

D'Art report number 3

Copyright Management Systems*

March 2002

Introduction

This report summarises the outcome of IFACCA's third D'Art question, which was sent by Margaret Wyszomirski, Professor and Director, Arts Policy and Administration Program, The Ohio State University, USA.

Context

Professor Wyszomirski approached IFACCA with this query in her preparation of background materials for the upcoming American Assembly meeting on the arts, technology and intellectual property. She commented:

A number of rights management concerns have arisen in the course of our research. It would appear that, at least in the USA, the system of rights management is fragmented, segregated by discipline, and has notable gaps/omissions.

We occasionally receive references to rights management practices in other countries, for example: the Irish Music Rights Organization; and the Canadian system of providing a "safe harbour" for clearing rights for which the owner cannot be readily identified. More vague references have also been made to how rights management is dealt with in France and Germany. I have also begun to gather info on the International Federation of Reproduction Rights Organisations (IFRRO) (and its member organizations), which seem primarily concerned with literary and publishing concerns with some graphic and journalism aspects. And I have also been checking out a cluster of Australian copyright organizations including the Copyright Council, the Copyright Agency Limited, and Vi\$copy.

Questions

- What are the organizations - whether governmental, nonprofit, associations, or corporate entities - that manage cultural intellectual property rights in other countries?
- What, if any, are the relationships among these organizations? (e.g., have any of them been established at the initiative of government or as agents to which government contracts out certain functions; do any of them receive government funding, whether ongoing or only as start-up?)
- What is the rights management scope of each organization? Does it handle only certain rights? Only certain artforms or types of artists? Are they registries, clearinghouses, licensing entities, and/or collection and distribution services?
- What "management tools" do these organizations employ: blanket licences; sample contracts; on-line registration and licensing? What is their service fee

structure like: free registration for IP creators; only to association/union members; other?

Professor Wyszomirski added: 'I am interested in these issues on a descriptive basis only. At this point, I am simply trying to get a sense of comparative organizations, processes, and procedures and am not ready to extend into questions about their effectiveness, although I would welcome any sense of what deficiencies others see in their own rights management systems.'

Outcome

We received eleven responses to this request (respondents are listed in the Appendix). The high level of interest reveals the importance of the copyright issue to cultural policymakers, administrators and artists.

Professor Wyszomirski found the responses useful in developing her presentation to the American Assembly and wishes to thank all respondents for their time and effort. A copy of Professor Wyszomirski's paper is on the IFACCA website at <http://www.ifacca.org/files/MJWch7.pdf>. The paper crystallises a number of issues surrounding copyright management, but is not intended to be a comprehensive international survey of systems and issues. Professor Wyszomirski remarked that 'the combination of time, language and the complexity of the issue led me to focus on only partial comparisons to some English-speaking countries.' Responses from our European colleagues in particular indicate that much work and analysis has been undertaken in Europe on copyright management. It is interesting, however, that no respondents were able to furnish references or links to a central repository of information on European systems.

This D'Art question has therefore not just highlighted the complexity of analysing and comparing copyright management systems, it has also indicated that there is a substantial amount of information on copyright management systems that is difficult to access.

Given the importance of this issue to arts and cultural policy, IFACCA intends to keep a 'watching brief' on this topic. We are therefore interested in hearing from anyone who can provide further information or assistance. Please contact us at info@ifacca.org.

* D'Art aims to consolidate and maximise the expertise of the world's arts councils and culture agencies. For more information visit www.ifacca.org

ISSN: 1832-3332

© IFACCA 2002

This report may be used freely with acknowledgement. Suggested reference: IFACCA, 2002, 'Copyright Management Systems', *D'Art Topics in Arts Policy*, no.3, International Federation of Arts Councils and Culture Agencies, Sydney, http://www.ifacca.org/ifacca2/en/organisation/page09_BrowseDart.asp. IFACCA is interested in hearing from anyone who cites this report.

Disclaimer: This report has been prepared by the IFACCA secretariat. Errors, omissions and opinions are the responsibility of the Secretariat and cannot be attributed to the respondents listed in the Appendix, nor to the Board or members of IFACCA.

Appendix

Respondents

Responses to this D'Art question were received from:

- Graham Berry, Acting Director, The Scottish Arts Council, Scotland.
- Elke Eller, Advisor, Estonian Ministry of Culture, Estonia.
- Melissa Elliot, Library Manager, Embassy of Australia, USA.
- Sue Harrison, The British Council, UK.
- Lindsay Lewis, The Scottish Arts Council, Scotland.
- Elizabeth O'Shea, Manager, Rights Management & Protection Section, Department of Communications, Information Technology and the Arts, Australia.
- Lisa Roberts, Senior Policy Advisor, The Canada Council for the Arts, Canada.
- Joan Shigekawa, Associate Director Creativity & Culture, The Rockefeller Foundation, USA.
- Joost Smiers, Director, Hogeschool voor de Kunsten Utrecht, The Netherlands.
- Teresa Tamen, Centro Nacional de Cultura, Portugal.
- Professor Andreas Wiesand, Secretary General, ERICARTS, www.ericarts.org, Germany.

Thanks to all respondents!