BEYOND the BOOK
A Copyright Clearance Center Podcast

Global Strategies to Combat Counterfeiting

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KENNEALLY: Welcome to special content from Copyright Clearance Center. I'm Christopher Kenneally. Over recent years, publishers have expanded and evolved strategies for combating content piracy in response to increasingly sophisticated counterfeiting techniques. The most promising ways forward involve collaboration across businesses, industries, and continents, pulling together the expertise of legal, content, production, sales, and marketing teams. For this first of two programs called The Never-Ending Story of Pirates: Global Strategies to Combat Counterfeiting, we will examine a variety of international perspectives across different industries. In a follow-up program, we will explore in depth specific publisher experiences, illuminating how their organizations are responding to the ongoing challenge of piracy.

Our discussion leader for both programs is Michiel Kolman, senior vice president of information industry relations at Elsevier, a global information analytics business specializing in science and health. Michiel is a former president of the International Publishers Association. He earned his PhD in astrophysics from Columbia University in New York, where he studied with a Fulbright Scholarship. Welcome to the program, Michiel.

KOLMAN: Great to be here, Chris.

KENNEALLY: Our first panelist today is Emma House, the founder of Oreham Group, a consultancy focused on international business development and events in the publishing sector. Emma is the former deputy CEO of the Publishers Association, where she ran a number of antipiracy campaigns on behalf of the UK publishing industry, working closely with trade associations and coalitions in India, China, and the USA. Welcome to the program, Emma.

HOUSE: Great to be here. Thank you.

KENNEALLY: And finally, our other panelist today is my colleague Roy Kaufman, managing director of both business development and government relations for Copyright Clearance Center. Roy advises the US government on international trade matters through membership in the International Trade Advisory Committee,

ITAC-13. Prior to joining CCC, he served as legal director, John Wiley & Sons.
Welcome to the program, Roy Kaufman.

KAUFMAN: Great to be here, Chris. Thank you for having me.

KENNEALLY: Well, we are very happy to have all of you join us, and I want to turn the program over now to our discussion leader, Michiel Kolman.

KOLMAN: Thank you, Chris. So welcome to our panel discussing – focused on global strategies being deployed to combat modern piracy. Allow me to kick off with a few words to set the stage. At the mention of pirates, most of you in the audience will conjure up an image of swashbuckling buccaneers fighting against the tyranny of colonial powers. Today in modern times, pirates still exist. Instead of the blue seas of the Caribbean, pirates operate and exploit file-sharing servers and social media platforms. Instead of bounties of gold, they're pillaging our content. And instead of fighting colonial powers, they're now targeting publishers, authors, and institutions.

The never-ending story about pirates is just that – a story. I'm sure all of you in the audience can recognize a good fiction story when you hear one. The pirates we're talking about today are portrayed in the media as Robin Hood characters liberating content from the rich publishers with the purpose of equality, access, and justice, a so-called victimless crime. But today, it is time to talk about the reality. Piracy has and always will be nothing than robbery at sea. And piracy of content, whether it's textbooks, scholarly articles, or monographs, produces no heroines. Despite the rhetoric in the media, free illegal downloads shared across the web by pirates do not benefit anyone.

Our industry's transition within a decade or a little bit more from print to digital was truly astonishing. But with this accomplishment, we also made piracy very easy. What's more, powerful social media platforms have enabled piracy to be widespread, even providing a safe space for people to discuss how to circumnavigate our antipiracy strategies. Piracy today is a global phenomenon.

On a basic level, piracy leads to poor sales. It is estimated in a survey by the booksellers that piracy affects up to 25%, a quarter, of publishers' profit. This is significantly undermining publishers in their key roles today. And publishers play a vital role in cultivating and establishing credibility for new knowledge, for upholding the values of academic freedom in an increasingly polarized society, and providing trusted facts in an era of fake news. And today, during the corona pandemic, trustworthy information is even more crucial and important than ever.

So what has been done so far to fight piracy? Our industry has traditionally taken a whack-a-mole approach using the legal tools at our disposal – takedown notices and cease-and-desist letters. What we have found is that the pirates simply use a different domain and pop up somewhere else. Ten years ago, we started to take on the consumers of pirated content. Wiley, an academic publisher, became the first when they filed a copyright infringement against the unknown users of BitTorrent's peer-to-peer file-sharing platform in order to learn the names of the infringers. Therein lies the paradox. While publishers may be within their legal rights, ultimately it's the consumers of the pirated content that enable piracy to continue.

In 2018, the booksellers reported that 88% of students said that it was not wrong to download pirated papers. Sci-Hub, a site that hosts millions of pirated academic research papers, is reported to have facilitated an estimated 1 billion illegal downloads last year.

And that leads us to the most important part of this conversation, perhaps. That is the fact that is piracy also kind of screams opportunity and innovation. Take the textbook market. There's exciting initiatives from Pearson and Cengage trying subscription models, all new to them, and rental models. In scholarly publishing, we're seeing publishers working collaboratively to streamline access to make it easier for researchers for discover trusted full-text content. And access is more important today during the corona pandemic, especially remote access as an alternative to traditional avenues to content cut off by the virus.

In short, we need to both fight piracy, innovate, and educate, and we need to do this collaboratively across our industry. Today, this panel of experts will share their insights and experiences about how the industry has been responding to the challenges of piracy. So we'll start with Emma, and I will ask Emma first to give a brief explanation of the current strategies which we're using battling pirates on the open sea of content. Emma, over to you.

HOUSE: Thank you, Michiel. That was a great introduction. There are a couple of things I just want to reflect very quickly in that. I think that's around the victimless crimes. Publishers certainly are victims of piracy, but let's not forget the creators, the authors themselves, whose income relies on being able to sell and distribute their content. They're definitely one of the biggest victims of piracy.

The other point I wanted to pick up on is how piracy's changed over the years. Piracy's been around for decades and goes back many decades of print piracy, from selling pirated books at traffic lights in India through to mass journal piracy in other countries. It's still there in some countries. It still exists and is still damaging

to some markets. But digital really is at the forefront of where piracy's happening now.

I think in order to devise an antipiracy campaign, either as an individual author, as an individual publisher, or as a coalition, we really need to consider two elements. One is why is the piracy happening? There's a number of reasons for this. One is lack of availability. So consumers are very demanding these days. They want content in the format that they wish to digest it. They want it at their fingertips. They want it immediately. And they want it at a price that they feel is worthy of the content itself. So availability and access is really important. If the availability and access isn't there, that's one of the reasons why people turn to piracy, either as a supplier of pirated content, but also as a consumer. There are others out there that want to make money out of pirated content, and there's where we see a lot more organized crime coming into this, where people really want to profiteer out of pirating other people's works. And then there's the ethical side of things, where we've got the copyright believers that everything should be made available for free, and people see it as their duty to provide that information for free. Taking into account those reasons why can really impact on the approach that you would take to tackling piracy.

The second thing to consider is how people are providing and consuming this content. As you said, print piracy has been around for a number of years and is very visible, so it can pop up on a street corner. You can see pirated books being sold on the internet retailers. It can be in front of a university. Print piracy's very visible and is often easier to tackle. Shutting down a street market can be a lot easier than tackling a social media sharer, for example, or a peer-to-peer torrent. So how is this happening?

And again, even in the digital space, there's a huge variety in how we're seeing counterfeits – shared on social media sites, shared on messaging sites like WhatsApp, but we are also seeing entire databases being pirated and being either given away for free or (audio cuts out; inaudible) access to. So again, there's strategy that you would compile depending on the method of the counterfeiting – how it's being supplied and how it's being consumed.

And I think publishers have taken a number of different approaches to this over the years. Some publishers take it upon themselves to take action. Other publishers will group together as publishers, either in one country, with different countries, or aligning themselves with other creative industries or content providers.

For me, there are three essential elements to having an antipiracy campaign. They can be divided into three buckets. One is here – as we can see, it's education.

Education is really important. It's really important. So educating consumers about not consuming digital pirated content. That education can take the form of – the content could be flawed. It could be incomplete. It could be incorrect. But also the impact that it has on the creator themselves. There's educating governments as well. We'll come on to legislation and enforcement shortly. But educating (audio cuts out; inaudible) as to what policies and rules and legislation content providers would like to see in place in order to be able to enforce their rights and be able to create quality content moving forward.

Availability we've touched on – new business models, pricing, making sure that content's available in every possible format so that you can meet the demand of the consumer so that they don't need to turn to alternative sources.

And enforcement – that is quite often a last resort. If the education and the availability doesn't work, and you're still seeing your content out there being counterfeited, then enforcement comes in. That can be taking criminal action. It can be taking civil action. Or it could be something like cease-and-desist notifications. So there are varying levels of escalation into which we would see enforcement activity.

Collaboration, for me, has been really important over the years, between publishers in the UK, but also allying ourselves with publishers in other countries. And there are a number of reasons for these collaborative efforts.

First of all, education campaigns often work better if it's not a single publisher or a single author. So educating governments and consumers often works much better if it's very generic – about the general harm that can be caused, about the general need for rewarding creators.

Enforcement actions – they're expensive. They're very expensive. And coming together and pooling your resources often makes enforcement actions more effective. They can be larger scale. But also they can be more impactful. And quite often, it's not one publisher's or one author's content that's being counterfeited. If you find one book, you're bound to find books or content by a whole range of authors and publishers. Therefore, having collective enforcement actions often yields better results for everyone.

Lobbying efforts – again, if you've got one single publisher trying to get the ear of the government to make change, it's unlikely that that's going to have a great impact. But when you've got a whole industry of publishers talking to government or even working together with other creative content organizations, then having those lobbying efforts can really have a big impact.

Data collection is really important as well – understanding what the impact is on our industry, and talking numbers is what people listen to. So lobbying efforts don't work without the data. And if you can share the harm that it's having on your industry and the loss of earnings to creators in particular, that data is extremely valuable. So working together to share some of that data has a great impact.

Sharing best practice – some publishers that have done things alone or a group of publishers that have worked together can often share that best practice with others. That really works cross-border as well. So learning what we've done successfully in the UK may benefit colleagues in the Arab world, which is suffering right now in a terrible way, but they don't know which way to turn. So what can we share around best practice that we've found effective in our markets that might be adapted to their markets?

And then collaborative efforts to provide legitimate access as well – so coming up with business models where competition law allows and coming up with access points that people can really go and access that content in the way that they wish to – as I say, firmly within competition law regulations and where that allows.

Some examples that we've seen around the world of what have been effective – in the UK, we have an organization called the Alliance for Intellectual Property, which brings together people like the Premier League. It brings together film, music, television, crafts – not just content, but also goods to really look at what are our shared needs, what are our shared wishes, what are our shared lobbying tactics, so that we can speak with one voice and having that impact really does help. I know in the US, the Copyright Alliance does a very similar thing for US content providers. And in New Zealand, we've seen a coalition of creative organizations come together under the WeCreate umbrella to speak to government with one voice. So those are great examples of where collaboration can have a real impact.

This is an education campaign that the creative industries have got behind in the UK called Get it Right from a Genuine Site. This is consumer-facing and really encouraging members of the public that if they're looking for content online to try and find a genuine website to go to to get that content. Here's a few snapshots of what this campaign looks like. Again, the numbers really do have an impact, not only on government, but it can really have an impact on consumers as well.

So collaboration I think is great way moving forward for a number of those reasons to really sort of understand how, why, where, and then working together to address the campaign in various aspects.

KOLMAN: Great. Thank you, Emma. A great name as well – Get it Right from a Genuine Site. Are there other examples on the educational side where you think, wow, they really jumped out to you, and you would highly recommend them?

HOUSE: On the educational publishing or educating the public?

KOLMAN: Educating the public.

HOUSE: Well, there was a campaign which we worked on with government which operated in kind of the cease-and-desist notifications, where broadband access and broadband providers were noticing huge spikes of peer-to-peer file sharing. Then a letter was sent from that internet provider to the consumer to say, hey, we've noticed that your broadband access is increasing and peer-to-peer file sharing. We don't want you to do that. It had some impact – not a great impact. But that's one example of collaboration with the internet service providers to reach the consumer.

KOLMAN: OK, great. Thank you. Let's move on to Roy. Can I ask you to give your opening perspective on piracy?

KAUFMAN: So I've got here some slides just to show a bunch of initiatives. Emma already talked about the Copyright Alliance, and it's impossible to fit all the great stuff on one page, so it's really – if you go to any of these websites, you'll find a quick link to the coronavirus responses and things like that.

So Copyright Alliance, of which we're a member, really represents the entire copyright industry. If you're looking in the US or anywhere in the world for freely available material, everything from education to entertainment to scientific content, this is a great website to look at.

Moving on, there's the AAP response. The AAP members involves book publishers as well as journal publishers. So what you would get here is a fair amount of educational resources, trade publishing, and materials such as that.

STM – if you're watching this, you're probably familiar with STM, and that's really scientific literature and really opening up – this is for researchers. It's materials and data and other things that are most directly relevant.

And then with Copyright Clearance Center, what we did was we started looking at – again, remember our origin story of being connected very closely with users as well as rightsholders. We started talking to our users and said, what do you need? So we were able to look at, first of all, what AAP had done and STM and then going to both open access publishers who might not be STM members.

Also, since we represent a lot of news publishers who are not in either of those organizations – although actually some of them are in the Copyright Alliance – we started gathering up material. And what we did was we created links to things that were (a) freely available and (b) COVID-related and professionally curated. Those were our two criteria. And what we started to do is go to publishers, particularly a lot of open access publishers who I think probably assumed because their materials were freely available, people would know that. I felt that if they were to curate a little bit better, they'd have more users. So we put this up, and within a week, we had thousands of unique users, many of whom from places like the CDC and pharma companies and the like. This was really about professional content.

So this was our first initiative, and we launched this within about four days, and then we said, OK, what's next? Next was aggregating the learn-at-home resources. So this was all the freely available materials particularly for parents and teachers and others, because as the copyright licensing organization for text in the US, we started getting a whole lot of calls from people who said, how do I use content? What can I do? What content can I use? So we started aggregating this material, which led to this.

And we went to our publishers and we did something – a typical new copyright license from CCC takes a few years to develop. I've done some in about six months. And we did one in a week.

Now, for a lot of journal licenses and other licenses, work from home is just part of the basic license for educational use. Then in the US, we have fair use, which would cover, certainly, some disruptive, spontaneous teaching activities. But where you have systematic curricular materials and needs like that, we felt that there was a need for more systematic permissions. And what we basically did was go to our publishers and say, people have been disrupted. We don't want to charge them for it. Can we just have you sign into a license that says if it's your stuff, they can use it if they've been disrupted? All they have to do is say what they are and what they're doing, frankly, so that we know what they're doing, so we know they're not infringing. We had hundreds of publishers – Elsevier, Michiel's organization, one of them – just sign in to say if you've been disrupted, you can use the material. Don't worry about paying us. We know there isn't a budget for this. No one was expecting this. And we created this license.

A very wealthy man by the name of Brewster Kahle, who's one of the internet multizillionaire type, decided he was going to take content – take sort of a specious copyright argument, something called controlled digital lending, and just take it further and say, well, I have books, and I'm going to make them freely available to

everyone and call it a library, so therefore people will think it's a real library. Really, it's just this guy taking books without consent. The Authors Guild has been very active in this. The authors are the ones who are paying for this – people who really had a hard time making a living before COVID and now are losing their freelance work and losing all this other stuff. Basically, we have well-funded pirates taking their rights and making it even harder for them to earn a living.

So I'm going to stop there – I think I've probably gone over time – and turn it back over to you.

KOLMAN: Thank you, Roy. That was great – very topical, of course. I would like to ask you a few questions. So the first one is we've seen that the strategy of the pirates has been changing over time, and I would like to have your views – and I'll start with Emma – of how the strategies of response have been on the publishing side. Have you seen a change over the years?

HOUSE: Yeah, I think we've touched on this a little bit earlier, where we talked about how – and we learned a lot from the music industry, actually. The music industry, one of the first ones to really be hit by piracy – digital piracy, anyway – and immediately went after the consumers of the content. And the publishing industry did that to some extent, but I think we did learn a lot of lessons about trying to go after individual consumers, individual students, and that tactic changed pretty quickly. Instead, now, going after people who are in this for a profit or in this operating on a large scale. Some large, organized pirated activity can be linked to organized crime, so there's even bigger damage. There's a lot more at stake there.

But I think the tactics certainly have changed to, when it comes to enforcement, going after the bigger pirates, the more organized pirates, the ones that are causing the most damage, and using that as a last resort. So where education has failed, where negotiation has failed, where collaboration has failed, using enforcement as a last resort. I think that's been one of the biggest changes that we've seen, certainly over the last decade. I don't know, Roy, if you agree.

KAUFMAN: Yeah, I mean, I think there are also some specifics, and probably next week's panel will get into some of this. When I had my prior job and we started doing antipiracy, one of the first things we did was follow the money. It didn't need to be a lot of money. But if there was a money trail, you could always find a human at the end of it. So it was everything from large-scale print piracy to individuals selling answers to – answer banks to textbooks on eBay. As long as there was a transaction, you could find them.

What's happened now on the enforcement side – we see site-blocking activities, things like that, which do have a fair amount of scale. Now, the problem is you can move the site. But it is disruptive, and it does establish it. I think working with governments is another thing. In the European Union, we have a whole new set of rules, so we're going to see how all of that plays out under the Digital Single Market.

And then there are other business models. I don't think it's in response to piracy, but I think it would be a mistake to not talk about open business models. A lot of science publishers are responding to use demands through funded open access and similar business models. So there are other business models as well as other enforcement techniques. With open access, although it'd be great to have all the traffic to your website, it does change the dynamics around enforcement and piracy.

KOLMAN: Yeah, very topical, too. Here in Amsterdam – in the Netherlands now, we just announced a breakthrough agreement with the Dutch universities on (multiple conversations; inaudible) open access.

KAUFMAN: Congratulations.

KOLMAN: Yes, jumping to almost 100% and also embracing open science. So a new world we live in, and pretty unique, actually.

I wanted to move to another topic, and I think Roy already touched on it. So we see here today because of the corona crisis that both students and researchers and staff, they cannot go on campus. Emma, any views from your side what the impact has been in terms of piracy?

HOUSE: Well, I think it's about the availability and the access side of things, and I think universities and schools have been very quick to react to the home learning situation and to provide access, working with organizations like CCC and with individual publishers to make sure that as far as possible, content can be accessed from the home as easy it was accessed from the university campus itself and from the library itself. I'm not sure how much of an impact publishers individually have seen on pirated activity as a result of that switch, but I do think that publishers and organizations have worked really hard to react quickly and make sure that students have access to the materials that they need in a timely manner from the comfort of their home.

KOLMAN: Anything to add there?

KAUFMAN: We see the same thing. If you think of our main services, generally our licenses, if they are collective licenses, include digital rights. Our licenses allow home learning. Our licenses allow home research if you are at a corporation. So you see a lot more remote use.

There's certainly a lot more infringement. I hesitate – I think when we talk about piracy, we're talking about a specific type of infringement. I don't know if others agree. I think there's sort of infringement where you're violating someone's rights, but you're not doing it at scale, and your motives are perhaps a little less troubling. I would put something like Sci-Hub or the Internet Archive's activities on the piracy side. I would put an individual teacher who scans a book and sends it to their students on the infringing side. I think there's a lot more of that, and I also think there's a lot of willingness in the short term just – publishers are just saying, take it through our license, the Education Continuity License, there that we've added. I think a lot of publishers and rightsholders are like, you know, as long it's reasonable and it fits the purpose, we can tolerate it to some degree, particularly if these are people who would normally be buying the books and maybe even have the books in the school.

KOLMAN: Thank you. So if we think a little bit beyond 2020, what would you recommend publishers to do in the area of really effective strategies to fight piracy? Let me start with Emma.

HOUSE: Yeah, again, I think that we're talking about on an individual level and on a collective level. So on an individual level, I think rights management is really important and having control of what rights you have, what content you actually own, getting all of your contracts accessible and in order is the primary place to start. So knowing what you own – surprising how many publishers don't know what they own and don't have the paperwork to back that up. So rights management I think is really important.

Having easy access tools at your fingertips – like the PA's Copyright Infringement Portal is a really good tool that I would recommend. It's available to publishers all over the world, not just in the UK. I would recommend having that kind of tool, where you can do easy notice and takedowns.

Access is another thing that we've spoken about a lot here. So trying new business models, making sure that content is available in formats, it's priced appropriately to the market, and that you're keeping up with that as well – you're not falling behind in that and continuing to innovate and continuing to reach the consumers.

And doing your own education as well, so making sure that when you're promoting your books and your information that you're always pointing to the genuine site where you can get that so that people know immediately where they can access that. So I think it's having knowledge, having accessibility, and having tools at your fingertips to be able to tackle some of the minor infringements, but joining in with coalitions where possible as well – so making your voice heard when lobbying's happening, keeping track on data. If your content is being used, making sure that you can prove harm to your authors and to your publishing company, so keeping a track of this and having the data readily available as well.

KOLMAN: Great, thank you. Roy, anything to add on this one?

KAUFMAN: Yeah. Building on when Emma talks about knowing what you have, having your contracts in order, having the data, I think of everything in terms of having good metadata about – you've got who your authors are and what you can do with it. What do I have? What can I do with it? This is what you need to know. And if you know that, back to your three pillars, availability, pillar two, is really about licensing. And unless your metadata's in order, you're not going to be able to license properly. Nothing spurs infringement more than someone's inability to figure out who actually owns it – things like orphan works and problems like that. We can solve that by having better metadata, better ownership rights, tagging, all of that. The other piece of that is discoverability. It should be readily discoverable from a legitimate source. Again, all of these tie into good metadata.

When you start looking at enforcement, and I'm thinking a lot here about the EU and the Digital Single Market, where we're going to have this world where there's a sort of licensing presumption, you can license it, but also, again, if you can't license it and can't get the metadata, there's going to be a little bit more wiggle room. So again, whether it's for enforcement or availability, get your stuff in order.

As far as education, this is something we talk about a lot. It is an important pillar. But I really think education's just about letting the people who are going to do the right thing know how to do the right thing. Because to some degree, we've been down this other road. Someone who's going to steal is going to steal. But someone who wants to do the right thing – letting them know this is not a legitimate source. This is a legitimate source. This is not how you do it. This is how you do it. That's the kind of education I think really makes sense and will always make sense. And it doesn't matter if you did the best job in the world a year ago. Now you've got a new audience. Now you've got new people. That's what I would say moving forward.

KOLMAN: Can I build further on that one? Because on one side, we see the battle against pirates, but what we also see is the battle to bring the consumers and the users on our side in this fight. So what else can we do so that the consumers and the users will be more on the publishers' side in this conflict, so to say?

KAUFMAN: Make it easy. That's it. Make it easy. Look at music, as Emma says. We learned from music. It started with Napster, and no one thought you can come back from that, because you're competing with free. And the music industry – has it really come back? Well, maybe it didn't come back to where it was, and I'll tell you why the analogy with the music industry doesn't work at all, but to that extent, once it became easy, once you could pay a fee to have a streaming site, or it was just bundled in what you were paying to Amazon –

KOLMAN: Or Spotify, yeah.

KAUFMAN: Whatever. When it became easy, people were willing to pay for it. But it had to become easier. That's what we learned from music.

Where the analogy falls apart – if you think of science publishing, people say, how come this hasn't been disrupted? And I say, what are you talking about? We went online in '97, before Google existed, have been about making our stuff available and easy. That's why maybe we haven't fully gone the way of the music industry yet. So I'm always a little wary about that analogy.

But since I'm throwing in analogies, the last analogy I'm going to do is keep remembering newspapers. Hugely important for CCC – after scientific journals, probably our next largest constituency – and they are struggling because their stuff has been taken. You can call it piracy or infringement or whatever. Their stuff has been taken. They were told, find another business model. But there isn't another obvious business model outside of patronage. Let the tech companies buy the newspapers – that doesn't really solve it.

KOLMAN: Emma, anything to add on this point, the battle for the user or the consumer?

HOUSE: Yeah, I think one of the hard things is you talk about being on the publishers' side, but that doesn't always resonate well with the consumer, so not making it about the publisher, but making it about the creator themselves. I think one campaign that really hit home to me – it was a long time ago now – in the US was a video where they're showing the light guys and the camera guys involved in making a film and saying if you download from a pirated website, this guy loses their job. It's making it about real people, not about these fictional profiteering publishers that are often seen as the bad guys anyway. So don't necessarily make it

about the publisher, but make it about real people – the creators, people that have got jobs – I think that does have some resonance from the consumer from an educational perspective as well.

KOLMAN: Final question, and that's about sharing best practices. Would both of you have some recommendations how that could be done in the best way? How could you best share best practices? Maybe I'll start with Emma.

HOUSE: I think in principle, sharing best practice is a really important thing to do. It's a good thing to do. In practice, how do you do that becomes a little bit more difficult. As I say, in some countries like the UK, the US, New Zealand, there's a lot of really good forums of people coming together to share best practice through trade associations, through collaborations like the Alliance for Intellectual Property, for example. There's some really good ways of doing that. But I think where the assistance is often needed is cross-border.

Through the International Publishers Association, I know that we've got colleagues in the Middle East, we've got colleagues in Africa, we've got colleagues in Latin America that are really struggling with piracy and don't know where to start and how to tackle piracy, and it's really damaging their businesses. In times like the corona pandemic, where they rely on print distribution and don't have a strong digital network in the same way that we do, their businesses have suffered enormously. But at the same time, they're scared of digital propositions, because any time they go near digital, it's pirated content. So how do they create the availability in the first place? How do they come together? How do they tackle enforcement? What works from an education campaign? What comes first, and how do you do that? So forums like the IPA I think do help on that.

We've talked a lot in other forums about mentorship, and I do think mentoring can be really helpful from one practitioner to another. I think that's worked very well in the CMO space as well, Roy, and I'll let you talk about that a little bit more. But mentoring and assisting those that need it is a really great way forward.

KOLMAN: Mentoring – any perspective on that?

KAUFMAN: Yeah, so again, back to the theme of I'm sitting in my bedroom, how we share best practices hopefully will become more normalized, because whatever systems we would normally have – so with the collecting societies, we would have an IFRRO meeting (laughter) – now, I don't know. Maybe it'll be on Zoom, and maybe it'll be a lot harder. So it is a little bit harder, and it takes more effort right now.

But when we launched our Educational Continuity License, we did do so with discussions with other RROs, where we could exchange rights with them and exchange learning, and a lot of them called us and said, what did you do? How did you do this? So there is a lot of that kind of best practice sharing that goes on.

The one other avenue I would say is a very good one for sharing best practices is through governments, because to a large degree, if you think of someone who's a trade negotiator for a large country – the UK, the US, someone like that – negotiating agreements is hard, and they do it, and they do it really well. It is political with a capital P and a small P. But sharing best practices is something that's easy, because it has a little bit less weight of law, and I definitely can see organizations like WIPO, the World Intellectual Property Organization – a lot of times what they do is say, you know, I'm not sure we're going to get consensus on X or Y, but can we just share some best practices? Letting the governments know some of the best practices and supporting best practice sharing, because generally people call them demanding this or that. And if you say, this would be great. This would be what I really want. But if I can't have that, can we just share some best practices? So I (audio cuts out; inaudible) people to think about governmental approaches for sharing best practices.

KOLMAN: I like that point, especially now that WIPO will be under new management with a new director-general, Daren Tang. So exciting times happening there in Geneva as well.

KAUFMAN: Yeah, it really is.

KOLMAN: Unfortunately, time is up for our panel discussion, but as the title of this session says, it's a never-ending story of piracy, and I think we have the opportunity to work together to really rewrite the ending. So let's keep the dialogue going, and I would say over to Chris.

KENNEALLY: Well, thank you, Michiel Kolman. As you say, never-ending – in fact, our program is just the first half of two programs. Coming next in special content from Copyright Clearance Center is the second session. Joining us to share how their organizations are responding to the challenge of piracy will be Sari Frances, director of content protection services at Elsevier, John Garry, vice president and senior counsel in the IP protection group with Pearson, and Paul Johnson, strategic account manager, OpSec Online, which specializes in brand protection.

As we close our session today, I want to thank our program participants. We invite you to continue the copyright conversation with them online. That is Michiel

Kolman, senior VP of information industry relations at Elsevier. Michiel, thank you so much for organizing the program today.

KOLMAN: It was great being here, and I loved the program. Super panel. Thank you.

KENNEALLY: Indeed. Emma House, we appreciate your contributions. Emma is the founder of Oreham Group. Thank you for joining us, Emma.

HOUSE: Thank you for having me. It was a great conversation.

KENNEALLY: And my colleague Roy Kaufman, good to see you as well. Roy Kaufman is managing director of business development and government relations at Copyright Clearance Center. Thank you, Roy.

KAUFMAN: Thanks for having me, Chris, and thanks for organizing this, Michiel.

KENNEALLY: Our program producer today is Jeremy Brieske of Burst Marketing. Thanks as well to Rachel Martin, industry relations and communications at Elsevier, for important production assistance. I'm Christopher Kenneally with Copyright Clearance Center. Bye for now.

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