

## **Organizing the Management of IP Rights: Licensing, Collecting and Security in a Digital Age**

Prepared for the American Assembly, “Art, Technology and Intellectual Property”

by

Margaret J. Wyszomirski  
The Ohio State University  
wyszomirski.1@osu.edu

The management of intellectual property rights can involve a menu of rights, a variety of administrative devices, and many kinds of parties—both individual and organizational. While the menu of rights and the range of administrative devices are relatively similar between countries, the diversity of parties potentially involved in the management of intellectual property rights can differ from one country to another as can the particular function or set of functions that these management organizations perform. Here we are primarily concerned with the set of organizations that collectively comprise the rights management infrastructure in the United States. However, even a glancing comparison to how this infrastructure is constituted in other countries provides additional insights into what is involved in the management of intellectual property rights. In the digital era, the ubiquity and worldwide scope of electronic distribution networks, the increasing production of multi-media works, the ease and speed of technologically assisted reproduction, and the overall financial stakes involved have increased both the complexity of and the necessity for effective rights management. Before discussing the various kinds of rights management organizations, let's first review the elements and tasks involved in the overall process of rights management.

### **Elements and Tasks of Rights Management**

Rights management involves many elements and tasks. A full discussion of each and all of these elements is beyond the scope of this paper, which only seeks to sketch in these dimensions. These elements include:

- 1) the type of right(s) involved
- 2) the legal and/or technical devices employed
- 3) the range of management tasks
- 4) the scope of administration

**Type of Right.** Historically, the management of intellectual property rights was a multi-dimensional task because copyright for creative work typically involves a "bundle" of privileges and rights. Depending upon the type of creative work involved, this bundle might include not only reproduction rights (including derivative works), but also performance rights, mechanical rights, and synchronization rights. If any of these rights pertain to creative works that are being used in small contexts where the cost of administration is large relative to the value of the rights, such rights may be referred to as "small rights." Conversely, "grand rights" can package a set of rights that are all interrelated to a dramatic production such as a Broadway musical, an opera, oratorio, choral work, play with music, a revue or a ballet. With the passage of the Digital Millennium Copyright Act, digital rights were added to the historic "bundle."

**Legal and/or Technical Device.** The foregoing menu of rights may be reserved to the creator or transferred (or assigned) individually, in groups, or in their entirety to others under terms that are exclusive or non-exclusive. Transferrals are generally undertaken through contract and licensing procedures. While licenses can be regarded as a form of contract, for the sake of this discussion, the term "contract" will be

used to refer to a legal agreement in which an individual creators of intellectual property (e.g., a writer, musician, photographer) transfers or assigns some or all of their property rights to another—often organizational—entity which will then develop, distribute, and otherwise manage the work to secure financial returns and/or public access. Contracts are a device commonly used to transfer rights from one party to another and can be referred to by names: marketing agreements, distribution agreements, strategic alliances, development agreements, cross-licenses, etc. (Anawalt & Enayati 1988: 251)

Conversely, the term "licenses" will be used here to refer to legal agreements made between owners of intellectual property and those who want to use such works and agree to a set of terms and fees in order to gain lawful access to these works. Licenses may concern specified rights to use a specific work in specified mediums or for particular purposes. For example, ASCAP offers different license agreements for performances in the mediums of radio, internet, television and cable/satellite. In contrast to these specific licenses, a blanket license can be issued to give users access to all works in a particular repertoire or collection for one fee. For example, ASCAP generally issues music users a blanket license covering the performance rights to any or all of the four million works in its repertoire. Alternatively, AMICO (the Art Museum Image Consortium) offers non-exclusive and limited licenses to schools, universities and museums to "use, modify, reproduce, distribute, and publicly display" works in AMICO's library for educational, research, and scholarly purposes. (AMICO Library University Agreement).

Today technology may be implicated in the rights management process in five ways:

- (1 & 2) it can be used to facilitate and manage the assignment as well as the licensing of rights,
- (3) it can create distinct distribution and performance venues (e.g., television, cable, Internet, webpages, etc) that give rise to different terms and conditions in rights contracts and licenses; and
- (4) it can constitute a distinct category of intellectual property rights, i.e. digital rights
- (5) it can provide an integrated platform of services and products designed to manage a multitude of rights management functions including registration, clearance, licensing, tracking, collections, royalty distributions and transaction security

In the first instances, individual writers may register their works with the Publications Rights Clearinghouse (PRC) at the website of the National Writers Union and thus contract with the PRC to act as their agent in licensing secondary rights to previously published works. Similarly, music publishers may become a member of BMI by signing a contract whereby they assign to BMI the public performance rights of works in their catalogue. These works can then be registered on line and become part of the repertoire available to BMI licensees. Alternatively, prospective users of intellectual property can locate and secure licenses for many types of creative properties on-line. The Copyright Clearance Center operates "Rightslink" —an "end to end licensing and reprint" service that lets users request permission to republish as well as pay royalty fees over the Web. BMI operates its "Digital Licensing Center" that allows users to electronically enter into a blanket licensing agreement.

As technology has given rise to new distribution and performance venues, these have, in turn, evoked particular treatment from both labor associations and collective rights organizations. Various labor union and professional associations in the cultural industries negotiate or recommend different contract terms concerning the rights and compensation of their members for work in different technologically-specific mediums. Similarly, both corporate and collective rights management organizations commonly set different licensing terms for each technologically specific medium. Finally, technologically sophisticated application service providers in the rights management field include companies like InterTrust and Rightsline.

Table 1: A Select Comparison of Rights Management Organizations

	US	Australia	UK	Ireland	Canada	Multinational
<b>government agency</b>	<b>US Copyright and Patent Office</b> (A Division of the Library of Congress)	^^^	<b>British Library Copyright Office</b>	<b>Intellectual Property Unit, Department of Enterprise, Trade &amp; Employment</b>	<b>CBC</b> - Copyright Board Canada; <b>Copyright Policy Branch</b> , Department of Canadian Heritage	<b>WIPO</b> - World Intellectual Property Organization
<b>music rights organization</b>	<b>ASCAP</b> - American Society of Composers, Authors and Publishers, <b>BMI</b> - Broadcast Music Inc, <b>Harry Fox Agency*</b> , <b>SESAC</b>	<b>APRA</b> - Australia Performing Rights Association/ <b>AMCOS</b> - Australasian Mechanical Copyright Owners Society	<b>MCPS</b> - Mechanical-Copyright Protection Society/ <b>PRS</b> - Performing Right Society	<b>PPI</b> - Phonographic Rights Ireland; <b>RAAP</b> - Recorded Artists and Performers Limited; <b>IMRO</b> - Irish Music Rights Organization	<b>SOCAN</b> - Society of Composers, Authors, and Music Publishers of Canada; <b>PRS</b> - Performers Rights Society	^^^
<b>visual rights organization</b>	<b>AMICO</b> - Art Museum Image Consortium, <b>Corbis</b> , <b>Getty Images*</b>	<b>VISCOPY</b>	<b>DACS</b> - Design and Artists Copyright Society Limited	^^^	<b>Masterfile Corporation</b> ; <b>SODRAC</b> - Society for Reproduction Rights of Authors Composers and Publishers in Canada (Visual Arts and Crafts Dept)	^^^
<b>text/literary rights organization</b>	<b>CCC</b> - Copyright Clearance Center; <b>NWU/PRC</b> , National Writers Union	<b>CAL</b> - Copyright Agency Ltd	<b>CLA</b> - UK Copyright Licensing Agency	^^^	<b>CANCOPY</b> - Canadian Copyright Licensing Agency	<b>IFRRO</b> - International Federation of Reproduction Rights Organisations
<b>national peak associations</b>	^^^	<b>ACC</b> - Australian Copyright Council	<b>UKCS</b> - UK Copyright Service	^^^	^^^	^^^
<b>security and rights management application service provider</b>	<b>InterTrust</b> , <b>Rightsline</b> , <b>ContentGuard*</b>	^^^	^^^	^^^	^^^	<b>CISAC</b> - International Confederation of Societies of Authors and Composers

^^^ a blank space does not imply that no organization exists, but rather that no organization was located as of presstime

\* no profile is included in the appendix

**Range of Management Tasks.** Rights management involves a number of discreet tasks. These range from public registration, to portfolio development, to licensing, monitoring use, fee collections, royalty distribution, application service provision, policy advocacy, public education, international coordination, and policy and standard development. Usually no one rights management organization performs all these tasks. Rather different types of organizations tend take on different functions. At least seven types of rights management organizations have been identified:

- intellectual property units of the national government
- music rights organizations
- visual rights organizations
- text/literary rights organizations
- audio-visual/film rights organizations [*not included in Table 1*]
- national peak associations and organizations
- security and rights management application service providers.

Furthermore, the array of this distribution of management tasks varies from one country to another, as does the complement of various types of organizations. Table 1 presents a listing of six of the seven types of rights management organizations and provides examples of such organizations in both the United States, and in a selection of other countries.

In the United States, the Copyright and Patent Office (which is an agency of the Library of Congress) has the dual responsibilities of public registration and policy development. In contrast, Australia has no registration system for copyright and, hence, no lead government agency in the copyright arena. In the United Kingdom, the British Library has a Copyright Office; as of 1999 registration for copyrights in any genre is handled by the UK Copyright Service. In Canada, the Copyright Board operates as an independent tribunal that rules on the rates that collective societies may charge in licensing fees, has jurisdiction over the enforcement of collective society agreements filed with it, and may be called upon to settle disputes over rates. (Pantalony, 1999: 110) In Ireland, an Intellectual property unit operates within the Department of Enterprise, Trade and Employment that is engaged in policy development.

With regard to the public registration function, other countries tend to designate particular rights management organizations in each of the major genres as the approved collecting society and often also charges that organizations with the administration of any relevant statutory licenses (e.g., reproduction by educational institutions for educational purposes). The function of registering copyright is important for at least three reasons: one, it provides a mechanism for recording the creation of individual works of intellectual property. Second, it is also a way to identify the owner(s) (original and/or transferred) of the various intellectual property rights vested in a particular work. And third, such registry and identification is a necessary prerequisite to the enforcement of copyright. (Anawalt & Enayati 1988:72)

In this sense, outside the US, collecting societies are an essential part of the system that both administers and enforces copyright. In each of the countries under discussion, development of organizational rights portfolios, licensing, monitoring use, fee collection, and royalty distribution are common functions both collective rights management organizations and the direct rights administration of private rights-owner companies. At least in Canada, and perhaps because of the quasi-public character of legislatively designated collecting societies, these societies tend to manage their members' rights under exclusive representation agreements rather than the non-exclusive arrangements that are common among American rights management organizations.

An example of international standard development can be found in CISAC, an international peak association with members from over 100 countries that is developing international standards to identify and track creative works in a variety of genres. Working toward a system similar to the ISBN code for published works, CISAC is focussing on an international standards works code (ISWC), an international

audio-visual code (ISAN), and a standard for textual works (ISTC). With regard to international coordination, we see that individual rights management organizations tend to have reciprocal arrangements and contacts with their counterparts in other countries. We can also see the emergence of transnational organizations such as the World Intellectual Property Organization (WIPO) at the governmental level and the International Federation of Reproduction Rights Organizations among NGOs (non-governmental organizations).

It is interesting to note that even this brief international comparison seems to indicate that the array of rights management organizations—and by implication, the US intellectual policy system—seems to be missing one element evident in other countries. That is the existence of some sort of peak association operating across the copyright spectrum. While it is true that there are numerous and shifting advocacy coalitions operating in the US that are concerned with specific intellectual property issues, none of these coalitions seems broad enough to span the various creative genres as well as the differing sectoral interests of the commercial and the nonprofit arts. Perhaps a first step toward the evolution of such an America peak association might be seen in the October 2001 meeting of the first Digital Rights Management Summit. Advance materials on the Summit suggest that it was designed to be something of a trade show in which six technology firms would demonstrate "their solution for selling, distributing, managing, and/or protecting content" to a collection of approximately 50 top rights holding and content distributing companies. While the Summit was only a single event, the Summit did bring together various elements of the dispersed rights management systems.

Peak groups are likely to be differently configured in each country. In Australia, it is the Copyright Council, a nonprofit organization that is both publicly funded and which earns income that undertakes public education, policy advocacy, and inter-organizational coordination among nearly two dozen professional associations and collecting societies across the cultural sector and focusses on information, education, and advocacy activities. In the UK, the Copyright Service, which is actually a registry but is not a government agency, might function as something of a peak association simply by virtue of the fact that it services all genres of creative property.

**Scope of Administration.** A rights-owner—whether an individual or a corporate entity— can manage their intellectual property either directly or indirectly, by joining together with other rights-owners to form a collective rights management organization. Large recording companies, film production studios, publishing houses, and other entertainment corporations directly administer their intellectual property holdings through licensing handles by marketing divisions or subsidiaries. In rare instances, individual creative artists will establish foundations or trusts to which they bequeath ownership (and hence management) of their intellectual property. In the field of dance choreography, examples would include the Balanchine Foundation and the Jerome Robbins Rights Trust. In the theatre field, the Rodgers & Hammerstein Organization manages the rights not only to the works of Rodgers and Hammerstein, but those of other artists in musical theatre such as Lorenz Hart, Jerome Kern, and Kurt Weill.

In the case of rights-owners that control a more limited number of properties, the cost, monitoring and management of their rights is more effectively and efficiently accomplished indirectly—by joining others to form an organization or association that collectively manages their properties. Examples of rights management organizations— in the United States as well as in Australia, Ireland, the United Kingdom, and Canada— can be found in Table 1. For further information, the Appendix provides short profiles of a number of these organizations. A number of terms are used to describe these organizations, including collecting societies, licensing societies, rights representing organizations, and rights management organizations. According to a comprehensive study of these organizations in Australia that was issued by the Minister for Communications and the Arts as well as the Minister for Justice, such organizations both within and across countries display a perplexing range of variability with regard to which group of rights

they administer, their membership criteria, the sectoral base, their operating methods, the kinds of licenses their issue, their payment and collection systems. (Simpson, 1995: Sec 2.2)

Collective administration organizations (as well as the technology infrastructure providers) typically operate in either the nonprofit or the for-profit sector. For example, Rightsline is a privately held company while InterTrust is a publicly traded corporation. AMICO is a nonprofit corporation representing a consortium of 32 members. Of the three performing rights organizations in the US, both ASCAP and BMI are nonprofit organizations while SESAC is a private, for-profit corporation. There are no government-based collective rights management organizations in the United States although the government does exert a regulatory effect on such private organizations because of their potential to act as monopolies. Hence, while the federal government is alert to the anti-trust potential of such organizations, it also recognizes that without such centralized clearance entities rights management might be inordinately expensive and chaotic (Krasilovsky & Shemet: 152) as well as impose serious obstacles to public access, choice and use. This situation has long been recognized with regard to the operation of radio stations which require the efficient management of a large groups of performance rights. To balance monopoly concerns and the need for effective rights management, the federal government has issued an anti-trust exemption in the form of a consent decree under which both ASCAP and BMI currently operate.

Collective rights management organizations typically limit their scope to a particular artform such as music, literary works or visual imagery. (Zorich, 1999: 46-50) At least in the United States, it is not unusual to have multiple organizations exhibiting different corporate structures (nonprofit or for-profit) within a given artform. For example, the field of music exhibits three performing rights organizations (ASCAP, BMI and SESAC) as well as a mechanical rights management organization (Harry Fox Agency) in addition to a number of recording companies that directly manage their own intellectual property rights. Similarly, in the visual arts we find both the nonprofit AMICO representing mostly museum collections of visual imagery and administering mostly educational use licensing, as well as the privately held visual image collections held by Corbis and Getty Images which focus on more commercial usage and licensing. In the area of text/literary works, the Copyright Clearance Center (which describes itself as the "largest licensor of text reproduction rights in the world") manages over 1.75 million works and represents more than 9,600 publishers.

As indicated in Table 1, we find similar rights management organizations in other countries. In Ireland, IMRO administers music performing rights and is the legislatively designated licensor. In Australia, APRA is comparable to ASCAP, BMI and SESAC in that it handles music performance rights. It operates in cooperation with AMCOS, which represents virtually all music publishers in Australia and New Zealand and manages mechanical rights. Thus, AMCOS is analogous to the Harry Fox Agency in the US. In Canada, the Society of Composers, Authors and Music Publishers of Canada (SOCAN) manages music performance rights. Each of these national music performing rights management organizations tends to have reciprocal agreements with its "sister" organizations in other countries.

### **Rights Management in Flux**

Today, the management of intellectual property rights are not only in flux but the stakes involved--both of a financial and of a public interest nature--are much greater than ever before. Four significant dimensions of change include:

1. the expanding scope of the rights management task;
2. the growing number and complexity of rights management organizations
3. increasing public policy attention to and impact upon the processes and administrators of rights management; and
4. the difficulty of identifying and locating rights owners in order to facilitate effective rights management.

**Expanding Scope.** A full discussion of the many ways in which the scope of rights management has increased is beyond the focus of this piece. It is, however, obvious, that technology has contributed significantly to this expansion in two ways. First, in recent years, technological developments have prompted governments to recognize a new category of intellectual property rights--digital rights. These digital rights not only exhibit aspects of long-established rights (e.g., to copy, to perform, or to use in derivative works), but also constitute a new phenomenon in which the very essence of these activities takes on different meaning. Today with digital technology, virtually anyone can easily make unauthorized but perfect and low cost copies of recordings, films, books, and other intellectual property. Troy Dow of the Motion Picture Association of America reports that piracy costs the US film industry \$8 billion annually as 300,000 films are illegally downloaded from the Internet daily. Thus, the right to control and reap the financial rewards of reproducing the first--or original--copy has been radically transformed. Similarly, the range and variety of mediums and formats in which intellectual property may be used and the ease with which work created and/or fixed in one form may be reproduced, sampled, or cited in another have increased enormously in recent times. Hence, technology has expanded the task of managing intellectual property rights along two fronts. First, a new category of rights--digital rights-- has been added to the menu of rights that are to be managed. Second, the tasks of licensing and monitoring all types of intellectual property rights has become more complex as the variety of legitimate uses has multiplied, as technology has made it both easier to monitor use and to exercise unauthorized use, and as the value (both actual and perceived) of intellectual property increases.

**The Growing Number and Complexity of Rights Management Actors.** Many of the rights management organizations discussed above and profiled in the Appendix have long histories. In the U.S., ASCAP was created in 1914, SESAC in 1930, and BMI in 1940. In Australia, APRA was established in 1926 and AMCOS has roots that go back to 1956. Of somewhat less historic proportions are organizations such as the Copyright Clearance Center in the US (1978) and EMG (handling music clearances in film, television and multimedia) (1986); the Copyright Licensing Agency in the UK (1982); the Australia Copyright Council (1968); and the International Federation of Reproduction Rights Organizations (IFRRO) (1980). To this roster of established rights managing societies and private agents, one must also add the many media and other copyright corporations such as Disney, Universal, Vivendi, and Time Warner who directly manage large portfolios of IP rights. And new rights management organizations seem to be proliferating since the 1990s. Many organizations concerned with managing the rights of visual art imagery are scarcely a decade old: in the US alone this group would include AMICO (1997), Corbis (1989 with a complete reorganization in 1997), and Getty Images (1995). Also new are collective rights management organizations that represent individual creators--the Publications Rights Clearinghouse at the National Writers Union or the Artists' Licensing Group of the Illustrators Partnership of America (2001)

Virtually all rights management organizations--old and new--can now conduct much of their licensing, monitoring, collecting and fee distribution functions on-line. Even those that are engaged in other kinds of rights management functions make extensive use of technology--whether to provide information (e.g., the Australia Copyright Council) or to act as application system providers (e.g., Rightsline and InterTrust). Not only are many of these on-line information management systems custom designed but some are even trademarked (e.g, Rightslink at CCC or Rights|System at InterTrust). As the number of rights managers increase and the technological sophistication of each grows, another challenge arises--how can all these actors and their different digital platforms and software programs be integrated into a coherent rights system?

**Increased Public Policy Attention and Impact.** There are many ways and many government agencies that are concerned with and influence matters pertaining to rights management. A three-person arbitration panel set up by the US Copyright Office was asked to rule on whether online radio stations should

be required to pay royalty fees for the songs they broadcast--and if so, what rates. (Harmon, 2002) The Justice Department is investigating whether major recording companies might be engaged in anti-competitive practices involving allegedly selective licensing procedures to sell music on-line through the new venture Pressplay and MusicNet. (Richtel, 2001) In February 2001, a US Court of Appeals for the Ninth Circuit agreed with the contention of major record labels that Napster was abetting the infringement of copyrights. In *Tasini et al vs The New York Times et al*, the U.S. Supreme Court ruled on the issue of "work for hire" agreements and whether they extend to unspecified and secondary uses of the works of freelance writers. The Digital Millennium Copyright Act (DMCA) of 1998 not only prohibits technological circumventions of technological protections of intellectual property rights such as encryption or Digital Rights Managements (DRM) systems, but also makes it a crime to manufacture or otherwise offer the public products or programs that allow unauthorized access to copyright-protected works ("the anti-circumvention provision"). Through these and other decisions and deliberations, public policy in the United States is effecting the meaning, practices, enforcement, and expectations that will influence how rights are managed in the digital era.

In other countries, clear connections are also visible between a changing and highly fluid national copyright regime and the functions of rights management organizations. Under its Copyright Act of 2000, Ireland established statutory performers rights for the first time and then implicated two associations in the collection and distribution of these royalties. The new law directed that the existing collecting society for record producers (the PPI) should collect these performers' fees; however, the association that represents Recorded Artists and Performers Limited (RAAP) (which is not a rights management society) is seeking a voice in the design of the procedures for the distribution of these royalties in order to assure a fair return for performers from PPI. Alternatively, in June of 2001, Canada's Ministries of Industry and of Canadian Heritage launched a wide-ranging review of the nation's copyright system with the publication of the report, "A Framework for Copyright Reform." The Framework asserts that an effective copyright system for the digital era must advance both an economic policy objective and a cultural policy objective. Among the agenda of specific issues raised in the "Framework" document was "...how best to facilitate the clearance of rights in an online environment..." It was noted that the Department of Canadian Heritage, in collaboration with Public Works and Governments Services Canada and with Industry Canada has convened Canadian copyright collectives to explore practical solutions to copyright clearance concerns and has created an Electronic Copyright Fund to assist these organizations in improving the collective management of rights in the digital environment. (Industry Canada and the Department of Canadian Heritage, 2001)

**The Difficulty of Identifying and Locating Rights Owners.** A necessary pre-condition to an effective rights management system is basic information about rights ownership and the ability to locate these owners. Without such information, individuals who seek to obtain authorized use of specific intellectual properties face considerable obstacles to proceeding. Faced with the unpalatable choice of abandoning or changing their intended project or running the risks of good faith infringement, prospective IP licensees clearly find their public access hampered while rights owners find their ability to secure financial rewards from their creativity hindered. Remedying this fundamental problem of information is, however, no easy task given a set of historical, legal, and administrative circumstances.

Historically, the registration of copyright has had three purposes: to create a record of rights ownership, to secure copies of copyrighted works for deposit in the Library of Congress, and to have on file a copy of record to use in case of questions of authentication. Indeed, according to one estimate, more than forty percent of the library's holdings and more than ninety percent of its nonprint holdings have been acquired through the copyright deposit requirement. (Kurian., 1998, p. 363) While the combination of these purposes produced incentives for authors, creators and other rights holders to register their works

with the federal Copyright Office, there was no formal requirement to do so and many works were not registered. Furthermore, for more than a century and a half, registration at the Copyright Office was essentially a paper filing process with links to the cataloguing processes of the Library of Congress. Hence works registered with the Copyright office before the mid-1970s might literally be filed on index cards--much like the "old" card catalogues of libraries. After passage of copyright reform legislation in 1976, registration procedures and records began to be computerized, but resources were never available to go back and digitize the historic records. In any event, even registrations on file are unlikely to be updated to include current location or contact information on original filers or information about the trail of transfers and assignments attached to any particular piece of intellectual property. Without the authority to compel registration and without an up-to-date and fully searchable database of the registrations it does have on file, the Copyright Office would face an enormous challenge if it were to try to transform its registration system into a comprehensive information base.

Indeed, it might be argued that the such an attempt to expand the responsibilities of the Copyright Office might be both quixotic and unwise. In the current budgetary climate, the political feasibility of securing the sizable but necessary appropriations and personnel authorization from Congress seems unreasonable. Even if initial project funds were legislatively secured, the ability to maintain adequate funding indefinitely would seem quite uncertain. Furthermore, undertaking to expand and maintain such an information system might detract from other important functions of the Copyright Office, namely its role in formulating and advising Congress on copyright and intellectual property policy.

Legally, the government cannot require the "formality" of registering intellectual properties. Under the Berne Convention, compulsory registration or recordation of transfers of copyright are prohibited. The Convention also established the principle of automatic copyright which obviated a need to register in order to claim copyright protections. Furthermore, authors and creators are generally free to transfer any or all of their IP rights to others. This may be accomplished through contracts that may grant exclusive or non-exclusive licenses for various types of use or by an actual transfer of ownership. Clearly, multiple non-exclusive licenses may be granted pertaining to a single right or creative property. Ownership may be transferred many times. Works licensed for use in new, multi-media, or composite works may extend the trail of rights into derivative works and secondary uses.

Administratively, unraveling the rights information trail can be a complex, time-consuming, and confusing task. Yet the identification of such ownership and information about authorized usage are essential to the effective management of rights. Many organizations that directly manage rights for large portfolios of intellectual property--such as media and entertainment corporations or museums-- either do not have, or do not have a publicly available, inventory list. Since different organizations may manage different rights for the same creative work, a potential licensee must know when and how he/she must contact multiple parties to effect authorized use. Furthermore, such fragmented rights management practices exist in every artform and often involve a specific and different set of organizations in each artform.

Today, there is no central clearinghouse, directory or index where a potential user can go to obtain this information and be directed to those who actually manage IP rights. Meanwhile, the current adhococracy characterized by a lack of a device for cross-matching the uncoordinated bits of rights management information contributes to business, legal, and access problems. Until recently, the ability to solve this problem seemed both unfeasible and unworkable. In the very near future, however, technology may present us with new possibilities. For example, it might be possible to construct a "virtual" locator system that integrates information on the name of specific works and the identity of rights owners and then directs potential licensees through Internet links to the appropriate rights holders and/or their rights managing agents. Such a virtual locator system would require the development of a sophisticated information management systems including metadata formats, common data field protocols, and other shared standards of inter-oper-

ability. It would also necessitate the cooperation many existing registries, licensing and collecting organizations, direct rights administrators, and public agencies. Given the enormity and complexity of the task, it would probably also be advisable to begin with a small group that could develop and test a model of such a virtual locator system and perhaps even undertake a public beta-test. Once a workable prototype became viable, it could, hopefully, grow and gather momentum as more rights managers saw the benefits of participating.

## Select References

- Anawalt, H. C. and E. F. Enayati. 1998. IP Strategy: Complete Intellectual Property Planning, Access and Protection. St. Paul, MN: West Group.
- Australia Copyright Council. 2001. "Copyright Collecting Societies." Redfern, Australia: Information Sheet G36, March.
- Australian Copyright Council. 2001. "Australian Copyright Council: Who we are; what we do." Redfern, Australia: Information Sheet G1. March.
- Australian Copyright Council. 2001. "Copyright in Australia: An Introduction." Redfern: Australia: Information Sheet G10, March.
- Harmon, A. 2002. "Panel's Ruling on Royalties Is Setback for Web Radio Services," The New York Times, 21 Feb 2002: C11
- Industry Canada and the Department of Canadian Heritage. 2001. "A Framework for Copyright Reform." Ottawa: Government of Canada. June 22.
- Krasilovsky, M. William and Sidney Shemet. 2000. This Business of Music (8th Edition). New York: Billboard Books.
- Kurian, G. T. 1998. "Library of Congress" entry in A Historical Guide to the U.S. Government. p. 361-367. Oxford University Press: NY
- Pantalony, Rina Elster. 1999. "Another Perspective: Options for Administration of Intellectual Property Rights in Canadian Cultural Heritage Institutions" in Zorich, Introduction to Managing Digital Assets. pp. 109-123.
- Richtel, M. 2001. "U.S. Inquiry Is Under Way On Online Music Business" The New York Times, 16 Oct 2001: C2
- Simpson, Shane. 1995. Review of Australian Copyright Collecting Societies: A Report to the Minister for Communications and the Arts and to the Minister for Justice. Canberra, Australia
- Swack, Cheryl. 1999. "The Balanchine Trust: Dancing Though the Steps of Two-Part Licensing," Vanderbilt Sports & Entertainment Law Journal 265.
- www.rnh.com (Rodgers and Hammerstein Organization).
- www.drmsummit.com (on the Digital Rights Management Summit)
- www/jeromerobbins.org (Robbins Rights Trust).
- Zorich, Diane M. (1999). Introduction to Managing Digital Assets: Options for Cultural and Educational Organizations. California: The J. Paul Getty Trust

\* The profiles in the following appendix were compiled from information available at each organization's website. This information was also used to provide examples in the text of the chapter itself.

## ASCAP, Association of Composers, Authors and Publishers

*A membership association of more than 120,000 composers, songwriters, lyricists, and music publisher, ASCAP is a performing rights society that represents its members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. These royalties are paid to members based on surveys of performances of the works in our repertory that they wrote or published.*

ASCAP is a clearinghouse for creators and users of music. ASCAP's customers, or licensees, encompass all those who want to perform copyrighted music publicly, such as radio and television broadcasters, cable programmers, live concert promoters, symphony orchestras, shopping malls, bars, and web sites. Under the U.S. Copyright Law, they must have the permission of the copyright owner to perform copyrighted music publicly. ASCAP is not a music publisher, a licensor of dramatic rights or a licensor of mechanical rights. It is not a union or an organization of performers. The ASCAP license does authorize non-dramatic performances of songs from dramatic productions (e.g., the radio or television performance of a song from a Broadway show). Mechanical and "synch" rights are granted to producers directly by writers or their publishers. The ASCAP license does cover the performance of film, video and television music when it is broadcast or played in a venue we license. ([www.ascap.com/about/whatis.html](http://www.ascap.com/about/whatis.html))

**Date of establishment:** ASCAP's commitment to creators reaches back to its creation in 1914 by a small but visionary group of songwriters led by Victor Herbert and including Irving Berlin, John Philip Sousa and James Weldon Johnson as founding members. They met at a hotel in Manhattan, with more than 100 members of the music community in attendance, to establish a practical and economical way for music creators to ensure they would be compensated for the public performance of their works in accordance with the U.S. Copyright Law. At that meeting, they established annual dues of \$10 for writers and \$50 for publishers -- which remain the same to this day.

**Who they represent:** ASCAP members are individuals who make their living writing music including composers, songwriters, lyricists and music publishers. To become a writer member, you must be the writer or co-writer of a musical composition or a song that has been:

- › commercially recorded (CD, record, tape, etc.); or, performed publicly in any venue licensable by ASCAP (club, live concert, symphonic concert or recital venue, college or university, etc.);
- › or, performed in any audio visual or electronic medium (film, television, radio, Internet, cable, pay-per-view, etc.);
- › or, published and available for sale or rental.

To become a publisher member, you must:

- › indicate whether you are applying as a corporation, a partnership, or an individually owned publishing company;
- › verify that your company is regularly engaged in the music publishing business, or that you publish works that are publicly performed regularly by the Society's licensees; prove that you meet any of the eligibility requirements for full writer membership listed above.

**Discipline or artform:** Music

**Which rights they manage:** ASCAP licenses the right to perform musical works by ASCAP composer, lyricist and music publisher members and members of foreign performing rights organizations. The range of performance runs the gamut from live performances to Mobile Phone Ringtones.

**Range of activities:** ASCAP's licensees include the major television networks, local television, cable television, direct satellite broadcasts, radio stations, public broadcasters, colleges and universities, taverns and restaurants, background music services, web sites, private clubs, hotels, conventions and trade shows, concert halls and concert presenters, dance halls, shopping centers and malls, theme and amusement parks, airlines, etc. There are over one hundred different ASCAP rate schedules covering almost all businesses that perform music.

- › License performance rights
- › Monitor, collect, and distribute royalties
- › ACE, online ASCAP Clearance Express service (general, radio, internet and cable licenses)
- › Online registration of intellectual property content
- › Maintains "Database of Works Restored to Copyright Protection" and provides online access through the ACE (Clearance Express) service as well as the "AV Index", a directory of audio-visual works which permits the distributing society to match works to performances and obtain the authoritative cue-sheet required for distribution

ASCAP receives payment for public performances of songs and compositions by negotiating license fees with the users of music (radio, TV, cable, bars, clubs, restaurants, shopping malls, concert halls, web sites, airlines, orchestras, etc.) and distributing these monies to members whose works were performed. An important source of performance income for our members are royalties earned in foreign countries. Currently, foreign royalties constitute approximately one fourth of ASCAP's revenues. ASCAP has agreements with foreign societies representing virtually every country that has laws protecting copyright. These societies are similar to ASCAP and they cooperate with them in a number of ways to ensure our members receive royalties from performances of their works in foreign territories. Through these agreements, they license the works of our members in their territories and we license the works of their members in the U.S.

## BMI, Broadcast Music Inc

*BMI is a nonprofit American performing rights organization that represents approximately 300,000 songwriters, composers and music publishers in all genres of music. The non-profit-making company, founded in 1940, collects license fees on behalf of those American creators it represents, as well as thousands of creators from around the world who chose BMI for representation in the United States. The license fees BMI collects for the "public performances" of its repertoire of approximately 4.5 million compositions - including radio airplay, broadcast and cable television carriage, Internet and live and recorded performances by all other users of music - are then distributed as royalties to the writers, composers and copyright holders it represents.*

**Date of establishment:** 1940. "BMI was formed to provide a competitive source of music licensing in the United States. In 1940, at the time of BMI's formation, the works of less than 150 publishers and slightly more than 1,000 writers were the only U.S. works available through the existing performing rights organizations. The introduction of BMI's Open Door policy encouraged writers and publishers, including many who in the past had not received royalties for the performance of their works, to create and promote new and different music."

**Who they represent:** songwriters, composers and publishers. Songwriters are eligible to become BMI members if they have written musical compositions, alone or in collaboration with other writers, which, at the time of affiliating with BMI, are being performed or likely to be performed by broadcasting stations or in other public performances, and, in the opinion of BMI, you meet these basic qualifications, they are eligible to join BMI and a contract will be offered. Becoming a BMI publisher is of practical benefit only to those who have the ability and resources to undertake exploitation of their works. At the time of affiliating with BMI, publisher applicants should have some musical compositions being performed or likely to be performed by broadcasting stations or in other public performances.

**Discipline or artform:** music

**Size characteristics:** 140,000 writers, 60,000 publishers, catalog of 3 million works adding an average of 11,000 new compositions a month

**Which rights they manage:** manages music performing rights, primarily under blanket licenses.

Licenses are granted for music broadcast on radio and television (feature theme and cue music, performed on networks, cable and local stations), and anywhere else live or recorded music is played (airports, restaurants, hotels, websites, etc)

**Range of activities:** on-site services include HyperRepertoire, the Songwriter's Toolbox, and the Licensing Toolbox.

HyperRepertoire service is a song database in which the user can search for information on writers or publishers. The database allows the user to search by song title or by writer's name. The BMI Hyperrepertoire is a BMI song title database, only songs licensed by BMI. In some cases, songwriters may have started their careers with another performing rights organization and affiliated with BMI sometime later, or may have affiliated with BMI at the start, and then with another organization sometime later. In either case, the songwriter's songs may or may not have followed the songwriter. As such, BMI may license songs for songwriters who are not currently affiliated.

Songwriter's Toolbox is a unique educational service that provides information intended to assist songwriters to better understand what BMI does by providing an overview of performance rights, songwriting, music publishing, and copyright.

Licensing Toolbox gives potential licensees a crash course on how to license music for public performance via radio, TV, and the Internet.

Digital Licensing Center offers "klik-thru" licensing for web site music performance, and includes an online Web Site License Fee Calculator and sample Web Site Music Performance Agreements and Corporate Image License.

Enet allows songwriters and composers to register songs online and to view and print entire catalog.

BMI has agreements with all important foreign PROs throughout the world. These societies monitor and pay BMI for performances in their territories of the works that are in the BMI repertoire. Foreign PROs divide performance royalties into a publishers' share and a writers' share. Maintains reciprocal agreements with 41 sister licensing organizations worldwide.

## SESAC, Society of European Stage Authors and Composers

*SESAC was founded in 1930; making it the second oldest performing rights organization in the United States. SESAC's repertory, once limited to European and gospel music, has diversified to include popular music, including dance hits, rock classics, Latina music, jazz, country and the contemporary Christian music. SESAC's corporate headquarters in Nashville houses all of the company's divisions, from creative to licensing to administration. The company also has offices in New York, Los Angeles and London.*

**Date of establishment::** 1930

**Discipline or artform:** music

**Size characteristics:** represents 1000 active publishers and 1000 active writers, has a catalog of over 200,000 compositions.

**Range of activities:** Monitor, collect and distribute royalties Licenses granted include:

Broadcast: Radio, Non-Commercial Radio, Television, and Cable

General: Including, Aircraft, Amusement Park, Arena, Auditorium, Bowling Center, Circus, College & University, Concert Promoter, Convention Center, Country Club, Cruise Ship, Dance Studio, Family Show, Festival, Health & Fitness Center, Hotel, Ice Rink, Movie Theatre, Museum, Music In Business, Nightclub, Planetarium, Professional Sports Team, Race-track, Resort, Restaurant, Retail Store, Roller Skating Rink, Shopping Mall, Sports Bar, Stadium, Tavern, Theme Park, Water Park, Web Site, Zoo

Internet

Online services include the opportunity to acquire a SESAC Music Performance License On-Line, pay SESAC License Fees On-Line, and review Account Balance and Current Licensing Information. The SESAC repertory database contains works in the SESAC repertory for which SESAC, Inc. has compiled information from various sources. The database lists songs or compositions, titles, composers, authors and publisher information on musical compositions, including copyrighted arrangements of public domain works. Contracted agreement with Liquid Audio regarding licensing and monitoring performance rights over the internet.

## AMICO, the Art Museum Image Consortium

*"A nonprofit corporation made up of museums with collections dedicated to providing educational access to and delivery of cultural heritage information by creating, maintaining and licensing a collective digital library of images and documentation of works in their collections. Originally organized in Oct 1997 as a program of the association of art museum directors (AAMD) Educational Foundation Inc., AMICO was separately incorporated as an independent nonprofit corporation in 1998." ([www.amico.org/join/mission.html#history](http://www.amico.org/join/mission.html#history))*

**Date of establishment::** October 1997

**Who they represent:** 32 member Museums (including the Library of Congress)

**Discipline or artform:** Visual Arts

**Which rights they manage:** "non-exclusive worldwide license to reproduce, distribute, publicly display and make derivative works based upon the contributed multimedia documentation of a work of art, or any portion thereof and to sublicense their use by subscribers, solely as part of or in connection with the compilation and distribution of the AMICO library" (AMICO Full Membership Agreement) Licenses go mostly to educational institutions.

**Range of activities:**

Library license agreements (libraries at universities, public libraries, K-12 school libraries, as well as museums, independent archives, research institutes, historical societies and independent scholars)

- Sliding license fee to any of the above institutions for access to the holdings
- Sample agreements available online
- Licensing fees are for cost recovery (Section 5, AMICO Library Distribution Agreement)

## Corbis

*Through acquisitions and the work of many celebrated photographers, Corbis offers access to over 65 million images, of which over 2 million have been digitized and are available online. The Corbis Collection includes news, editorial, sports, contemporary, historical, celebrity, and fine art imagery. Their images are drawn from professional photographers, museums, cultural institutions, public and private collections throughout the world*

**Date of establishment:** Founded by Bill Gates in 1989, it floundered as a producer of Public Broadcasting System-like CD-ROMs, and underwent a complete reorganization late in 1997.

**Who they represent::** professional photographers, museums, cultural institutions, public and private collections

**Discipline or artform:** visual images, both still and motion

Which rights they manage: "Limited Rights" - rights licensed by Corbis to end-users that specify a particular use and may limit the time, manner, and frequency of such use. These rights are typically granted to the professional user.

"Consumer Use Rights" - rights granted by Corbis to consumer users for their personal use or, in the case of business presentation users, to certain individuals and businesses for their limited business presentation use, as defined under Corbis' standard end-user license agreements. By way of example and not limitation, Consumer Use Rights may include single images or collections available for downloading or printing from the Internet, and available for personal use or limited business presentation use.

"Merchandise," - products that contain Accepted Image(s) and are sold or distributed directly or indirectly by Corbis without the use of an end-user license agreement. By way of example and not limitation, Merchandise may include prints and posters. Merchandise does not include images licensed to end-users under Limited Rights, Consumer Use Rights, or Broad Rights.

"Broad Rights" - rights contained in the end-user license to the Accepted Image which permit the end-user to use such images broadly and without limit as to number of copies or manner of use. Under Broad Rights, the Accepted Image can be licensed and distributed in a collection with other images, and the rights granted are commonly referred to as "royalty-free licensing."

**Range of activities:** Corbis acts as a worldwide agent for distribution and representation of photographers, artists, and art collections. Offers both literal and concept search of their database of images online, aggressively market their images and services through direct mail, print and web-based marketing. Viewing and service offices in France, UK, and Hong Kong; expects to expand to Asia and Latin America. Corbis registers two kinds of "compilation copyright," The traditional compilation copyright for catalogs and online databases, in which Corbis registers its compilation in bulk format and simultaneously registers the copyright of the originating photographer's unpublished images (which are then assigned back to the photographer). The second compilation copyright covers the distinct elements in a digital file. This registration of elements in a digital file provides better protection for each image, since each image contains some degree of these elements.

## NWU/PRC, National Writers Union, Publication Rights Clearinghouse

*The PRC licenses to publishers and databases non-exclusive rights to its inventory of articles and books by offering publishers and databases the right to use the work of PRC members in exchange for a fee. PRC enrollees get anywhere from 75 percent to 90 percent of that fee. Through its partnership with Contentville.com, SIRS Mandarin, ingenta and the Copyright Clearance Center, the PRC has paid thousands of dollars in royalties.*

Writers give the PRC permission to act as their agent in licensing secondary rights to their previously published articles. These articles then become part of the PRC "inventory." When the PRC signs an agreement with a secondary user, it collects the copyright fees from that publisher and distributes the royalties to its enrollees. (And writers' agreements with the PRC are non-exclusive, so enrolled writers can still sell their own work whenever they choose.)

National Writers Union members are eligible to enroll in the PRC. Enrollment is managed by signing a Collective Rights Agreement and listing articles thru the Title Clearance Form. To benefit fully from the PRC, writers are also encouraged to sign an agreement with Copyright Clearance Center (CCC), a PRC partner organization.

## CCC, Copyright Clearance Center

*Copyright Clearance Center (CCC) was established by authors, publishers and users as the not-for-profit Reproduction Rights Organization (RRO) for the United States. CCC operates licensing systems that facilitate compliance with copyright law and promote the constitutional purposes of copyright, namely progress and creativity in the arts and sciences.*

Copyright Clearance Center, Inc., the largest licensor of text reproduction rights in the world, was formed in 1978 to facilitate compliance with U.S. copyright law. CCC provides licensing systems for the reproduction and distribution of copyrighted materials in print and electronic formats throughout the world.

CCC's mission is:

1. to act as an agent for domestic/foreign authors and publishers by providing them with the efficiencies of collective services through equitable collection and distribution of royalties for photocopying and electronic uses of their copyrighted works;
2. to provide all types of users with an efficient single source for licensed access to as broad a repertory of copyrighted works as possible; and
3. to continue development of collective licensing systems that meet the challenges of emerging information technologies.

**Date of establishment:** 1978

**Who they represent:** The company currently manages rights relating to over 1.75 million works and represents more than 9,600 publishers and hundreds of thousands of authors and other creators, directly or through their representatives. CCC-licensed customers in the U.S. number over 10,000 corporations and subsidiaries (including 92 of the Fortune 100 companies), as well as thousands of government agencies, law firms, document suppliers, libraries, academic institutions, copy shops and bookstores.

**Discipline or artform:** printed materials

**Range of activities:** Rightslink™ is an end-to-end licensing and reprint solution that allows publishers and other content providers to sell their copyrighted material online, delivering instant permissions and the electronic content to the consumer. The service also fulfills reprint requests automatically by routing them for printing and delivery to the end-user.

Transactional Licensing Services

Republication Licensing Service (RLS) is an online service that lets users request permission to republish copyrighted materials, and even pay royalty fees, over the Web. Through RLS, rightsholders authorize CCC to grant permissions and collect royalties on their behalf for paper or electronic republishing.

Transactional Reporting Service (TRS) is a centralized, online reporting and payment service that enables universities and businesses to make photocopies of copyrighted works. Through TRS, rightsholders authorize CCC to grant permissions and collect royalties on their behalf for photocopying their works.

Academic Permissions Service (APS) is a centralized, online system for managing photocopy permissions and royalties for the production of academic coursepacks. Through APS, rightsholders authorize CCC to grant permissions and collect royalties on their behalf for use of their works.

Electronic Course Content Service (ECCS) is a centralized, online system for managing digital permissions and royalties for electronic reserve programs, electronic coursepacks and distance learning for students and professors. Through ECCS, rightsholders authorize CCC to grant permissions and collect royalties on their behalf for use of their works.

Repertory Licensing Services

Annual Authorizations Service (AAS) and Photocopy Authorizations License (PAL) authorize corporations (and subsidiaries) and law firms to photocopy, for internal use, excerpts of copyrighted materials in CCC's repertory of over 1.75 million titles.

Digital Repertory Amendment to AAS and PAL authorizes AAS/PAL licensees to e-mail, scan and download, for internal use, excerpts from selected CCC-registered copyrighted works.

Multinational Repertory Licensing Service authorizes AAS licensees to extend their photocopy license to include locations outside the U.S.

Federal Government Photocopy Licensing Service authorizes federal government agencies to photocopy, for internal use, excerpts of copyrighted materials in CCC's repertory of over 1.75 million titles.

\* For all repertory services, rightsholders authorize CCC to grant permissions on their behalf for use of their works. CCC then distributes royalties to the rightsholders.

Author Services

Author Services provides authors with the opportunity to increase access to their copyrighted works and obtain additional royalties

International Services

Foreign Authorizations Service (FAS) authorizes photocopying of U.S. works in foreign countries and distributes to U.S. rightsholders royalties collected by RROs. Transactional Licensing Services

## RightsLine

*RightsLine is an application service provider (ASP) that helps entertainment companies manage, track and license intellectual property over the Web, today announced it assembled a senior management team that includes leaders from the entertainment and technology industries. RightsLine was founded in 1999 by former Oracle Corporation executives to meet the needs of content owners as they transform their companies to increase the efficiency and profitability of their existing businesses, while providing the foundational infrastructure to address the evolving requirements of the digital marketplace. Focused exclusively on content licensing and related intricacies of intellectual property rights, RightsLine offers products and services for content owners in filmed entertainment, music, sports and publishing industries. Based in Beverly Hills, California, RightsLine is a privately held company.*

In less than one year of selling next generation Rights-on-Demand licensing solutions, RightsLine has signed more than 10 customers including Vivendi Universal and Caliber Entertainment. RightsLine also offers the only rights collaboration, tracking and licensing engine enabling content owners to conduct business with prospective licensees online. RightsLine is a privately held company that secured a first round of financing from private investors. RightsLine's content licensing solutions consist of software products designed to provide complex rights management, decision-making analytics and to facilitate real-time licensing transactions. This patent-pending, web-based solution is architected to provide robust industry-specific functionality and a scalable infrastructure.

**Date of establishment:** Summer 2000

**Range of activities:** RightsLine enables the creation of a single rights repository for the content owner to integrate with multiple content delivery portals and different players while tracking what they own and where it is being used. RightsLine's technology integrates into existing legacy systems, management and financial systems and third-party technology products for content storage and delivery (including digital asset management, encryption, watermarking, etc.). RightsLine's proprietary technology is web-hosted to facilitate access and integrate into a client's existing management and financial systems.

The Rights Intelligence System (RIS) is a suite of rights management tools that facilitates reporting, analysis, tracking and decision-making. RIS contains the primary interface used by content owners to effectively manage their rights portfolios, licensing channels, and to control access to rights information, both inside and outside their company.

The Rights Licensing Server (RLS) is the rights licensing engine that powers a content owner's own licensing site or a third party licensing web application. Encompassing the rights information maintained by the Rights Intelligence System (RIS) and stored in the Rights Repository (RR), RLS enables controlled access to information by potential licensees.

Rights Portfolio Analyzer (RPA) provides reporting capabilities by way of an integrated family of analytic tools that for the first time give media companies the ability to evaluate the real performance of their Intellectual Property, partner and buyer relationships, and act upon the results to achieve optimal business performance.

## InterTrust

*InterTrust's general purpose DRM platform, Rights/System, serves as a foundation for providers of digital information, technology and commerce services to participate in a global system for e-commerce. The Rights/System platform consists of DRM Software and Technology, Professional Services, and MetaTrust Utility Services. Their general-purpose DRM trust platform serves as a foundation for peer-to-peer and client server e-commerce. InterTrust holds numerous patents in the area of trusted systems technology and peer-to-peer rights management, and licenses its technology and patents in the form of software or hardware and tools to partners. These partners provide digital commerce services and applications that together form a global digital commerce network branded as the MetaTrust Utility™.*

**Date of Establishment:** InterTrust was founded in January 1990 and went public on the NASDAQ (ITRU) in October 1999.

**Discipline or artform:** music, publishing, video, multimedia

**Size characteristics:** Global headquarters are located in Santa Clara, California and European headquarters are in London, UK. Additional facilities and development teams are located in Portland, Oregon; Princeton, New Jersey; and Billerica, Massachusetts. The Company has 180 employees.

**Which rights they manage:** broadly, the technological side of digital rights management across music, publishing, video, portable devices, and business/enterprise

**Range of activities:** The InterTrust® Rights/System™ platform provides persistent and comprehensive protection and management of digital information at all stages of a distribution chain. From the publisher to the customer, to payment and usage clearinghouses, InterTrust enables the world of digital information flow to be flexible and secure.

InterTrust's partners are using InterTrust® digital rights management (DRM) technology in a wide variety of vertical markets, including music, video, devices, publishing and enterprises.

The Rights | System Platform consists of

Packagers (Efficient Content Packaging for Multiple Media Types and Formats); Servers (Industrial-Strength Infrastructure for Digital Rights Management); Clients (A Trusted Environment for Governing Content Usage on Consumer Devices); Toolkits (Rapid Development and Integration of DRM-Enabled Products)

Rights | Chip is a hardware chip for both PCs and Internet appliances, which integrates with InterTrust's industry-leading, general-purpose digital rights management system

Trust | Chip is a low-cost, integrated security architecture for secure system-on-chip products.

Clients include content providers (BMG, Blockbuster, Audiosoft, RioPort), service providers (AOL, Artesia, Mitsubishi Corporation, SkyStream Networks), Technology Providers (Adobe, Compaq, Iomega, Nokia), Software Applications Providers, (Musicmatch Sonique), Technology Alliance Providers (Digital Theater Systems, Dolby Labs) and Hardware and Embedded Systems (ARM, Cirrus Logic, DataPlay, Texas Instruments, Wave Systems).

## APRA/AMCOS, Australia Performing Rights Association/Australasian Mechanical Copyright Owners Society

*APRA is an association administering the rights of the world's composers, songwriters and publishers in Australia and New Zealand. Established in 1926, APRA represents nearly 30,000 Australasian writers and publishers through direct membership, and nearly 1.66 million writers and publishers throughout the world under reciprocal, bilateral contracts. The Australasian Mechanical Copyright Owners Society (AMCOS), established in 1979 with roots in an organization started in 1956, represents virtually all music publishers in Australia and New Zealand and, by way of reciprocal arrangements, the vast majority of the world's composers, writers and music publishers.*

**Date of establishment:** (see above)

**Who they represent:** Virtually all music publishers in Australasia are members of AMCOS. Virtually all music composers are member of APRA and have access to AMCOS membership through APRA. Thus the vast majority of Australasian musical works come under AMCOS' mandate.

**Discipline or artform:** music

**Which rights they manage:** APRA administers the Performing Rights in music. These are the rights that, under the modern language of copyright, are those of performance in public and communication to the public. In practice, the organization's clients are radio and television stations, pay-television operators, venues playing music and, increasingly, on-line businesses using music in some form. AMCOS, on behalf of music publishers, grants licenses for the reproduction (copying) of musical works.

**Range of activities:** APRA grants licenses to users for 'public performance' and 'communication to the public' of musical works. APRA's license will cover the use of music by both Australian and overseas creators of music. AMCOS grants licenses for 'reproduction' of musical works and importation of existing reproductions (recordings). Reproduction (copying) occurs when a musical work is recorded in a physical format e.g. onto a CD, computer disk, tape etc.

AMCOS collects the reproduction rights and the mechanical royalties only on those musical works that it controls on behalf of its music publisher members. In the case of mechanical rights, this is only a small proportion of the total mechanical income payable to publishers from the record companies. In effect, AMCOS only collects mechanical royalties on works not distributed by the major record companies -- those works for which it is "unprofitable" for the publishers to collect individually.

## VISCOPY

*The copyright collecting society for visual artists in Australia and New Zealand, VISCOPY was established in 1995 by a Federal Government grant following lobbying by the National Association for the Visual Arts (NAVA) and recommendations from the Simpson Report.*

**Date of establishment:** 1995

**Discipline or artform:** visual arts

**Which rights they manage:** Reproduction rights, Broadcasting rights, Photocopying royalties, Off-air taping royalties, Cable royalties, Digital rights

**Range of activities:**

- > negotiates related intellectual property transactions between the artist and the user for reproductions of artistic work in advertising, publications, newspapers and electronic media such as television, cinema, internet and CD-ROM.
- > handles associated contracts, negotiations, legal requirements and distribution of royalties. Currently, VISCOPY represents 1000 Australian artists, including Aboriginal and Torres Strait Islander artists and estates.
- > provides users of copyright with access to the artistic works of almost 80,000 artists and is the main contact point for copyright clearance in the Australia-New Zealand region.
- > distributes secondary rights royalties via agreements with international societies and Australian societies such as Screenrights (The Audio Visual Copyright Society). Secondary rights are known as collective rights and cover royalties collected from educational photocopying and broadcast copying.

## CAL, Copyright Agency Limited

*CAL is a not-for-profit, member-based organization that manages licensed copying and communication of literary, dramatic and artistic works. 1995 Simpson report, section 3.4 reports that it was "established in 1986 with funding secured through a bank line of credit guaranteed by 12 publishers, 2 loans from the Australian council and a paid consultancy." It administers a statutory license... estimates are that for education it represents over 90% of the copyright owners*

**Date of establishment:** 1986

**Who they represent:** CAL represents authors, journalists, visual artists, photographers and publishers as their non-exclusive agent to license the copying of their works to the general community.

**Discipline or artform:** printed materials, not discipline specific

**Which rights they manage:** reproduction and copying

**Range of activities:** They are the publicly designated collecting society for the reproduction and communication of works by educational institutions under statutory license. Under another statutory license they are the officially recognized collecting society for works and published editions by governments.

## Australian Copyright Council

*The Australian Copyright Council is an independent non-profit organization that was founded in 1968 in order to assist creators and other copyright owners to exercise their rights effectively; raise awareness in the community generally about the importance of copyright; research and identify areas of copyright law that are inadequate or unfair; seek changes to law and practice to enhance the effectiveness and fairness of copyright; foster cooperation amongst bodies representing creators and owners of copyright.*

The Copyright Council receives substantial funding from the Australia Council, the Commonwealth Government's arts funding and advisory body. The Council also receives some funding from other sources, such as the Australian Film Commission. In addition, the Council is required to earn income, which it does from activities such as selling publications, running seminars and accepting consultancies that relate to copyright.

**Date of establishment:** 1968

**Range of activities:** They provide free legal services, however they do not represent people in disputes or run court actions; represent people in contract negotiations (for example, with a publisher); draft contracts; give advice to a person who has already sought legal advice; give advice to a person in a dispute with another person to whom we have given legal advice; give advice about the law in other countries; give advice to a person about a hypothetical situation (including a question in a student assignment).

They write and publish a range of publications, including a range of books and information sheets; organizing and speaking at seminars about copyright; research; consultancies; advocacy; and giving free legal advice.

They do not: register, clear or license intellectual property, collect or distribute royalties. However, they do work with most of the digital rights representation or rights management organizations in Australia (referred to in Australia as "copyright collecting societies") including

- Aboriginal Artists Agency
- Australasian Mechanical Copyright Owners Society
- Australasian Performing Right Association
- Australian Institute of Professional Photography
- Australian Music Center
- Australian Publishers Association
- Australian Record Industry Association
- Australian Screen Directors Authorship Collecting Society
- Australian Society of Authors
- Australian Writers Guild
- Copyright Agency Limited
- Fellowship of Australian Writers
- Media, Entertainment and Arts Alliance
- Musicians' Union of Australia
- National Association for the Visual Arts
- National Tertiary Education Union
- Professional Photographers' Association of Australia
- Royal Australian Institute of Architects
- Screen Producers Association of Australia
- Screen rights (Audio-Visual Copyright Society)
- Society of Advertising Commercial & Magazine Photographers
- VISCOPY

## UKCS, United Kingdom Copyright Service

*The UK Copyright Service is the Copyright Registration Centre for the UK. As independent witness agent, the UKCS registers original works by musicians, artists, designers, software providers, authors as well as many other organisations and individuals. Providing proof of originality, and protection against future intellectual property rights infringement, claims and disputes. Prior to the UK Copyright Service (UKCS), Stationer's Hall was generally regarded as the UK's copyright registration office. In February 2000 however, Stationer's closed their registration facility in order to pursue their core livery business. Since then, the UKCS has taken up the role of providing a centre for intellectual property registration in the UK.*

**Date of establishment:** early 1999

**Range of services:** UKCS was conceived with the aim of providing a new centre which improved on the existing service by:

- Offering a more affordable service: By means of a flexible pricing structure, giving more registration periods, thus bringing the service within reach of more individuals.
- Educating and informing: By information factsheets and online help pages, with an aim of increasing the general level of understanding for intellectual property laws and issues.
- Online services: Enabling clients to access forms and factsheets directly, for faster registration and information searches.
- Also allowing clients to easily update their details or contact UKCS regarding concerns or questions.

This is all backed up by a secure custom made database, specifically tailored to the needs of UKCS and its clients, which is continually updated and improved to ensure an accurate ever improving and efficient service. Input was incorporated from professionals in design, computer programming, and experienced musicians, coupled with UKCS's stringent data protection policy.

Additional services include background on Copyright in the UK specific information about UK copyright law, the duration of copyright and it's applicable works. Information pack of registration information, a Self Assessment, Copyright Factsheets and Help pages.

## British Library Copyright Office

*Situated on the Library's Boston Spa site in Yorkshire. The British Library Copyright Office exists to advise British Library staff, members of the library profession and the general public on all aspects of copyright and copyright law.*

*Copyright duration regulations for various types of material is available at the website. Additional services include training and information dissemination. For example, the staff of the copyright office offers a workshop "Copyright Explained", which is held at various locations throughout the UK. The workshop's aim is to give participants a good grounding in copyright issues. The informal and friendly atmosphere will encourage delegates to test their knowledge and to ask questions. The Office is also able to run on-site tailor-made training courses for organisations.*

## DACS, The Design and Artists Copyright Society Limited

*DACS is the copyright and collecting society for visual artists in the UK. It is an independent non-profit making Society open to all artists and photographers irrespective of the artistic discipline in which they practice. DACS actively campaigns to create a fairer working environment for visual creators by administering and protecting copyright on behalf of the creators that it represents and by lobbying on behalf of all artists at both national and international levels on rights-related issues. It is the only organisation working for artists and photographers in the UK that deals solely with copyright and artists' rights.*

DACS licenses the reproduction of its members' works, charging fees calculated according to a published Tariff. Each licence granted to a publisher, film producer or any other user is legally binding. Individual creators are often unable to control their secondary rights, and a system of Collective Administration has been established, so that these rights are administered on behalf of many creators by one collecting society. In the UK, DACS is the collecting society for visual artists' secondary rights.

**Date of Establishment:** DACS was formed in 1983 by a group of artists in order to administer and protect the rights of visual creators in the UK. Financed primarily by commission deducted from the fees and royalties that it collects, DCAS also derives income from membership fees and sales of publications.

**Range of activities:** DACS' activities complement those of other UK collecting societies. DACS has reciprocal representation agreements with visual arts collecting societies throughout Europe and the rest of the world. Artists and photographers benefit from a network of societies that provides administration and copyright protection throughout the world. In the UK DACS represents 40,000 artists from all over the world. Organizations and individuals based in the UK who want to reproduce an artistic work which is protected by copyright can apply to DACS for permission to do so. Permission to reproduce a work is normally granted in return for a fee. The fees are charged according to a published Tariff, or by negotiation for merchandising and advertising uses.

## PPI, Phonographic Performance Ireland

*Phonographic Performance (Ireland) Limited (PPI) was established in 1968 to act on behalf of record companies to collect royalties whenever a sound recording (CD, Tape, LP) is played in public, broadcast on the radio or carried over a cable service. As the record industry's central collection body, PPI provides a very valuable service to music users, by allowing access to a large repertoire of recordings with one single payment.*

**Date of establishment:** 1968

**Who they represent:** PPI's Members are record companies including all the well-known multinational record companies as well as all the major Irish record companies. All of PPI's income (less running costs) is distributed every year to its members and to performers signed to member record companies

discipline or artform:

Size characteristics:

**Which rights they manage:** Royalties must be paid by the owners of premises or promoters of events where recordings are publicly performed such as discotheques, public houses, hotels, restaurants, aerobic classes, shops, work places, music on hold etc. Organisers of events at which sound recordings are used are usually responsible for the payment of royalties to PPI. Radio and television stations must also pay for the broadcasting of sound recordings and cable operators must pay for the diffusion of sound recordings.

**Range of activities:** On behalf of its members, PPI controls the public performance, broadcasting and cable diffusion rights in hundreds of thousands of individual recordings on thousands of different labels. These include not only Irish recordings but also most British, American, European and other foreign recordings. The list of recordings in PPI's repertoire is constantly increasing as new titles are issued.

A proportion of PPI's income is paid annually to performers on application. In order to be eligible for the distribution you must be either an Irish national, resident in Ireland or signed directly to an Irish label. Notice of forthcoming distributions are placed in the national papers by PPI.

A separate royalty will also be payable in respect of the use of sound recordings to the Irish Music Rights Organisation who collect on behalf of the composers, authors and publishers of music. Musicbase, PPI's online database, provides information for performers on the music industry in Ireland.

## RAAP, Recorded Artists and Performers Limited

*On January 1st the Copyright and Related Rights Act 2000 came into being, the significance of this for performers is that it includes a performers' right to be paid for contributions they have made to commercially published sound recordings, regardless of any contracts signed at the time of the recording. R.A.A.P. (Recorded Artists and Performers Ltd.) is a not for profit company run by performers for performers and its first task will be to ensure that performers receive their full entitlement to this new income, both in Ireland and overseas.*

**Range of activities:** R.A.A.P. has been incorporated as a company limited by guarantee, which will be controlled by a Board of Directors elected in due course by the members (performers) of the new association.

- Give performers a strong voice
- Provide a collecting society run by performers for performers
- Ensure performers receive their fair share
- Advise performers
- Enter into agreements with overseas performers' associations that will collect your performers' fees internationally.

On Tuesday 20th November RAAP signed an International Reciprocal Agreement with P@ra the UK Performers Organisation. The Agreement will unlock income to Irish Performers going back to 1996, the year the legislation was introduced into the UK. This is the second International Agreement signed to date by RAAP. In September, the Belgian Performers Society Uradex, signed an Agreement that will see monies, again dating back to 1996 released to Irish Performers whose recordings are broadcast over the Belgian airwaves.

RAAP is continuing to negotiate with foreign Performers Societies and expects to sign five more International Agreements in the coming months.

“We are still on target to make our first domestic distribution to Irish Performers for contributions to sound recordings early in the New Year. This distribution is for the first six months of the new legislation (January – June 2001) and will be based on over 170,000 air play units broadcast on the National Airwaves” stated Éanna Casey, chief executive of RAAP.

A Membership Application Form and Discography Form are located on their site. A discography form identifies tracks that you have made a contribution to and we can match the discography against the Irish play list at the end of the year. Their intention is to have the system fully operational so that at the end of our first year of protected copyright for performers (December 2001), they will be in a position to process claims and make an immediate distribution.

## Intellectual Property Unit, Department of Enterprise, Trade and Employment

*The Intellectual Property Unit is responsible for the development of intellectual property policy, the preparation of legislation and the provision of an intellectual property regime which reflects the international law environment and best practice. The Unit also acts as a liaison section between the Department and the Patents Office and liaises with the Office on policy and legislative matters.*

## IMRO, Ireland Music Rights Organization

*MRO is a national organization that administers the performing right in copyright music in Ireland on behalf of its members - songwriters, composers and music publishers - and on behalf of the members of the international overseas societies that are affiliated to it. IMRO's function is to collect and distribute royalties arising from the public performance of copyright works. IMRO is a not-for-profit organization that issues licenses to those wishing to use copyright music in public and in the on-line environment. Under the 2000 Copyright Act IMRO is the designated licensor for music performing rights.*

**Who they represent:** songwriters, composers and music publisher

**Discipline or artform:** music

**Range of activities:** Music users such as broadcasters, venues and businesses must pay for their use of copyright music by way of a blanket license fee. IMRO collects these monies and distributes them to the copyright owners involved. The monies earned by copyright owners in this way are known as public performance royalties.

IMRO is also prominently involved in the sponsorship and promotion of music in Ireland. Every year it sponsors a large number of song contests, music festivals, seminars, workshops, research projects and showcase performances. Indeed, IMRO is now synonymous with helping to showcase emerging talent in Ireland.

IMRO uses a Joint Notification of Works Form (JNF) as a basis for allocating royalty payments. These forms is available online, although online registration is not available at this time.

## Copyright Board Canada

*The Copyright Board regulates four sectors of the cultural industries: arts, literature, film and music. The Board is an economic regulatory body empowered to establish, either mandatorily or at the request of an interested party, the royalties to be paid for the use of copyrighted works, when the administration of such copyright is entrusted to a collective-administration society. The Board also has the right to supervise agreements between users and licensing bodies and issues licences when the copyright owner cannot be located., and may determine the compensation to be paid by a copyright owner to a user when there is a risk that the coming into force of a new copyright might adversely affect the latter.*

The Board has powers of a substantive and procedural nature. Some powers are granted to the Board expressly in the Copyright Act, and some are implicitly recognized by the courts. The Board is a court of record and has powers to hold hearings. As a quasi-judicial tribunal, the Board serves Canadians by setting fair and equitable royalties for copyright owners and users of copyright protected works. The Board also issues non-exclusive licences authorizing the use of works of unlocatable copyright owners. Members and staff of the Board participate in numerous professional, government and industry meetings dealing with copyright policy and law and provide Members and staff of the Board participate in numerous professional, government and industry meetings dealing with copyright policy and law and provide advice and guidance on intellectual property directly to Canadians.

**Range of activities:** The Board's jurisdiction extends to the following four areas (the manner in which the Board is seized of a matter is indicated between brackets):

1. Copyright in works
  - a. Public performance of music (compulsory filing of tariffs);
  - b. Retransmission of distant signals (compulsory filing of tariffs);
  - c. Other rights administered collectively (optional filing of tariffs);
  - d. Other rights administered collectively (arbitration of conditions of licences, upon request from a collective body or a user);
  - e. Issuance of licences when the rights owner cannot be located (upon request by the potential user).
2. Copyright in performers' performances and sound recordings
  - a. Public performance of recorded music (compulsory filing of tariffs);
  - b. Other rights administered collectively (optional filing of tariffs);
  - c. Other rights administered collectively (arbitration of conditions of licences, upon request from a collective body or a user);
  - d. Issuance of licences when the rights owner cannot be located (upon request by the potential user).
3. Home taping of recorded musical works, recorded performers' performances and sound recordings
  - a. Reproduction for private use (compulsory filing of tariffs).
4. Off-air taping and use of radio and television programs for educational or training purposes (works, performances, sound recordings and communication signal)
  - a. Reproduction and public performance (compulsory filing of tariffs).

The Copyright Act sets out the framework which allows creators of intellectual works (e.g., musical works, theatre plays, films, novels, computer programs) to control their exploitation and obtain remuneration for their use while ensuring user access to those works. The Board has all the powers of a Superior Court of Record. Appeals of the Board's decisions are to the Federal Court of Appeal. The Board is an economic regulator which hears complicated evidence in the area of cultural economics, advanced computer communications technology (e.g., copying music over the Internet) and social, technological (e.g., blank CDs) and demographic statistics. The Act affects many industries, including culture and high technology. It also has impacts at the international level and allows Canadian copyright owners to collect royalties in foreign countries in respect of uses for which they were not previously remunerated because Canada had not established the required level of reciprocity.

In its deliberations the Board has to deal with the profitability of industries as diverse as radio, television, cinema, cable, the Internet, publishing, electronic equipment and recording media manufacturing, food and beverage, hospitality, hotels and restaurants, concerts, sports, theme parks and community events. As well the distinct and markedly different French and English markets for copyright materials, the different industry cultures in the French and English language markets, impacts on the operations of not for profit organizations such as community radio, public television, rural and agricultural fairs, symphonic orchestras, municipal recreational facilities, schools, hospitals, the disabled and churches must be considered. Of major importance in its hearings have been the relative value of the same rights in different markets, the structure and operation of the Internet and the impact of Canadian law on the competitiveness of Canadian industries in the global marketplace.

Users and owners can ask the Board to set fees where parties cannot agree on them. This affords uninterrupted user access to works while the issue is under review. Royalties paid to copyright owners are reinvested in the creative process and constitute a potential source of risk capital for the industry.

## Canadian Collective Societies

### PRS, the ACTRA Performers' Rights Society

[www.actra.com/prs](http://www.actra.com/prs)

The ACTRA Performers' Rights Society is responsible for the collection and distribution of fees royalties, residual fees, and all other forms of compensation or remuneration to which members and permit holders of the Alliance of Canadian Cinema Television and Radio Artists (ACTRA), and others may be entitled to as a result of their work or engagement in the entertainment and related industries.

### SOCAN, Society of Composers, Authors, and Music Publishers of Canada

[www.socan.ca](http://www.socan.ca)

The Society of Composers, Authors, and Music Publishers of Canada is a performing rights society that administers performing rights in musical works on behalf of Canadian composers, authors and publishers, as well as affiliated societies representing foreign composers, authors and publishers.

### Masterfile Corporation

[www.masterfile.com](http://www.masterfile.com)

Masterfile Corporation is a visual content provider, a stock image agency/library in the business of licensing images for commercial use in media ranging from print advertising to Internet Web sites. It acquires images under exclusive contract from professional photographers and illustrators and organizes, archives, keywords, promotes, licenses the images and distribute the royalties to the artists.

### SODRAC, Society for Reproduction Rights of Authors Composers and Publishers in Canada (Visual Arts and Crafts Dept)

[www.sodrac.com](http://www.sodrac.com)

The Society for Reproduction Rights of Authors Composers and Publishers in Canada (SODRAC) administers royalties stemming from the reproduction of musical works. It represents some 4,000 Canadian songwriters and music publishers as well as the musical repertoire of over 65 countries.

### Canadian Copyright Licensing Agency (CANCOPY)

[www.cancopy.com](http://www.cancopy.com)

The Canadian Copyright Licensing Agency (CANCOPY) represents writers, publishers and other creators for the administration of copyright in all provinces except Quebec. The purpose of the collective is to provide easy access to copyright material by negotiating comprehensive licences with user groups, such as schools, colleges, universities, governments, corporations, etc. permitting reproduction rights, such as photocopy rights, for the works in CANCOPY's repertoire.

## IFRRO, International Federation of Reproduction Rights Organizations

*The International Federation of Reproduction Rights Organizations links together all RROs as well as national and international associations of rightsholders. As such, IFRRO has three primary purposes: (1) to foster the creation of RROs worldwide; (2) to facilitate formal and informal agreements and relationships between and on behalf of its members; and (3) to increase public and institutional awareness of copyright and the role of RROs in conveying rights and royalties between rightsholders and users.*

IFRRO began in 1980 as a working group of the Copyright Committee of the International Publishers Association and the International Group of Scientific, Technical & Medical Publishers (STM). It was at the May 1984 meeting in Oslo that this working group became an informal consortium called the International Forum for Reproduction Rights Organizations. This change acknowledged the more direct participation of authors and other rightsovers within the group. In April 1988 in Copenhagen, IFRRO became a formal federation eligible to speak on behalf of its constituents before various international bodies such as WIPO, UNESCO, the European Community, and the Council of Europe.

In September 1992, in Helsinki, IFRRO adopted new statutes and guidelines that provided for the establishment of a Board of Directors and a professional secretariat, which is presently based in Brussels. The statutes and guidelines were amended in October 1996, in Toronto.

In May 1996, in London, IFRRO adopted a new 3-year plan involving the restructuring and expansion of its activities in many areas. In particular, it was decided to create an IFRRO Development Fund to finance special projects and assist new RROs.

In January of 1998, the IFRRO Secretariat established its headquarters in Brussels, Belgium, with two full time employees. The International Federation of Reproduction Rights Organizations (IFRRO) is an independent organization established to foster the fundamental international copyright principles embodied in the Berne and Universal Copyright Conventions. Its purpose is to facilitate, on an international basis, the collective management of reproduction and other rights relevant to copyrighted works through the cooperation of national Reproduction Rights Organizations (RROs). Collective or centralized rights management is preferable where individual exercise of rights is impractical.

**Date of establishment:** working group in 1980, formalized organization in 1988

**Who they represent:** 34 organizational members-US members include the Copyright Clearance Center; 54 associate members-US associate members include the Authors Guild, the Authors coalition of America, Association of American Publishers, the Graphic Artists Guild, the Text and Academic Authors.

**Discipline or artform:** cross-discipline visual arts, music, literature

**Which rights they manage:** reproduction/copying rights, primarily for books, periodicals and other text works. Working groups include Working Group on Copying of Visual Material, Working Group on the Reprographic Licensing of Musical Works, Working Group on Licensing of Newspapers and Similar Publications

**Range of activities:** IFRRO works to develop and increase public awareness of the need for effective RROs and to support joint at-

tempts by publishers, authors and other rightsholders to create and develop rights management systems worldwide. To accomplish its mission, IFRRO fosters the development of studies and information-exchange systems; relationships between, among and on behalf of members; and effective methods for conveyance of rights and fees among rightsholders and users, consistent with the principle of national treatment.

Additional services include:

- > Provide a forum for members and to facilitate exchanges of ideas and information
- > Fosters multilateral, bilateral and reciprocal agreements between RROs
- > Publicizes the activities of IFRRO and the work of RROs
- > Support and encourage the formation of RROs in countries where none presently exist and to nurture their development
- > Provides the membership with information and tools to develop strategies in a changing environment

## CISAC International

*CISAC is a peak association located in Paris, France, with regional offices in Singapore and Buenos Aires. Membership includes 195 member societies from 100 countries. Active in establishing international standards to identify and track musical, audio-visual, and textual work, similar to the ISBN number assigned to books in print. These include the international standard works code (ISWC), the international standard audio-visual works code (ISAN), and the standard for textual works, ISTC. The international trade bodies representing music publishers, authors, composers and the recording industry have agreed to develop jointly a global identification scheme for digital music content. The main aim of the project is to enable efficient management of the delivery of music online.*

**Range of activities:** The four major players of the music industry, RIAA, IFPI, CISAC and BIEM, are now working together on the project assigned to consultants Rightscom to develop a system for identifying transactions involving sound recordings and multimedia packages including music. CIS Standards Database (CSD) contains general non-technical overviews on the CIS subsystems (ISWC, ISAN, IPI, TIS, WID, SCRI, AV Index, IDA). These overviews are updated as soon as it is necessary, in collaboration with the Administrators of each subsystem.