



PLR International

FREQUENTLY ASKED QUESTIONS ON PUBLIC LENDING RIGHT (PLR)

What is Public Lending Right (PLR)?

PLR is the right of authors and other rightsholders to receive payment for the free public use of their works in libraries.

How long has it existed?

PLR has been in existence since the 1940s. The first country to establish a PLR system was Denmark in 1946, followed by Norway in 1947 and Sweden in 1954.

How widespread internationally is PLR?

Currently, 35 countries have PLR systems. Of these, 30 are in Europe. Outside Europe only Australia, Canada, Israel and New Zealand have PLR systems. (A further 26 countries have made provision for some form of lending right in legislation but have not taken the next step of setting up working PLR systems.)

What is the legal basis for PLR?

The 35 national PLR systems fall into three broad categories:

- Copyright-based systems where lending is an exclusive right;
- PLR as a separate remuneration right recognised in law;
- PLR as part of state support for culture (mainly in Scandinavia).

Some countries incorporate a combination of all three approaches.

What is the position on PLR in the European Union?

The 1992 Directive on Rental and Lending Right (reconstituted in 2006) requires Member States to recognise authors' lending rights and set up PLR systems to give effect to these. Currently, 24 EU Member States have PLR schemes, although in several States there are still problems with the effectiveness of the system and the levels of funding. Bulgaria, Greece, Portugal and Romania do not yet have PLR systems.

Which countries are likely to be next to set up PLR systems?

In Greece and Malawi, recent copyright legislation has made provision for PLR and discussions on how the new schemes will operate are ongoing. In Turkey, draft PLR legislation is awaiting parliamentary approval. In Hong Kong, the government has accepted the case for PLR in principle following a campaign by authors and publishers. Discussions continue on its implementation.

How is PLR funded?

In most countries PLR is directly funded by central or regional government and payments do not come from library budgets.

How are payments calculated?

Most commonly PLR is distributed to authors and other stakeholders 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 the UK, Germany, the Netherlands, Finland and Malta. In Sweden, where the bulk of the PLR funding is paid out to authors in line with book lending, 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 rightsholders in line with how many copies of their books are held by libraries – this 'stock or title count' method is used in countries such as Canada, Denmark and Australia.

Other approaches include relating payments to book purchases. This is the approach in France, where part of the overall PLR fund comes from a small payment made by booksellers every time they sell a book to a library. The remaining part of the PLR fund is covered by the state budget according to how many users are registered in the libraries (the users do not have to pay any fees).

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

Who qualifies for payment?

In addition to writers, other contributors to books, such as illustrators and visual artists, translators, editors and photographers, commonly qualify for PLR payments; in a number of countries the publishers receive a share of the PLR payments.

What types of works are covered by PLR?

PLR currently applies in many countries to both printed books and to a range of audiovisual 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 audiobooks.

Ebook lending is a rapidly growing feature of public library activity across the world. Following a decision by the Court of Justice of the European Union (CJEU) in 2016, the Rental and Lending Right Directive is deemed to cover loans of ebooks on a very strict basis of one copy, one user (the copy can only be lent again when the ebook is no longer accessible to the previous borrower). The UK has now extended its PLR system to include ebook loans (the law provides for payment while allowing publishers to propose a variety of licence options). A system of payment for ebook loans will also be introduced in Denmark this year. Outside Europe, Canada included ebooks in its PLR system in 2017.

Which libraries are covered by PLR?

In the majority of PLR countries, the use of authors' works in public libraries forms the bedrock of the system. Additionally, other types of library, such as school and university libraries, may be included.

How is PLR administered?

There are two main approaches. The first is where PLR is administered by a collective management organisation alongside other authors' rights that are subject to licensing like photocopying. This is the case in countries such as Germany, the Netherlands, Spain, the Slovak Republic and Lithuania. The second approach is where PLR is a right to remuneration with its own legislation (for example, in the UK, Ireland and Australia) and is administered by a government body. Some PLR remuneration systems are set up without any underpinning legislation (for example, in Canada, Malta and Israel).

Where can I get more information on PLR?

More information on how PLR operates in each country can be found on the PLR International website (plrinternational.com). PLRI exists to bring together the countries that have PLR systems to facilitate the exchange of best practice, and to provide advice and technical assistance to countries looking to set up their own PLR systems for the first time.

PLRI Co-ordinator Dr Jim Parker reports to the PLRI Steering Committee, which represents all the main international PLR stakeholder groups. Enquiries about PLR International may be addressed to Jim Parker (jim.parker@plrinternational.com).

Copies (in different languages) of an Introductory Guide to PLR and of the PLRI Steering Committee's Charter of Best PLR Practice are available on the website.