

Consultation Questions

Q1: Do you agree that, on expansion of the PLR Scheme, the inclusion of non-print books is appropriate in terms of lending and creative production trends? Please give details of your position on this issue.

Durham County Council agrees that the proposal to expand the PLR scheme to include non-print books is beneficial and is welcomed. Although these formats could be deemed as partly a “Performance”, both Audio Books and e-books are without doubt the “book in another form”. Demand is likely to increase particularly for e- books.

Q2: We have made an assessment of the current and potential formats for non-print publications which could be made eligible under the PLR Scheme (paragraph 17) – is the scope of this definition sufficiently broad? Do you have any concerns about any of the formats currently listed? If so please provide details.

We feel that the scope is sufficiently broad and we have no concerns about the formats currently listed.

Q3: We have made an assessment of the methods of ‘lending’ of non-print books which are currently used by public libraries, or may be adopted in the future (paragraph 19) – can you envisage any additional methods of ‘lending’ which should be included, or do you have any concerns about those currently listed? If so please provide details.

We do not have any concerns regarding this issue. The nature of a public lending library will ensure that whatever formats are involved, all public libraries will want to know how well they are being used in order to manage stock and resources effectively and efficiently. To this end, there will be systems in place to record the “loans”, whatever method of lending is used.

Q4: Are the additional categories of rights holder (i.e. performers and producers) in relation to non-print books an accurate description of rights holders in non-print works?

We feel that the additional categories are an accurate description as they include narrators in the performers category. The categories are helpful and meet the needs of the public libraries as well as the performers and producers.

Q5: Do such rights holders licence/assign their lending rights in practice? If so, do such rights holders enforce their unwaivable right to equitable remuneration in practice?

We have no experience or knowledge of this situation so can not comment. No demands have been made on our authority in respect of payments.

Q6: It is our understanding that lending rights are currently under-enforced and/or poorly protected in respect of audio and e-books loans through UK public libraries – is this correct?

We recognise that there is potential for all CD and Cassette format to be copied but one format in particular gives cause for concern, the MP3CD, which is being marketed as being useful in that the “borrower” can readily download it to their own MP3, i-Pod, PC or Notebook.

Q7: Where such contractual arrangements exist, how effective are these arrangements and do rights holders feel adequately protected/remunerated?

We are unable to comment on this issue as we are not involved with rights holders directly.

Q8: Would the inclusion of such rights holders in the Scheme produce the certainty of payment and protection of rights described above (paragraphs 24-28)? Please give details.

We feel that the inclusion of such rights holders in the PLR Scheme would give some certainty of payment, but we do not see how this suggestion would totally ensure the protection of rights. The threat of illegal copying is probably a wider issue and may be beyond the scope of PLR.

Q9: Do you agree that the expansion of the PLR scheme, as opposed to maintaining the current contractual lending market, will benefit rights holders, libraries and the creative sector?

We feel that it should certainly benefit authors, producers and performers. It may also facilitate greater acquisition and lending of such materials, where the

current more complex arrangements have been holding back demand.