

MMO Licensing Guide

Media monitoring companies have no central licensing service in most countries. **To encourage MMO licence development PDLN presented a new guide on best practice for press licensing to the IFRRO annual conference in Tokyo in early November.** IFRRO is the global trade body for licensing and represents over 150 licensing bodies worldwide.

The new Guide was commissioned by the PDLN board and written and presented by Andrew Hughes and Sandra Chastanet, with contributions from George Zannos of OSDEL (Greece), and Valteri Nirranen of Kapiosto (Finland).

Reaction from delegates was positive, but the challenge of starting licensing which requires a licensing body to engage both newspaper and MMO support at the same time remains significant. The potential for a publisher oriented version of the guide is under consideration. The Guide is available on the PDLN site home page.

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Web content and licensing - PDLN Seminar report

Licensing, supplying and protecting web content remains a challenge for many PDLN members. Most licensing is still of PDF copies of web pages, and the legal and business environment on licensing links is not as clear as it should be (despite the GSI media case).

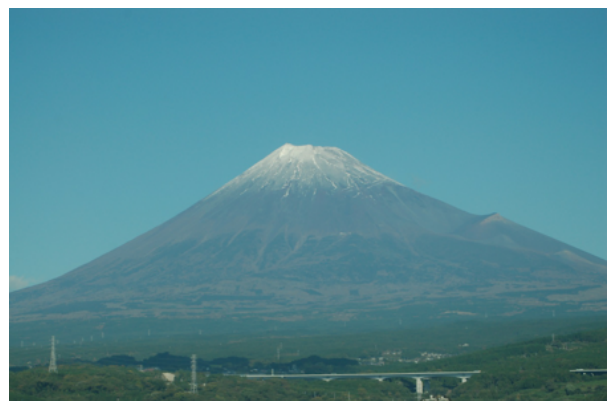
The PDLN seminar hosted by CFC in Paris in November demonstrated strong interest in the topic with over 20 attendees from UK, Belgium, France, Austria, Netherlands and Spain attending, plus guest from Norway and France. CFC technical partners demonstrated software that identifies and blocks web scrapers, which represents a potential approach to protection and encouragement of licensed services. Jon Anders Tangnes and Rune Kleveland of Opoint Technologies explained how web scraping works and how they work with MMOs and publishers to address paywall issues. Les Echos, CFC, NLA, CLA, Belga set out their web licensing and data approaches. All presentations are available to PDLN members on the PDLN site.

PDLN is dead. Long live PDLN

The process of forming a new UK based company to manage PDLN is nearing completion. **The new entity, PDLN Limited, has been formed and most members have moved across.** The intention is to simplify administration, with the minimum minor technical changes reflecting the changed location. We expect to complete the process in January with members of the new business confirming the transfer of board members.

IFRRO Japan-Eastern Promise ?

PDLN members JAC, supported by JRRC, were host for the annual IFRRO conference in November (www.ifrro.org), attended by many current and prospective PDLN members. Conference highlights included a presentation from EPC on the progress of EU copyright reform.



PDLN Seminar - Text Aggregators. Berlin March 8th 2018

The media monitoring services that PDLN members supply and license live in the market alongside text aggregators like Factiva and LexisNexis.

The boundaries between MMOs and these services may be eroding. The growing use of text – encouraged by the growing use of web content in text format by users – and the increased timeliness of web content delivery may be weakening the appeal of media monitoring based on traditional print delivered as a PDF. Further the supply lines established between text aggregators and MMOs is potentially diluting licensing value for publishers.

Alternatively text aggregators may be partners, especially in the area of data supply management and in creating simpler licensing solutions for PDLN members and publishers. A number of PDLN members have good close working relationships with text aggregators, who pay royalties to publishers, unlike many web scrapers.

The aim of the seminar is to help PDLN members understand and explore the dynamics and the impact on their business of text aggregators and especially their relationship with MMOs, and to help publishers make better informed decisions about licensing strategies. Contact pdlninfo@nla.co.uk

NLI and NLA add Irish content to NLA international licences

A new agreement between Irish licensing agency NLI and the UK's NLA media access has made it easier for international media monitoring agencies to copy and leverage Irish content.

NLI licensed content from more than 100 publications, including the likes of The Irish Times, Irish Independent and Irish Examiner, can now be used and supplied to clients under the NLA's existing IMMO agreements with 30+ international agencies. No new contracts will be needed by clients, making it very simple to incorporate Irish content. NLA and NLI already share rights in the UK and Ireland.

Welcoming the new agreement, Frank Cullen, Chief Executive of NLI, said: "This is all about making things simpler for users. The fewer agreements that are needed, the greater the reward for publishers. NLA already has a successful international licence programme for media monitoring agencies and it makes great business sense for us to work together".

Andrew Hughes, International Director of NLA, said: "Ease of use is essential for everyone and this deal with NLI is another step towards making copyright compliance easier for users of monitoring services. Our users have requested wider coverage and we are responding. We have now added both Irish and Spanish content, and we plan to go much further".

Changes afoot in Irish MMO market

Until early 2017 Ireland was dominated by two large MMOs, Kantar Media and NewsAccess. In April 2017, Kantar Media announced the acquisition of NewsAccess. The deal was referred to the Competition and Consumer Protection Commission over fears it could make the market less competitive, however the CPPC gave the green light (while imposing certain restrictions) and the acquisition was confirmed in summer 2017.

Fast forward to September 2017, and two new media monitoring organisations – Rue Point Media and Hawkeye Media – launched in Ireland, opening up further options for clients and further assuaging any concerns about the competitiveness of the Irish MMO market.



Legal worries

Defying both common sense and available EU precedents Italian courts ruled earlier this year that copying press content by MMOs and selling it did not need a licence.

The case was brought by PDLN member Promopress with Data Stampa and Eco de la Stampa arguing against licensing in the MMO corner.

PDLN has expressed regret at the outcome and expects a successful appeal in due course. We note legal actions from MMOs resisting licensing in Poland, Portugal, Slovakia and Spain continue. Let's hope 2018 brings some positive progress.

Copyright Agency pushed to last resort by NSW Government non-payment

Copyright Agency, the Australian PDLN member representing the copyright and licensing interests of thousands of authors, publishers, photographers, media and content creators, has been forced to take the NSW Government to the Copyright Tribunal after it refused to pay a fair rate for using copyright material for five years.

Copyright Agency CEO Adam Suckling says, "The NSW Government is the only government in Australia refusing to pay a fair rate for using the copyright material of our members. For five years we have attempted to get the NSW Government to recognise the value in tens of millions of pages of author, publisher, researcher, photographer, cartoonist and journalist content.

"In this time, thousands of NSW executives and public servants have copied up to 200 million pages of copyright material without the appropriate approval or recompense for Australian creators.

"Whether it's health, engineering or science journals, media articles, safety handbooks or illustrations, our members' material is a vital source of intelligence that benefits portfolios and informs decisions across government.

"Over 200,000 NSW Government employees use and distribute copyright material – such as newspaper, magazine and journal articles, survey plans, photos and illustrations – in the course of their work every day.

"We are proud that this material provides an important input into serving the people of NSW – but we believe that our members should receive fair payment for use of this work.

"It is an accepted standard that governments pay a market rate to cover the use and sharing of copyright material and the use of such material is covered by the Copyright Agency licence.

"This refusal to pay a fair rate hurts Australian writers, journalists, cartoonists, photographers, publishers and visual artists, and harms their ability to invest, innovate and develop more, new Australian content.

"There is a simple win-win solution available, which is for NSW to come to a commercial agreement in line with the Commonwealth and all other state and territory governments.

"The unnecessary and undesirable alternative is for the Copyright Agency to represent its members rights in an expensive legal action which will waste a huge amount of public resources.

"The last such dispute between the NSW Government and the Copyright Agency took 10 years to conclude – in the Copyright Agency's favour – and cost millions of dollars."

CFC (France) - Copyright Agency (Australia)

CFC and Copyright Australia have extended their bilateral agreement to represent digital rights of their Australian and French repertoire in their respective licences for the education and business sector. The new agreement will allow users, including MMOs, to copy foreign material under local licence terms.

GSI media - where linking is not legal

A Linked In post by legal expert Eleonara Rosati notes that the GSI media case – which suggests a profit making motive should be considered as a negative factor when assessing defences to copyright cases based on links - is now being applied in many EU countries.

The idea that linking for profit needs a licence would be welcomed by most PDLN members. The fact the links are built from huge database of scraped (copied) content adds weight. PDLN members are encouraged to read up on GSI media.

PDLN Conference June 3-5th 2018

The PDLN 2018 annual conference has confirmed venues for the conference and related events.

Details are on the conference website [<http://pdln-conference.strikingly.com>] and include dinner in the Stationers Hall, the home of the 460 year old Stationers Company. Early booking of the conference hotel is recommended. Details to follow...



FIBEP and AMEC Updates

Artificial Intelligence and block chain technology dominated proceedings at the FIBEP Congress in Berlin in October, together with a storm so strong that an offsite dinner had to be cancelled.

PDLN member PMG were conference sponsors, and PDLN member Infomedia will host the 2018 event in Copenhagen. AMEC are meeting in Barcelona in June.

NEWSLETTER



Future events Dates for your diary

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| > PDLN seminar on text aggregators | 8th March 2018 |
| > PDLN Annual Conference - London | 3 - 5th June 2018 |
| > IFRRO Spring meeting, tbc | 11 - 15th June 2018 |
| > AMEC Congress, Barcelona | 11 - 12th June 2018 |

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