective solution for rights holders. However, the best route forward will be influenced significantly by the outcome of current negotiations at WIPO regarding an international legal instrument.

It is most likely that before October 2013, all existing participants in TIGAR will be asked to sign an extension to the existing TIGAR MOU to enable continuity after the pilot project ends. The way forward regarding the WIPO international legal instrument will soon begin to clarify and as part of their work during the Continuation Project, the project team will develop plans to move to a new and more time and cost effective copyright solution.

TIGAR is a complex project so if you have any questions, please contact:

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For more information about TIGAR go to www.tigarnetwork.org