



**Interview with  
Michael Healy, Copyright Clearance Center**

**Conducted by  
Porter Anderson, *Publishing Perspectives***

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**KENNEALLY:** Copyright Clearance Center has once again partnered with The Frankfurt Book Fair to spotlight innovation in global publishing. For 2020, the longstanding partnership will shift from the famous Frankfurt *messe* to a digital commons accessible anywhere in the world.

Welcome to Copyright Clearance Center’s podcast series. I’m Christopher Kenneally for Beyond the Book.

As the coronavirus pandemic maintains its grip on humanity, Frankfurt Book Fair must move online. Throughout this week, CCC looks forward to engaging in valuable virtual discussions with the Frankfurt global audience on key issues facing publishing – and to supporting fully the Book Fair’s 2020 motto – *Signals of Hope: New Perspectives for a Stronger Future*.

This week, CCC’s podcast welcomes Porter Anderson as our guest host. Porter is editor-in-chief of *Publishing Perspectives*. In 2019, he was named International Trade Press Journalist of the Year in London Book Fair’s International Excellence Awards.

Joining Porter Anderson is Michael Healy, CCC’s Executive Director, International Relations, to share how CCC and collective management organizations in many countries have stepped forward in the months since the COVID-19 pandemic first struck. CCC and other RROs are working closely with publishers and creators on a range of initiatives, particularly supporting students and teachers as educational institutions have closed or moved to virtual teaching models. Welcome to Beyond the Book, Porter Anderson.

**ANDERSON:** Chris, thank you so much. It’s great to be here. Hello to all of our fine Beyond the Book listeners. I’m Porter Anderson from *Publishing Perspectives*. Delighted to be here with Michael Healy, with whom we talk a great deal around



Frankfurt every year – and around all the other conferences, too, but especially at Frankfurt time, about copyright.

It's been, of course, an interesting year in copyright, with many effects from the coronavirus COVID-19 pandemic, of course, on what's happening in the world of rights and of licensing, and especially a lot of nervous rightsholders watching what's going on quickly in some cases.

Michael, welcome, and so good to have you with us as always. If you would start by giving us a sense for what impact is being felt by collective management organizations in many parts of the world – and I suppose we should say for those who may not know in our audience, fill us in on what a collective management organization does. We all say it very quickly, but maybe everyone doesn't know.

HEALY: First of all, let me say how good it is to be talking with you again. We've been frequent conversationalists over the years, as you said, Porter. But thanks for giving me the opportunity again.

ANDERSON: Thank you.

HEALY: We live in a world of acronyms when we talk about copyright and licensing, and CMOs, or collective management organizations, that's one of the main acronyms we'll be using today, as indeed is the same with RROs, reproduction rights organizations. RROs, of course, are a specific type of collective management organization working in the text publishing sector.

Collective management organizations, or CMOs, are doing exactly what you'd expect given the label, which is managing and operating collective licensing schemes of various kinds and various types around the world depending on the local legal jurisdiction, but they're operating collective licensing services on behalf of rightsholders.

ANDERSON: In the case of this pandemic, with so much happening, what has been the response? What's been handled by the CMOs in this situation?

HEALY: It's probably worth reminding our listeners that reproduction rights organizations around the world vary greatly, but many of them, of course, operate licensing services aimed at schools, colleges, universities, institutes of higher education. Of course, the pandemic has upended and disrupted teaching and learning everywhere. So unsurprisingly, the reproduction rights organizations themselves have seen to varying degrees their own operations disrupted.



The response of the RROs to the changing circumstances has varied from place to place, but what's really noticeable, at least in my experience in the last few months, is how many of those collecting societies, how many of those RROs, have stepped forward to work with local stakeholders, with government, to see how best they can help facilitate access to educational resources, research resources, when teaching, learning, and research have been disrupted globally. They've moved remarkably quickly in many senses, in many places. And inevitably, the needs have been different from place to place. The imperatives have been different. Consequently, the approach and response of RROs to local circumstances have varied greatly.

Just to give you some examples of what I mean, when teaching and learning went entirely remote in so many countries, when institutions of education closed down their physical premises and so on, in many countries, the most immediate requirement was to extend the copying limits for schools and universities. So the RROs in places like the United Kingdom, in Ireland, in Denmark, in Canada, all increased, usually on a temporary basis, the limits of what could be copied so that remote learning, distance learning, hybrid learning, whatever could continue relatively uninterruptedly.

In other places, the priority was changing the licensing terms to give easier access to digital content. Again, in Scandinavia, in Germany, they modified their licenses very, very quickly and very flexibly to enable the schools who were tackling these new challenges to enable lawful and easier access to content digitally.

Some went even further. They introduced some new licenses. For example, we at Copyright Clearance Center in the United States, we introduced in March this year what we called an education continuity license that ran for several months. We had a couple hundred participating publishers opting into that. That authorized teachers and students to use and reuse materials at no cost for their remote learning environments.

So copying limits were changed. New licenses were introduced. Existing licenses were modified in the wake of the pandemic. There was a very immediate response, and for me, the responses were based on a number of things. Firstly, collaboration between all the stakeholders to make this happen. Consultation, making sure that the rightsholders felt comfortable granting these additional rights or these more extensive rights. And a really, I think, wonderful pragmatism in the wake of this tremendously disruptive change to make sure that students and teachers could get what they needed in these dramatically transformed circumstances.

ANDERSON: You know, I have to agree, Michael. I remember when you folks at CCC introduced the education continuity license and we were writing it up. I was so



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impressed that by the time you could even tell me about it, there were already 40 publishers, big publishers, lined up doing this. They knew immediately that they needed to do this. That's very heartening. As you say, it then went into the hundreds before it was over. That really is heartening, isn't it? They knew. They responded so quickly.

HEALY: It is. I think publishers have been remarkably proactive, remarkably far-sighted, remarkably generous in their response to this. Of course, what makes it possible for them to be so responsive is collective management organizations like CCC can draw upon more than 40 years of collaborative relationships with these publishers. So when something so transformational as this hits us and hits us relatively quickly, you have a deep set of preexisting relationships you can draw upon.

ANDERSON: Yeah, it absolutely speaks to that. If I can ask you briefly, too, we're in such a strange situation, I know, in the United States, and also in many other countries, where attempts to open a new school year are in some cases succeeding, and in an awful lot of cases, not succeeding. I know that many programs are having to go on and off of all-digital access programs for their student bodies, particularly in the collegiate end. What happens at this point? Are there new such licenses being made, or is there an entirely different way of working with it in this new school year?

HEALY: As you implied, the situation varies from place to place. My own son, who's in high school in New York, is back in a hybrid learning environment – two days a week at school and three days learning remotely. My oldest son is in university in the UK in his final year. Likewise, it looks like mostly remote learning, but some face-to-face seminars and so on.

So you need a very flexible approach to this which meets local requirements. That seems to be the hallmark of the RROs' response going into the new academic year. I was talking to friends at the UK RRO, Copyright Licensing Agency, and as far as universities are concerned, they've extended the copying limits that they had previously for a short period when the pandemic first struck – they've extended them through the end of the academic year. So that will take them through to the summer of 2021.

ANDERSON: Boy, that is very generous.

HEALY: It is generous, and it's necessary. The other thing to say – in some educational environments and in some countries, the pivot towards hybrid teaching or entirely remote teaching has been enabled by technological conditions being favorable for



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that. What we mustn't lose sight of, of course, Porter, is that we have RROs operating in sub-Saharan Africa, in parts of Latin America, where schools, colleges, universities never had the resources – technological, financial, economic, whatever – to pivot on a dime, so to speak, to a new way of teaching and a new way of learning.

In those parts of the world, you have reproduction rights organizations who are now in stasis, in limbo, because the universities locally, the schools locally, the colleges locally are all closed, and they haven't been able to move to remote learning. I was talking only very recently to friends in Uganda and in Zambia and Kenya, and the institutions are likely to stay closed for several months. That means collective licensing has stopped. That means the collection of royalties has stopped. And therefore further down the creative value chain, publishers and authors don't receive the royalties they would typically have expected to receive from this licensing activity.

So we can talk for hours about the tremendous response of collecting societies during the pandemic and really stepping up in a cooperative, consensual model, but RROs and CMOs are also the victims of this pandemic in parts of the world, and some of them are suffering significantly. And when they suffer, the other links in the creative value chain further down the chain, they suffer, too.

ANDERSON: Exactly. Every rightsholder down the line is going to be feeling this. One last point in this area if we can – when we look at this great outpouring of research material that was made available so quickly and is still being made available for those who may have need of quick and free access to the latest research developed in the COVID crisis and people who are trying to address it and trying to work with it in labs and other situations, is there simply a widening loss of royalties, then, that's just never going to be recouped under this material?

HEALY: No, I don't think so. I think everybody may be uncertain about how long this is going to last, how long this temporary period is going to last, but it is temporary. So I think we will see changes going forward in this area. I think a lot of people have, as I said a moment ago, come together collaboratively to make these repositories of content available, particularly as they relate to finding cures for COVID-19 and so on. But things are going to change further. I'm sure of that.

ANDERSON: At some point, they just have to.

HEALY: Exactly.



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ANDERSON: Yeah, fascinating. In the time we have left, let's look if we can at Europe, too, switching gears a little bit here. It's a very interesting year, because of course the Digital Single Market directive coming in from the commission last year now has all of the member states working to harmonize their national positions with it. How long do they have? I think this is the second year of that process, right?

HEALY: Yes. Worth backing for a second, perhaps, for those listeners who aren't as close to it as others – what you're referring to, of course, is the Copyright Directive of the European Union within the Digital Single Market, so-called DSM directive. That was published back in May 2019. And as you rightly said a moment ago, Porter, there is a requirement on all 27 member states of the European Union to implement provisions in the directive in national legislation within two years. So by June next year, that process has to be completed in all 27 member states. That year will go very, very quickly, and as you could imagine, it's a huge amount of work.

Now, some countries were out of the gate very quickly, like France, for example, which implemented specific provisions from the directive into their national legislation quite quickly. Others haven't been that quick. But there's an awful lot of activity going on now.

I'll give you an example. Germany has published two discussion drafts. The first one of those I think came out in January this year, January 2020. That was focused on certain aspects of the directive. It covered exceptions and limitations to copyright. It covered the press right, the so-called neighboring right in Article 15, and various other provisions. Then we had a second draft which came out in June 2020, and that looked at different provisions. It looked at Article 8, which is the out-of-commerce exception. It looked at caricature. It looked at collective licensing, Article 12, and so on.

So a lot of provisions. A lot of them have to be harmonized within a year. And pretty much wherever you shine the light in the European Union, you'll find the national legislatures now really busy getting this done ahead of the deadline.

The Copyright Act in Ireland, for example – the Republic of Ireland – that came into effect December 2019. We'll see a new Irish education license approved and enforceable in the Irish republic from later this month. Wherever you turn your attention, you'll find lots of effort, lots of activity to harmonize with the directive.

ANDERSON: I'm sure. Of course, nobody foresaw the pandemic coming, and that cannot be making things any easier, either, for all of these governmental agencies and departments that have to deal with that work.



Lastly, before we finish up, and as long as we're speaking of Europe, France and Germany are working, as I understand it, to collectively negotiate payments in terms of media publishers for online use of neighboring rights. Can you fill us in on what that issue is about?

HEALY: Sure. What you're referring to here is an announcement that was made earlier in the summer, towards the beginning of August, an announcement where French and German press publishers, newspaper publishers, announced their intention to create a new collecting society. That collecting society would work together on behalf of French and German publishers initially to ensure the negotiation, the collection of royalties, and the distribution of royalties that come from this so-called neighboring right created by the DSM directive.

Now, that's unusual to see that sort of cross-border collaboration leading to the creation of a new collecting society. In their original announcement, they went even a little bit further, Porter, and said that this new collective negotiation, collecting society structure would eventually be open to all European press publishers. That's very, very interesting, because one of the great copyright battlegrounds since the Copyright Directive was even first talked about and discussed, let alone formulated and published, was this article requiring press publishers to be properly remunerated by tech platforms for the reuse of news content.

ANDERSON: It's going to be fascinating to watch that develop. And as you say, that cross-border aspect – in a sense, we're almost watching the beginnings of an ASCAP/BMI license in a different format entirely. But it is such an overarching effort if it widens, as we hear it may. So it'll definitely be something to keep an eye on.

Thank you for these points, Michael. It's been great talking to you about them. We should tell our audience that in our digital magazine coming out from Publishing Perspectives for Frankfurter Buchmesse, we will have a more extensive conversation with me and Michael about the other points of the year, including these, and there are many, many more in what's been a very busy copyright year as we head into the trade show. So we hope you'll watch for that early in October.

I want to thank everybody for listening. It's good to have been here. I'm Porter Anderson with Michael Healy from Copyright Clearance Center, and I'm going to give you back to the Chris Kenneally. Thanks, everybody.

KENNEALLY: Thank you, Porter Anderson and Michael Healy as well.



As part of its 2020 partnership with the Frankfurt Book Fair, CCC this week will host a pair of important panel discussions:

On Tuesday, 13 October, 11:00am - 11:30am, EDT, 17:00 CEST, Michael Healy is moderator for **COVID-19, Copyright and the Creative Economy**, a discussion with a trio of global publishing leaders:

- **Bodour Al Qasimi**, Vice President, International Publisher Association; Founder and CEO, Kalimat Publishing Group
- **Fathima Dada**, Managing Director of Oxford Education, OUP, and
- **Tracey Armstrong**, President and CEO, CCC

On Thursday, 15 October, 11:00am - 12:00pm EDT; 17:00 - 18:00 CEST, I am pleased to host, **Where Publishing and the Pandemic Meet**. When CCC invited senior policy makers, scholarly and society publishers, funders, institutions and researchers to meet in London last year, participants explored how best to advance scholarly research and improve the scientific publishing ecosystem. And while market disruptions, expected and unexpected, are always a factor in scientific publishing, the COVID-19 pandemic has become the catalyst to accelerate the industry's pursuit of open science, business model evolution, and digital transformation.





Panelists are –

- **Tony Alves**, Director, Product Management, Aries Systems
- **Rachel Burley**, President, Research Square
- **Tatiana Khayrullina**, Director, Lead Analyst, with Outsell, Inc.
- **Andrew Popper**, Global Products & Marketing, IEEE,
- and my CCC colleague **Jennifer Goodrich**, Director, Product Management, Publisher Solutions, CCC.

The group will share with me real-time data about the coronavirus disruption to STM publishing across key points in the ecosystem – how it drives their investments, influences their Transformative Agreement deals, and shapes the innovations they hope to bring to market.

Join CCC for Conversations and Content. Complete program details are at [copyright.com/frankfurt2020](https://copyright.com/frankfurt2020)

Beyond the Book is produced by Copyright Clearance Center. Our co-producer and recording engineer is Jeremy Brieske of Burst Marketing.

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I'm Christopher Kenneally. Thanks for listening and join us again soon on CCC's Beyond the Book.

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