

## Licensing Copyrighted Content & Copyright Clearance Centre

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**Abstract:** Copyright is a form of legal protection given to content creators through the assignment of specific rights to works that qualify for protection. Copyright laws vary widely from country to country, making compliance a challenge especially when the organisation has employees located in various parts of the world. These challenges include the lawful use and sharing of content among employees within countries, in different countries and scattered among corporate subsidiaries. What's more, copyright compliance at the global level is further complicated by the vast amount of easily accessible content found online. As the Reproduction Rights Organization for the US and a member of the International Federation of Reproduction Rights Organizations (IFRRO), CCC provides better licensing model at the global level.

**Keywords:** Copyright, Copyright Clearance Centre, CCC, Copyright licensing, Rights management, Intellectual Property Rights, IPR

### What is Copyright?

Copyright is a legal concept that grants authors and artists control over certain uses of their creations for defined periods of time. It limits who may copy, perform, change or share or distribute those creations. It is a right in creative works such as literary works, artistic works, music, computer programs, sound recordings and films.

The main goals of copyright are to encourage the development of culture, innovation and science, while providing a financial benefit to copyright holders for their works, and to make possible access to knowledge and entertainment for the public. Copyright provides a structure for relationships between the different players in the content industries, as well as for relationships between rights holders and the consumers. Copyright is a form of intellectual property, along with trademarks and patents in all countries, and other creations that may vary from country to country.

Several international treaties set standards that all participating countries must follow when adopting or changing their copyright laws. However, within those restrictions, each nation sets its own acts. Those laws determine who can acquire a copyright, what rights the copyright holder enjoys, and how long the copyright lasts. Copyright law varies significantly from one country to another. (The copyright Act, 1957)

### Licensing copyrighted content

Copyright law dictates that purchasing a copy of a work, such as a scientific journal, book,

magazine or a newspaper, does not give the buyer the right to make any copyright-sensitive use of that work. That means the purchased copy may be read or enjoyed otherwise given away or may be re-sold, or destroyed, the work embodied in the copy may not be reproduced, publicly performed or otherwise used within the scope of the copyright law.

In the case where a copyright-sensitive use needs to be made, permission can usually be obtained either directly from the rightsholder or from a third party organization that has been authorized by the rightsholder to grant the permission on his or her behalf. In some countries, that permission is granted by law in exchange for a designated payment.

In many countries, copyright CMOs (Collective Management Organizations) or collecting society license large-scale use of works on behalf of large numbers of rightsholders, collect royalties for those uses, and distribute these royalties back to rightsholders. There are collective management organizations that specialize in different categories of works and creators. In the field of text and image based works, these organizations are called RROs (Reproduction Rights Organisations). They typically deal with the licensing of secondary uses of books, journals, newspapers and magazines – in both their paper formats and their online or digital formats – and in some cases also with visual content such as motion pictures, photographs and illustrations. There are Reproduction Rights Organisations in more than 80 countries, ranging from classy organizations with long histories to start-up organizations in developing countries. Most Reproduction Rights

Organisations belong to the International Federation of Reproduction Rights Organisations (IFRRO). RROs around the world work with different licensing models either required or permitted by their local copyright law. According to IFRRO, there are three basic types of RRO licensing models. (Rupp-Serrano, K. 2014).

- ✓ Voluntary collective licensing
- ✓ Voluntary collective licensing with legislative support
- ✓ Legal licenses

Some RROs offer a combination of features from the three licensing models. Reproduction Rights Organisations licenses can also differ in the number and types of works they include the types of uses they allow, and their geographic scope.

### **International Federation of Reproduction Rights Organisations (IFRRO)**

The International Federation of Reproduction Rights Organisations (IFRRO) is an independent organisation established on the basis of the fundamental international copyright principles embodied in the Berne and Universal Copyright Conventions. Its intention is to make possible, on an international basis, the collective management of reproduction and other rights relevant to copyrighted works through the co-operation of national Reproduction Rights Organisations (RROs). Collective or centralised rights management is preferable where individual exercise of rights is impractical.

International Federation of Reproduction Rights Organisation through its members supports creators and publishers alike and provides internationally a common platform for them to foster the establishment of appropriate legal frameworks for the protection and use of their works. IFRRO works to develop and increase public awareness of the need for effective RROs and to support joint efforts of authors, publishers and other rightsholders to develop rights management systems world-wide. To accomplish its task, IFRRO fosters the development of studies and information-exchange systems; relationships between, among and on behalf of members; and efficient methods for conveyance of rights and fees among rightsholders and users, steady with the principle of national treatment.

IFRRO facilitates co-operation among RROs as well as with and among authors, publishers, creators and their associations. Through this work and its clash against copyright infringement and unauthorised use of text and image based works, IFRRO stimulate creativity, diversity and investment in cultural goods as a useful tool for rightsholders, consumers, the society and economy as a whole. (<http://www.ifro.org/>)

### **What is Copyright Clearance Centre?**

Copyright Clearance Centre (CCC) was founded in 1978 at the suggestion of the US Congress that an efficient mechanism for the exchange of rights and royalties be created to facilitate compliance with the then newly revised copyright law. CCC headquartered in Danvers, Massachusetts, with employees based around the world. CCC's mission is to make it easy for people to get, use and share content worldwide.

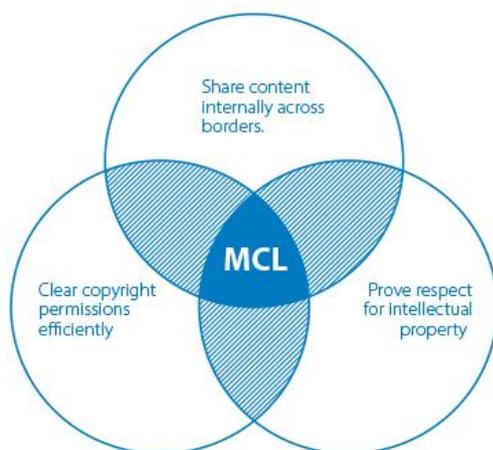
The principal purpose of CCC is to remove barriers to copyright compliance by making it convenient for content users to obtain permissions to lawfully use protected works. A not-for-profit, nongovernmental organisation, CCC acts as a clearing house through which copyright holders can voluntarily offer centralized permissions to use their text based copyrighted works. Rightsholders register their works with CCC, and the organisation grants permissions on their behalf and collects and distributes royalties. CCC obtains the rights for those works it represents through voluntary, non-exclusive contracts with publishers, authors, agents, collecting societies, and other copyright holders. (Fishman, Stephen, 2011). Copyright Clearance Centre began licensing through public electronic means in 1995 with the launch of its web site – [www.copyright.com](http://www.copyright.com). For publishers, authors, and other rightsholders, this website offers one-stop solution of the permissions process and the potential to earn royalty revenues by allowing use of their works in business, government, academic, and international markets.

CCC licenses digital uses and photocopying of all kinds of text-based materials by users in for-profit and not-for-profit business organizations, libraries, academic institutions of all types, universities, government agencies, medical centres, research institutes, document suppliers, producers of academic course packs, copyshops on digital licencing, as well as individuals. And the licenses covered inter-library loan, document delivery, and republication. Copyright Clearance Centre also provides point-of-content licenses through its Rightslink digital licensing solution, a service specifically cited by e-content as a reason that CCC made the trade publication's top 100 list for 2002 and 2003. Rightslink also provides a glimpse into the future of copyright compliance and rights management because it harnesses technology to enhance customer service immediately and for the long term. Rightslink was introduced in 2000 in recognition of the growing prevalence of digital media and the challenges and opportunities it presents.

CCC and its wholly-owned subsidiary RightsDirect are global leaders in content workflow and rights licensing technology. Copyright Clearance Centre solutions make available anytime, anywhere content access, usage rights and information management while

promoting and protecting the interests of copyright holders. CCC serve more than 35,000 customers and 15,000 copyright holders worldwide and manage more than 950 million rights from the world's most sought after books, journals, blogs, movies and more. Since 2008, Copyright Clearance Centre has been named one of the top 100 companies that matter most in the digital-content industry by e-content magazine.

For International companies/organisations, RightsDirect provides Multinational Copyright License (MCL). The multinational copyright license simplifies content sharing across borders. With this license, employees in the organization have access to more than 650 million usage rights from millions of content sources offered by 12,000 publishers worldwide in one annual license. The license provides a simple and cost-effective way to help and share content and make copyright compliance easy across national borders.



### Multinational Copyright License

The multinational copyright license benefits are;

- ❖ Save effort and money by reducing time spent pursuing permissions individually
- ❖ Benefit from a consistent set of usage rights across all participating rightsholders
- ❖ Significantly reduce the organization's copyright infringement risk
- ❖ Share and store published content across borders while remaining copyright compliant

Once the organisation signs an agreement for the multinational copyright license, all of the organization's employees are allowed to internally use and share copyrighted content represented in RightsDirect's repertory. RightsDirect's parent company, copyright clearance center, distributes license fees collected from licensees to participating rightsholders. This process eliminates the need for organisations to obtain individual

permissions from copyright holders for those types of reuse of their content covered by the license.

The multinational copyright license is generally intended to permit distribution of articles on a periodic, non systematic basis to other people within an organization. It does not meant to replace subscriptions that the organization need in the ordinary context of work.

The multinational copyright license permits an employee of a licensed organisation to reuse articles and chapters covered by the license for internal use only. It does not a license to reproduce copyrighted publications in their entirety (although it does allow reproduction of entire articles or chapters within periodicals or books) or to alter or manipulate the content in any way. While this license greatly facilitates copyright-compliant communications within the organisation, it does not permit to sell copies or provide fee-for-service reproduction.

The license also do not consent distribution of content in digital form to anyone who is not an authorized person — an employee of the organisation or authorized consultant — except in two cases: (i) in response to government filing requirements, and then only when bearing appropriate notices, and (ii) in the case of many works in the repertory, in response to a third-party request, in which case a single electronic copy may be delivered.

The multinational copyright license is not a license to distribute paper or digital copies in a systematic way. For example, through a clipping service or any means intended to replace an employee's need for a subscription or to make searchable libraries or archives of materials in order to avoid the need for subscriptions. That is the license allows storage of articles within the organization's internal network but only for the sharing permitted by the license. In particular, storage is not allowed if it is deliberate to replace the organisations need to take subscriptions or make purchases of copies of the works from the rightsholders.

In concise, the multinational copyright license is a valuable tool as part of corporate communications and compliance policies and can easily be used to keep employees informed about the important things that affect the business every day.

Copyright clearance centre, has announced the latest enhancements to its cloud-based RightFind™ content workflow solution. RightFind offers users instant, easy access to a full range of content from thousands of publishers and millions of journals while helping managers optimize those purchases and manage content spend. It is a redesigned interface that makes for a more intuitive user experience. The new design provides critical actions simplified workflows.

As part of the RightFind content workflow solution suite, CCC provides RightFind XML for mining. With this users can create sets of full-text XML articles from more than 4,000 peer-reviewed journals produced by over 25 STM publishers and then import them into their preferred third-party text mining software.

Copyright clearance centre is now the world's largest document delivery service with more than a million PDFs delivered each year, sourced from over a hundred thousand native PDF journals, over three million native PDF books, and over five million directly sourceable books. (Copyright Clearance Centre, 2015).

**Research Methodology**

As a part of the doctoral research work undertaken for copyright in corporate digital libraries in India, a sample survey has been

conducted at national level. The survey was focused on library professionals and library in-charge of selected corporate libraries. The selected corporate libraries are further segregated based on the companies act registration. The collected data were analyzed. The questionnaire was distributed two or more times depend on the answer pattern of the previous questionnaire. The questionnaires are designed to focus on problems, opportunities, solutions and forecasts. All the responses were subjected for statistical analysis using chi square test and standard deviation.

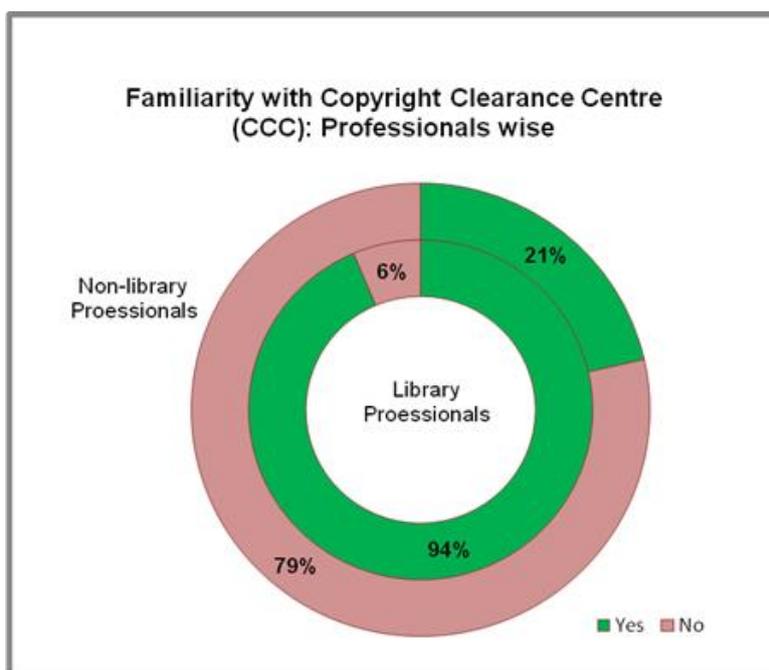
**Data Analysis and Discussion**

89 corporate library professionals, including library in-charge were participated in this survey across the country. The two main question being asked and their responses are analysed below;

1. Have you heard about copyright clearance Centre (CCC)?	Yes	No
2. Approximately how much time (in man-days) is spent annually on rights clearance for digital preservation purposes in your library?	<10 days 10-15 days 25-50 days >50 days	

**Familiarity with Copyright Clearance Centre (CCC):  
Professionals wise**

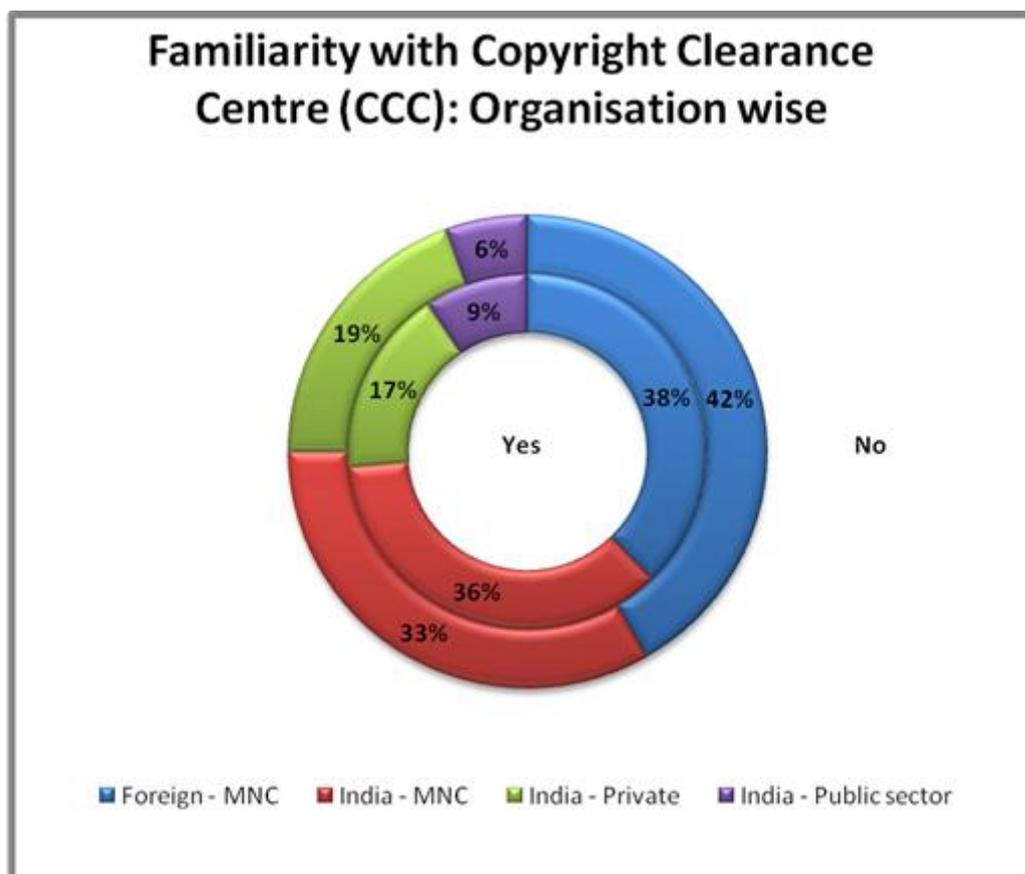
Position	Yes	No	Total	Chi Square	Sig.
Library Professionals	44 (93.6%)	3 (6.4%)	47	47.984	0.000
Non-Library Professionals	9 (21.4%)	33 (78.6%)	42		
<b>Total</b>	<b>53 (59.6%)</b>	<b>36 (40.4%)</b>	<b>89</b>		
<b>Chi Square</b>	<b>3.247</b>				
<b>Sig.</b>	<b>0.072</b>				



It is very interesting that, library professionals (93.6%) who have heard about copyright clearance centre were significantly high ( $\chi^2=47.984$ ; Sig. 0.000) compared to those non-library professionals (21.4%). Those who have not heard about copyright clearance centre were 6.4 percent library professionals and 78.6 percent non-library professionals. Overall professionals who have heard (59.6%) and not heard (40.4%) were statistically on par ( $\chi^2=3.247$ ; Sig. 0.072).

**Familiarity with Copyright Clearance Centre (CCC):  
Organization wise**

Organization Type	Yes	No	Total	Chi Square	Sig.
Foreign - MNC	20 (57.1%)	15 (42.9%)	35	<b>0.606</b>	<b>0.895</b>
India – MNC	19 (61.3%)	12 (38.7%)	31		
India – Private	9 (56.3%)	7 (43.8%)	16		
India – Public	5 (71.4%)	2 (28.6%)	7		
<b>Total</b>	<b>53 (59.6%)</b>	<b>36 (40.4%)</b>	<b>89</b>		
<b>Chi Square</b>	<b>3.247</b>				
<b>Sig.</b>	<b>0.072</b>				



Professionals who have heard (59.6%) and not heard (40.4%) about copyright clearance centre (CCC) were statistically on par not varying significantly ( $\chi^2=3.247$ ; Sig. 0.072). Among those who have heard, 71.4 percent from Indian public sector, 61.3 from India MNC, 57.1 percent from Foreign MNC and 56.3 percent from India Private corporate libraries. 43.8 percent professionals from India private followed by 42.9 percent Foreign MNC, 38.7 percent from India MNC and 28.6 percent from India Public sector were not heard about copyright clearance centre. Professionals were statistically on par with each other within an opinion among different corporate sectors ( $\chi^2=0.606$ ; Sig. 0.895).

**Time (in man-days) spent annually on rights clearance purposes in library**

Position	<10	10-25	25-50	>50	Total	Chi Square	Sig.
Library Professionals	12 (25.5%)	15 (31.9%)	14 (29.8%)	6 (12.8%)	47	<b>20.299</b>	<b>0.000</b>
Non-Library Professionals	7 (16.7%)	0 (0.0%)	26 (61.9%)	9 (21.4%)	42		
<b>Total</b>	<b>19</b> <b>(21.3%)</b>	<b>15</b> <b>(16.9%)</b>	<b>40</b> <b>(44.9%)</b>	<b>15</b> <b>(16.9%)</b>	<b>89</b>		
<b>Chi Square</b>	<b>19.360</b>						
<b>Sig.</b>	<b>0.000</b>						

Results presented in the above table indicated that significantly ( $\chi^2=19.360$ ; Sig. 0.000) highest number of respondents i.e. 44.9 percent professionals spent 25-50 man days per annum on rights clearance for digital preservation purpose in their libraries. 21.3 percent professionals spent less than ten days for this purpose. 16.9 percent professionals spent 10-25 man days and 16.9 percent professionals spent more than 50 man days for this purpose. Among the professionals who spent 25-50 days for this purpose, non-library professionals were significantly ( $\chi^2=20.299$ ; Sig. 0.000) highest (61.9%) compared to library professionals (29.8%).

**Findings, Suggestion and Conclusion**

The challenge for the future of copyright compliance is inevitable, for it will remain the age-old dilemma of balancing the rights of publishers, authors, and creators against the needs of real users. It is very clear that the digital technology will continue to drive most of the changes in the way information is accessed, and the measures implemented to ensure that such access is as convenient as possible and in compliance with copyright law. Copyright Clearance Centre's advanced research tools and customer service will showcase more copyright compliance and less infringement across the world. It is strongly recommended to introduce an India based Copyright Clearance Centre (CCC) as the cost factor between USD and INR is incomparable. For example the copyright clearance cost of one article is on an average \$30 which comes to ~ INR2000.

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