

# PUBLIC LENDING RIGHT (PLR): AN INTRODUCTORY GUIDE



INTERNATIONAL  
AUTHORS FORUM

**plr international**  
*networking together*





# INTRODUCTION

---

This guide has been prepared by the Co-ordinator of the International PLR Network as an introduction to Public Lending Right. The PLR Network exists to encourage the exchange of information and best practice between PLR systems across the world, and also to provide impartial help, advice and encouragement to countries seeking to establish their own PLR systems.

The guide is aimed at individuals, organisations and governments coming to Public Lending Right for the first time and who are seeking information on how PLR operates, how it benefits authors, how it has been established across the world and how it can be achieved. The guide is in three parts.

**Part One** describes the main types of PLR system that exist internationally and their legal basis.

**Part Two** explains why authors are so important to cultural life and education and how PLR provides the vital support that they need to sustain their writing. It also provides some pointers to how PLR can be achieved on the basis of the experience of campaigners in countries where PLR has already been established. And it responds to some of the common arguments used across the world to oppose the establishment of PLR systems.

As the guide can provide only a brief introduction to PLR, **Part Three** provides details of where to go for more information and guidance.

A list of the countries that have established PLR systems can be found in Annex 1.

The International PLR Network is very grateful to the International Authors Forum (IAF) and the Federazione Unitaria Italiana Scrittori (FUIS) for financial and other support towards the preparation, translation and publication of this guide.

The guide is also available in print in French, Spanish and Italian and electronic copies can be accessed on the IAF ([www.internationalauthors.org](http://www.internationalauthors.org)) and International PLR Network ([www.plrinternational.com](http://www.plrinternational.com)) websites.

**Dr Jim Parker**

Co-ordinator, International PLR Network

# PART ONE

## WHAT IS PUBLIC LENDING RIGHT?

PLR is the legal right that authors have to receive payment from governments to compensate them for the free lending out of their books by public and other libraries.



*"First and foremost PLR upholds the principle of 'no use without payment'. This is the basis for the concept of 'fair remuneration' which then carries over into photocopying and digital uses. It is based on the Universal Declaration of Human Rights by which we are entitled to receive income from any exploitation of our work. If it is claimed that this interferes with another universal right, to access to knowledge and culture, our answer is that it supports the creation of new work and we do not ask teachers to work for nothing."*

Maureen Duffy, author, UK PLR campaigner and President of Honour of ALCS.

# PART ONE

## HOW WIDESPREAD IS IT?

Currently 32 countries across the world have PLR systems. (See Annex 1 for details.)

The first country to establish a PLR system was Denmark in 1946, followed by Norway in 1947 and Sweden in 1954. Even in 1946 PLR was not a new idea. A resolution passed at the Nordic Authors' Association meeting in 1919 called on governments to compensate authors for library lending of their books.

PLR has been recognised in European law since 1992 and 28 of the 32 countries with PLR systems are in Europe.

Outside Europe the first PLR system to be established was in New Zealand in 1973, followed by Australia in 1974, and then Canada and Israel in 1986. Several other countries recognise the legal right of authors to license the lending out of their works but have not yet set up systems to enable authors to receive PLR remuneration. This can be where there is no collective management organisation (CMO) in place to administer a PLR system, or where authors have not actively pressed governments to provide them with PLR payments.

The most recent PLR system to get up and running is in Malta where the first payments to authors for the lending out of their books by public libraries were made in 2015.

**PLR HAS BEEN RECOGNISED IN EUROPEAN LAW SINCE 1992 AND 28 OF THE 32 COUNTRIES WITH PLR SYSTEMS ARE IN EUROPE.**

# PART ONE

## HOW DOES PLR OPERATE?

Each country has a different approach, but generally PLR payments are directly funded by government and do not come from library budgets.

Most commonly PLR is distributed to authors in the form of payments related to how often their works have been lent out by libraries. This payment per loan approach can be found in countries like the UK, Germany, the Netherlands and Sweden. In Sweden PLR payments are also made to authors of reference works which are used for on-the-spot reference in libraries and are not available for loan.

Alternatively, payment can be made to authors in line with how many copies of their books are held by libraries – the stock or title count method as operated in countries such as Canada, Denmark and Australia.

Other approaches include relating payments to book purchases (France) or to the number of registered library users (Spain).

PLR funds are used in some countries to provide authors with pensions (Germany, France, Sweden), and in others to pay for travel grants and scholarships (Norway, Italy, Slovenia).

And many countries have PLR systems based on a combination of approaches – for example in Slovenia, where PLR payments are made to authors for loans of their books but PLR funding is also used to provide study grants and scholarships.

In addition to writers, other contributors to books such as illustrators, translators, editors and photographers commonly qualify for PLR payments; and in several countries publishers share the PLR payments with the authors. PLR currently applies in many countries both to printed books and to a range of audio-visual material (including ‘talking books’) lent out by libraries. In these countries a wider range of creators will therefore be eligible for payment, including composers, producers and narrators of audio-books.

# PART ONE

Ebook lending is a rapidly growing feature of public library activity across the world but has not yet been included in PLR in any of the 32 countries operating PLR systems. In the European Union, PLR is subject to the Lending Right Directive (see Part Two) which was implemented before the advent of ebooks. A ruling from the European Court of Justice on whether ebook lending should be included in PLR by Member States is expected later this year (2016). Currently, different arrangements apply in each Member State with lending of ebooks allowed by libraries through licences agreed with publishers.

Outside Europe, the Canadian PLR Commission is committed to including ebook loans in the Canadian PLR scheme from 2017.

In summary, no two PLR systems are the same. Many combine several aspects of the different approaches available to provide systems that best suit their national needs.

# PART ONE

## WHAT IS THE INVOLVEMENT OF LIBRARIES IN MAKING PLR SYSTEMS WORK?

Most countries, as we have seen, base payments on either the number of copies of an author's book held by public libraries or how often they have been borrowed. Data collection for both approaches is now highly automated and the required details of books held by public libraries or the number of loans is easily acquired electronically from library computer systems. In return, PLR offices can provide libraries with fascinating data on the most-borrowed authors and books, and on trends in book borrowing.

In most countries PLR funding is provided by regional or central government and is not paid directly by the libraries themselves. In the few cases where libraries provide for PLR from their own budgets (for example in the Netherlands, where public libraries operate as independent units), PLR is seen by the library community as an entirely legitimate charge as it gives authors fair compensation for the use of their works free of charge by the public.



*“PLR is important both to rightsholders and libraries. In the Netherlands, libraries pay faithfully for PLR because they have an interest in writers: the same writers who are able to reach their readers through the libraries.*

*For this reason, we have fair compensation for writers covered by our Authors' Law, just like the duty of libraries to freely reveal information.”*

Erna Winters, Director, Library of the City of Alkmaar, the Netherlands.

# PART ONE

## WHAT IS THE LEGAL BASIS FOR PLR ?

Most PLR systems exist in Europe, where European Union Member States are required by law under the Lending Right Directive to provide authors with an exclusive right over the lending out of their works OR at least to provide them with remuneration for the lending out of their works.

The Directive (first passed in 1992 and reconstituted in 2006) gives authors and other rightsholders an exclusive right to license or prohibit the lending of their works by libraries. However, Member States may derogate from an exclusive right provided that they remunerate rightsholders for the loan of their works. Member States must include public libraries in their PLR schemes but are permitted to exclude from the right the lending of authors' works from other categories of library; they may also give priority to their national cultural objectives in establishing PLR schemes.

But, elsewhere, lending right is not a requirement under international copyright law and there is no obligation on governments to set up PLR systems. As a result, the spread of PLR has been patchy and there are no PLR systems in Africa, South America or Asia. The only countries outside Europe operating PLR systems are Australia, Canada, New Zealand and Israel.

Where PLR operates outside of copyright it can function as part of a country's support structure for its own culture and language. So in several European countries (for example in Denmark, Sweden and Norway) PLR is only payable to authors writing in the national language(s) of that country. Outside Europe, the PLR systems in Australia and Canada exist to support authors who are nationals of those countries.

## HOW IS PLR ADMINISTERED?

There are two main approaches:

- (a) where PLR is administered by a CMO alongside other authors' rights subject to licensing like photocopying. This is the case in countries such as Germany, the Netherlands, Spain, the Slovak Republic and Lithuania; and
- (b) where PLR is a right to remuneration with its own legislation (for example in the UK, Ireland and Australia ). PLR remuneration systems can also be set up without any legislation (for example in Canada and Israel) but this can leave them vulnerable to closure.

## WHY ARE AUTHORS SO IMPORTANT TO SOCIETY AND CULTURAL LIFE?

The contribution of authors to society begins when a child first attempts to learn to read, with the work of skilled children's authors tailored to encourage developing skills to progress to the next level. This process continues with ever-increasing facility throughout formal education. Without the basic skill of literacy in today's world, the individual will find only the lowest-paid employment and increasing frustration in our text-based society.

Yet the creators of this vital good for society are often the lowest beneficiaries in the publishing value chain, as recent research has shown. Increasingly, and contrary to the Universal Convention on Human Rights, authors subsidise their work with other sources of income and self-publication while society expects them to give their skills and work for free. PLR is part of the essential financing to ensure the continuing creation and flow of professional literary content.

**PLR IS PART OF THE ESSENTIAL FINANCING TO ENSURE THE CONTINUING CREATION AND FLOW OF PROFESSIONAL LITERARY CONTENT.**

## WHY IS PLR SO IMPORTANT FOR AUTHORS?

PLR payments make a real difference to authors' lives.

In the UK 24,000 writers, illustrators and translators from all walks of life and literary backgrounds receive payments of up to a maximum of £6,600 each year. For many, particularly writers who are not among the bestsellers, this is their biggest source of income at a time when authors' incomes from publishing are falling everywhere.

In some of the smaller EU Member States, like Malta, where the first PLR payments were made in 2015, PLR is seen as an important future addition to authors' incomes.



*"Besides serving as a new and small source of revenue for authors, Public Lending Rights in Malta has also helped enhance the culture of professionalism and boost authors' fees in our industry. Thanks to PLR, the entitlement of authors to remuneration for the use of their work is now deeply entrenched in the local book industry."*

Mark Camilleri, author and Executive Chairman of the National Book Council, which administers PLR in Malta.

## PART TWO



*"I have a lot of loyal readers who borrow my books and that means I've been very fortunate in the annual payment I receive from the PLR – a payment which for many writers is an essential part of their earnings, I know it was in my early writing career."*

Erica James, author of 20 bestselling novels, including *Gardens of Delight*, which was Romantic Novel of the Year in 2006.

## PART TWO

In Slovenia, where PLR has been in place since 2004, it provides essential financial support for authors. In 2014, 945 Slovenian authors received payments for loans of their books from public libraries. The average payment was €300 – enough to make a real difference to authors' livelihoods.

PLR at the start of an author's career, for the lending out of their books by libraries, can be of immense importance.

And for established writers with long backlists of published works, the role of public libraries in providing access to the whole of their oeuvre, including works that have gone out of print, can be a life-saver.

PLR funding not only provides payments for library loans of authors' works, but can be paid out as grants provided for research and travel, or as pensions. In some countries it can also be bequeathed at an author's death to his/her family for up to 70 years.

PLR is not just restricted to public library loans of authors' works. In Australia the Educational Lending Right makes payments to authors for the presence of their books in school libraries and this is very popular with children's writers. In Germany higher education libraries are included in PLR.

And, as we have seen in Part One, it is not just writers who benefit from PLR. Book illustrators, translators, editors and photographers may also qualify for PLR payments. PLR is particularly valuable for contributors to books like illustrators who receive one-off payments for their work rather than ongoing royalties based on sales.

There are other spin-offs for authors arising from PLR. For example, authors in the UK and Ireland find that the details of their library book loans sent to them by the PLR office with their annual payments are a great morale booster.

**IT IS NOT JUST WRITERS WHO BENEFIT FROM PLR. BOOK ILLUSTRATORS, TRANSLATORS, EDITORS AND PHOTOGRAPHERS MAY ALSO QUALIFY FOR PLR PAYMENTS.**

## PART TWO



*"PLR is not only a life-saver, it is also one of the great spurs to fresh endeavour."*

Shirley Hughes, writer of over 50 children's books and illustrator of over 200.

## WHAT ARE THE WIDER BENEFITS OF PLR?

PLR makes an important contribution to linguistic and cultural diversity by providing vital support to authors writing in minority languages. In the Nordic countries, for example, PLR payments are made to authors writing in a country's own national language(s) as a way of protecting and supporting its distinctive linguistic traditions and culture. In this way PLR could play an important role in supporting authors in developing nations to continue writing in their national languages, particularly where there may be a range of linguistic and cultural traditions in a single country.

By sustaining authors, PLR also supports libraries and all they do for literacy by helping to ensure a continued supply of books.

# WHAT ARGUMENTS ARE USED AGAINST THE ESTABLISHMENT OF PLR AND HOW CAN THEY BE CHALLENGED?

**PLR payments have an adverse effect on library budgets.**

**Wrong.**

In the majority of PLR countries, PLR is funded by central or regional government and is not paid out of library budgets. In the Netherlands, where individual libraries contribute to PLR funds, PLR is seen by the library community as a perfectly legitimate charge, like photocopying licences, as it gives authors fair compensation for the use of their works free of charge by the public.

**PLR payments go to the bestselling and therefore most-borrowed authors leaving little for less well-known and up-and-coming authors.**

**Wrong.**

Most PLR systems operate an upper payment threshold, preventing the big names from taking all the money. Of the £6 million paid out by UK PLR this year, only 3% went to the 300 authors on the maximum payment, leaving the bulk of the funding to be distributed to the other 22,000 writers, illustrators and translators of printed books and authors, narrators and producers of audio-books borrowed from public libraries.

## PART TWO



*“PLR is about more than money, though of course that is welcome. Getting my cheque each year is a reminder that people want to read my books rather than simply own them.”*

Tracy Chevalier, author of eight novels including international bestseller *Girl With A Pearl Earring*.

# PART TWO

**PLR is expensive to administer and running costs impact adversely on what is available for distribution to authors.**

**Wrong.**

In the UK the running costs of the PLR office came to less than 9% of PLR funds.

**The authors whose books are most borrowed from libraries are bestsellers and don't need their PLR payments.**

**Wrong.**

In a recent survey of the 300 or so UK authors who receive the maximum PLR payment, 80% specified that their annual PLR payment remained basic to their income. They include many retired writers, children's authors and illustrators, and mid-ranking genre fiction writers for whom PLR money is vital.

**PLR has an adverse effect on the primary sales of authors' books.**

**Wrong.**

PLR payments are for the secondary use of an author's works when they are loaned out by libraries for free to readers. They have no impact on the sales market. Libraries remain an important customer for publishers and the establishment of a PLR system will not affect this situation.

**PLR PAYMENTS MAKE A REAL DIFFERENCE TO AUTHORS' LIVES.**

## PART TWO



*“PLR is certainly very important to me. Most of my readers borrow my books from the library instead of buying them. That’s why half my income comes from PLR. When your books are lent often by the library, it’s very nice to get good compensation for that. It enables you to stay working as an author. It’s not just the money; the recognition is also very important.”*

Gerda van Wageningen, Dutch writer of over 100 romantic fiction titles and recipient of Dutch PLR since 1986.

## HOW HAS PLR BEEN ACHIEVED IN DIFFERENT COUNTRIES?

Most PLR systems are in Europe, and for EU Member States PLR has been a legal requirement since the passing of the 1992 Lending Right Directive. Countries seeking membership of the EU must therefore establish PLR systems as part of their preparations for membership. The Directive allows flexibility in determining how payments should be calculated, which types of library should be included, which rightsholders should qualify for payment, which types of works should be included and how the payments should be calculated.

But for countries with long-established PLR systems, such as Denmark (1946), Norway (1947), Sweden (1954), the UK (1979) and Canada (1986), PLR was achieved by authors' own efforts and only after many years of campaigning. Scandinavian authors led the way. As long ago as 1918 the Danish writer, Thit Jensen, called for authors to be compensated for the lending out of their books free of charge by libraries. In 1946 Danish authors finally had success when the Danish government introduced the world's first system of payment for library loans. PLR systems followed soon after in Norway and Sweden. In the UK authors led by Maureen Duffy and her fellow Writers' Action Group members fought a long campaign to achieve a legal right for authors to receive payment for the lending out of their books by public libraries. The PLR Act was finally passed by the UK parliament in 1979.

For authors living in countries outside the EU, where there is no legal requirement to establish PLR, campaigning remains the route that authors must still take. As we have seen above, there are several legal and operational models that they can adopt depending on what best suits their national circumstances.

The three main models are:

- (a) PLR as a right to payment with its own PLR legislation.
- (b) PLR established through its inclusion in copyright legislation where authors have the right to license the lending out of their works.
- (c) PLR as part of a country's overall policy to support national culture and language.

## KEY POINTS TO REMEMBER FOR PLR CAMPAIGNS

1. Present a workable scheme to government and a well thought-through business case. Decide on the sort of scheme you want to recommend to government. Demonstrate the benefits of PLR but also show that it won't damage libraries or other book trade sectors.
2. Press for a centrally funded scheme, or at least a scheme funded at regional level.
3. Launch a well planned and structured campaign supported by ALL the authors' organisations and secure the support of other key book trade sectors – librarians and publishers particularly.
4. Mobilise authors, from the grass roots to the bestsellers, in support of the campaign.
5. Get the support of prominent public figures – particularly parliamentarians who may also be writers.
6. Aim ultimately for legislation to ensure that your PLR scheme provides a legal right.

Further guidelines on the minimum criteria required for an acceptable PLR system and equitable levels of payment are currently (2016) being prepared by the International PLR Network working in partnership with the International Federation of Reprographic Rights Organisations (IFRRO).

# PART THREE

## FURTHER INFORMATION

The following organisations all promote the spread of PLR internationally and further information about their activities can be found on their websites:

### **International PLR Network**

The Network exists to bring together the 32 countries that have working PLR systems to provide a means for them to exchange information and best practice. It also provides impartial advice and technical assistance to countries seeking to set up their own PLR system. This is an informal network which is open to individuals and organisations from all backgrounds. It is co-ordinated by Dr Jim Parker, formerly head of the UK PLR system. More information about the Network and its activities, including its two-yearly conferences, and on the different approaches to PLR across the world can be found on its website at [www.plrinternational.com](http://www.plrinternational.com) or direct from Jim Parker ([parker-j20@sky.com](mailto:parker-j20@sky.com)).

Proceedings of the 10th and 11th International PLR Network conferences in Dublin (2013) and The Hague (2015) are available on the website ([www.plrinternational.com](http://www.plrinternational.com)).

**International Authors Forum ([www.internationalauthors.org](http://www.internationalauthors.org))**

**European Writers' Council ([www.europeanwriterscouncil.eu](http://www.europeanwriterscouncil.eu))**

**International Federation of Reprographic Rights Organisations ([www.ifrro.org](http://www.ifrro.org))**

# ACKNOWLEDGEMENTS

Photographs of Shirley Hughes and Tracy Chevalier © Matt Crossick.

Photograph of Maureen Duffy © Nia Hughes 2013.

Photograph of Erica James © Andrew Hayes Watkins.

Photograph of Erna Winter © Thomas Pablo Sciarone.

Photograph of Mark Camilleri courtesy of the author.

# ANNEX 1

## **Countries that have PLR systems**

Australia  
Austria  
Belgium  
Canada  
Croatia  
Czech Republic  
Denmark  
Estonia  
Faroe Islands  
Finland  
France  
Germany  
Greenland  
Hungary  
Iceland  
Ireland  
Israel  
Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
New Zealand  
Norway  
Poland  
Slovak Republic  
Slovenia  
Spain  
Sweden  
United Kingdom

plr international  
*networking together*



INTERNATIONAL  
AUTHORS FORUM

[www.plrinternational.com](http://www.plrinternational.com)  
[www.internationalauthors.org](http://www.internationalauthors.org)

