



**Publisher Voices Raised for Copyright
Record at Frankfurt Book Fair 2018**

With
**Michiel Kolman, president, International Publishers Association
&
Michael Healy, Copyright Clearance Center**

HEALY: Good afternoon, everyone, and welcome. Thank you very much for joining us on the stage this afternoon. My name is Michael Healy. I'm the executive director of international relations at CCC. I'm thrilled to welcome an old friend, Michiel Kolman, the current president of the International Publishers Association. I say old friend because we were reminiscing behind the stage here about how many years we've known one another, and it's so long ago that neither of us can remember.

KOLMAN: Exactly. Decades.

HEALY: The topic of conversation, as you all know, is copyright, and I can see in the audience people far better qualified than myself to conduct an interview of this kind. (laughter) But we're delighted to have you here. Thank you so much for joining.

I want to start off, Michiel – as we were saying earlier, the end of your IPA presidency is in sight. It's in view. And at least myself, observing the time you've been president, copyright has been a singular focus for you personally. As you approach the end of the presidency, are you broadly encouraged or broadly concerned about where we stand as an industry in relation to developments with copyright?

KOLMAN: Well, thank you, Michael. Great question. Maybe I'll quickly introduce the IPA?

HEALY: Yeah, sure.

KOLMAN: I don't know if everybody knows. So it's the International Publishers Association. We've been around for a very long time. We are an umbrella organization of publishers' organizations active in 65 countries. We have two pillars, and one is about copyright, so the IPA president is very concerned about copyright, and the other one is freedom to publish. We are an NGO. We have a human rights mandate.



In the area of copyright, I am concerned. I was concerned. I remain concerned. And I think we should remain concerned on our agenda. We face incredible opposition in the area of copyright. Having said that, I do also see signs of hope, and they luckily happened during the last couple of years. One, I think, very significant signal was the recent vote in the European Parliament in Strasbourg, and I happened to be there, did a little lobbying myself, but it was very much the Federation of European Publishers who took the lead. In that vote, it was really stated that copyright matters, copyright is important, and copyright is going to remain part of the legislation for the EU. So I think that was a very clear sign how important copyright is. And not everybody saw that coming. There was a sigh of relief, I must say, among rightsholders on that area.

The people that lobbied against us – the organizations that lobbied against us – were very much the big tech companies. Five years ago, they had a stellar reputation. Nothing could go wrong. Everybody was talking about their Facebook or Google or Uber. And today, that has changed. So we see that after that initial phase of excitement of new technology and innovation, they are real companies that face real challenges. I think not everybody fully embraces them and just says, yes, we're so happy with big tech. They should have free access to all our content. That has now changed the discussion. And I think that is a very positive one. So long answer maybe to a short question.

HEALY: No, no, I like long answers because it's less talking for me. But you touched on something that I was going to ask explicitly about, which is perhaps the primary difference in recent years is how well funded and well organized the opponents of copyright are. As you were saying, these are really significant, global, politically powerful interests. Can we succeed against them when they marshal all this power and all this money against us?

KOLMAN: Yes. Very good question. Well, first of all, we have no choice. We've shown in Strasbourg that we can. One of the things which I thought was very interesting when I met with the MEPs is that there was a bit of overkill of aggressive lobbying on the other side. The MEP I met said that he got so many messages – actually also phone calls – where they told him we know what you voted last time, and we are going to watch what you're going to vote this time. This was almost bordering on unacceptable behavior. And I think we showed that we can make that difference and we can also lobby for copyright effectively.

I do feel that we should slowly change the narrative. I feel that copyright should be far more embraced in discussions as an enabler of creativity, an enabler of the diversity of what we publish, or an enabler of innovation. So what is it that



copyright can bring to society, rather than just that copyright is something where we protect our assets and it's important for publishers to do their job.

HEALY: Right. I want to talk about a couple of sort of geographically hot copyright spots.

KOLMAN: Please, yes.

HEALY: You and I had lunch together in New York a couple of weeks ago, and you had just returned from a visit to Canada. Everybody in this audience, in this book fair, is aware of the enormously damaging legislation that was passed in Canada in 2012. That is now up for its five-year review. You and your successor Hugo and Jose were there. Any reasons to be cheerful, as they say, at the end of that?

KOLMAN: So when I travel around the world and I talk to leaders or government leaders or members of parliament, etc., they will always say why should we not have an exception for copyright for education? It's so good that educational material will be more easily available for students, and it will help teachers as well. Of course, I understand how easily attractive that argument is.

We will always give this example of Canada. Five years ago, a blanket, broad exception for education was introduced in Canada, and we've seen devastated effects. We've seen publishing houses closing down. We've seen other publishing houses reducing their staff. If you are a Canadian author, you want to write a textbook, why would you do it in Canada, because you know that you'll not get the financial reward you're entitled to?

I think another important aspect there is that Canadian students will not have access to Canadian textbooks that reflect the heritage, as they say in Canada, in other country, the culture – of their own country? It could very well be, if we don't do anything there, that it's the Texas Board of Education who's more or less determining what textbooks are going to be used in Canada. That's something that should not happen.

Now, in the discussions there, which we had with high-ranking officials and members of Parliament, they were surprised when I told them that in the international perspective, what happened in Canada five years ago was – they're a complete outlier. This is, I would say, the exception on exceptions.

HEALY: Right.



KOLMAN: I cannot think of any other country which has such a broad exception for education, and they were not fully aware of that. It was actually very powerful that they heard it from Hugo Setzer, our vice president, who testified in Parliament there, or from Jose Borghino, my secretary general, or myself, because we're not Canadians. We have this international perspective and could really show that what happens in Canada is an – they're an outlier, and it's really not a normal practice, as you would see in other countries, where they have small, well-defined exceptions with compensation, for instance.

HEALY: Right. Well, we're going to talk in a moment, I hope, about other countries that have regarded Canada as perhaps a role model in this respect, so it's the sort of Canadian flu infection. But the point I wanted to make in relation to what you were saying about Canadian publishers and so on – the impact is felt much wider than Canada, of course. The royalties from the Canadian collecting societies that come to my organization and then onward to American rightsholders have fallen dramatically in the last five years. The consequences go far and wide.

KOLMAN: Absolutely. We heard numbers like 90% less income of secondary use of publications. Like \$30 million was there before, and it's now kind of more or less gone. That, of course, is very worrisome. So when people argue it's a great exception, it helps Canadian students – but there is a price to pay, and I think in the end, the price to pay is will there be high-quality educational material in Canada? That is, I think, something that nobody can really take a risk in these discussions.

HEALY: When you spoke to government officials and parliamentarians and so on, did you come away with any sense of optimism that the five-year review might lead to anything significant in terms of a material reversal of what we've seen?

KOLMAN: I'm optimistic. It was certainly not clear-cut. Let me put it that way. It's not that we talked to the committee and they had eight members and five told us, you know, we're going to review this. I think everybody realizes something has to change, so that's good. There is intense lobbying from the other side. Students love it because it's free access. They also downplayed the adverse economic effects very much on the other side. So I think that's why we should keep the pressure on. This is not a done deal. And maybe the IPA leadership has to go back again.

HEALY: Now, going back to the point about the spread of the infection, we've all been watching Australia particularly carefully. The Productivity Commission report there at least initially was worrisome for rightsholders. I see a friend from South Africa in the audience. We know exactly what they're going through right now.



The thing that struck me about the Australian experience, Michiel, was that the stakeholders – the rightsholders, the authors, the publishers, and others – were extremely well organized in Australia. That seemed to make at least some impact. It made a difference in terms of at least the first stage of the outcome. Perhaps that was not true back in 2011-2012 in Canada, where to some extent they were the first test case and may have been caught napping. So you must feel that being organized is a critical piece of this, because it can happen anywhere at any time, right?

KOLMAN: I couldn't agree more. So I'm not too worried today – but you never know – about Australia, although the IPA also – we wrote our intervention and we certainly offered our help to the Australian publishers. I have no idea what's going to happen in South Africa, but we did send our best legal expert there. I monitor the situation with grave concern. That outcome is very unpredictable. If I kind of sense the level of the discussions there, it could go any way, and it could really go bad. So fingers crossed there, and I think we should keep lobbying and have the voice of reason in those discussions.

And I couldn't agree more about your point of being well organized and having everybody involved. I think in the European vote, we saw that. There was a very broad coalition of rightsholders, of authors, of publishers speaking with one voice, and that really made a difference. I don't think we can afford to be divided on little issue here and there, because our opponents are strong and not to be underestimated.

HEALY: And to be well organized, to be effective in opposition to these challenges, the basic requirement is to be awake – you know, to be listening. Here we are, the largest book fair in the world. Every publishing CEO is here. You have extraordinary access to senior figures amongst your membership. Are we awake in a meaningful sense to be properly and efficiently organized to tackle opponents who, as we said earlier, are extraordinarily well funded and well organized?

KOLMAN: I think in the publishing industry, we are very well aligned about copyright, so in that sense, yes. I do feel that we still have many different organizations representing us and that the alignment is not always perfect. I think in the past, we had lots of discussions which were very legalistic, and I think we now are moving far more to, I would say, an engagement around relationships, and I think that will pay off a lot. We saw that when we went to Canada. I took Hugo Setzer there. It was his second visit. They all recognized him and they said, wow, you're back, so



this must be really important. So the fact that we have been investing in that relationship with members of Parliament really pays off.

So I think that is also very important – that we do not underestimate that, that we have the best relationship with the key – and in Europe as well, whether it's the Commission or the members of Parliament or the Council. There, of course, FEP is taking the leading role. And for the IPA, we keep investing in our engagements as well.

HEALY: Right. But I suppose what I meant more directly is I'm old enough – and that means you're old enough – to remember a time when we entered publishing, when the only people who talked about copyright were lawyers and academics.

KOLMAN: Yes.

HEALY: You could not get significant attention from a commercial leader, perhaps because there wasn't a requirement to pay attention. But is it, in your experience now, a strategic C-suite issue for leaders – sufficiently, I mean?

KOLMAN: I would say so.

HEALY: You would? OK.

KOLMAN: I would say so. I mean, there are some companies I know really well, and I know that they're very much involved – also going after people that violate copyright. I mean, just to give one example, Sci-Hub, which is a pure piracy site – we have a coalition going after Sci-Hub and making sure that that theft – that digital theft will be stopped in different countries. I think that's the right thing to do. And that is a discussion in the C-suite.

HEALY: Right. So there's all the lobbying and government relations associated with this effort. There's all the anti-infringement, anti-piracy work associated with it. What about the other pillars? The first one I want to talk about is copyright education. Do we invest enough in educating readers and students and teachers in their responsibilities as well as their rights as consumers of content?

KOLMAN: I think that's a great opportunity. I am an STM publisher. We meet brilliant scientists, and they have very limited knowledge of copyright. As a result, they will do things with their articles which is in violation of copyright, and they're – either they don't know or they're not aware. So there's great opportunity there, absolutely.



But I would say overall in the copyright discussion, it's linked to a much broader discussion, and that's the value of publishing. If the value of publishing is more broadly appreciated and recognized, the copyright discussions are easier. And I think that is an area where we also should all invest in. Whether you're a trade publisher or a literary publisher or an educational publisher or a science publisher, I mean, if the products that we deliver – our books and articles and databases – don't have that appreciated value, then the copyright discussions are becoming much more complicated.

HEALY: Right. You can't be interviewed by someone from CCC without there being a question about licensing, because that seems to me to be the other fundamental pillar to protect copyright. I constantly reuse in presentations that quote from Francis Gurry, the director general of WIPO, which broadly speaking and truncated is it has to be as easy to license as it is to infringe. Yet if we had a map of the globe behind us, there are swaths of territory around the world where collective licensing, secondary use licensing is just not happening. The whole of the Middle East is a dead zone, if I can put it that way.

KOLMAN: Yes. (laughter)

HEALY: Much of Latin America, much of the Far East. What can we do to get an effective licensing infrastructure globally?

KOLMAN: Yes. Well, I'm a big supporter of licensing. And I think it is really – I mean, you mentioned Francis Gurry, the director general of WIPO. So the IPA – we are, of course, the organization that engages with WIPO. And we've just seen one major treaty, the Marrakesh Treaty. Our strategy is that going forward, that we will have licensing solutions, that there is no immediate need for further treaties. I think licensing is a way where content can be used not only primary by people that purchase it, but also by secondary use. And that can reach much more – many more people. Like, for instance, licensing through educational institutes, it will reach many more students. So you can almost call it as a more democratic approach to publishing as well. And that can give some secondary income that can just make the difference for publishing companies so that they can be more creative.

HEALY: As I say, a couple of months – three months left in this job?

KOLMAN: Yes.



HEALY: Before you go back to your real work, if I can put it that way.

KOLMAN: Yes, the day job. (laughter)

HEALY: The day job. And you're writing a sequence of handover instructions for Hugo, for example.

KOLMAN: Yeah, absolutely.

HEALY: What would it be – broadly, more of the same or do something different? What would it be?

KOLMAN: So the IPA went through some kind of pretty fundamental changes. It's now, I would say, a more robust, stable, transparent organization. After all the internal discussions, we have now an opportunity to focus externally. And I'm actually very pleased how successfully we have been doing this all together – not me personally, but this is together with all the colleagues and also our members. So yes, I would say more of the same. So keep copyright on the agenda, keep lobbying for copyright, keep freedom to publish on the agenda, more activities around freedom to publish.

I'm personally also very passionate about the value of publishing projects, because I think this is so fundamental, and it really affects everything we do. I think we are the international organization that deals with WIPO, so be sure that the relationship with WIPO – which is, I think, very good at this moment – remains good, so that the discussions there about future activities will be going in the right direction for the publishers.

And the last thing, which I hope that Hugo will run with, is an exciting new project, which I announced more or less like two weeks ago at the UN, where the secretary general of the UN was present, and that is the UN SDG – the Sustainable Development Goal book club. The IPA and the UN are working together publishing books around SDG. So it's very important that we take our international responsibility and also think about things like Sustainable Development Goals.

HEALY: Of course, the challenge of any global organization, particularly one with finite resources, is where regionally or nationally do you deploy the effort?

KOLMAN: Absolutely.



HEALY: Again, if you were giving Hugo advice – or Jose, of course – where would you put the most bang for the buck in terms of making an impact on the copyright debate?

KOLMAN: Apart from Geneva, because it's a given that we will be there with our neighbors WIPO, I would certainly keep my eye focused on Canada. We cannot lose that one, so to say. Thank God Europe is in capable hands of the Federation of European Publishers. We can also support there. I am worried what is going to happen in South Africa. We do see that there is a bit of a strategy where different countries are one by one being pushed in the anti-copyright direction, and we should keep pushing back everywhere.

HEALY: Right. And perhaps a deeply unfair question to ask is the final question. If you and I are back here in, let's say, five years' time, or if my successor is back here with one of your many successors by then, will we be having a comparable conversation? Will it be more despondent, less despondent? Where will we be, do you think? What's the inevitable arc, if there is one? I told you it was unfair.

KOLMAN: No, not at all. Maybe this is not the answer you're looking for, but I am very excited about the future. I'm trained as a physicist. I think that our society will change dramatically for the better. So soon we'll have quantum computing and artificial intelligence and the Internet of Things, so I cannot wait actually to be there.

It's very important to think what are the implications for an organization like the IPA? The freedom of expression and freedom to publish are constant ones, so we'll definitely have that same discussion. And I'm worried what is happening locally there.

In the area of copyright, I think it's going to be really fascinating – and I can't wait to sit there with you in five years – what are the implications of artificial intelligence and copyright? I already see the first steps in that discussion, right? If you want to do artificial intelligence well, you need high-quality input data. So you can imagine that our opponents will say, well, that should be freely available, just like our content should be freely available. I cannot wait for that fight. If that high-quality content comes from us – if that data which is driving artificial intelligence, comes from publishers – I cannot wait to have that discussion with our opponents and also see what are the copyright discussions.

HEALY: Well, we'll make a date with the organizers of the Frankfurt Book Fair five years on.



KOLMAN: Thank you for the interview, Michael. That's great.

HEALY: Thank you.

KOLMAN: Thank you.

(applause)

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