

An Chomhairle Leabharlanna
--
Introductory note to the
Public Lending
Remuneration Scheme for
Ireland
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1. INTRODUCTION

An Chomhairle Leabharlanna has been asked by the Minister for the Environment, Heritage and Local Government to set up and manage the Public Lending Remuneration (PLR) Scheme for Ireland.

An Chomhairle is therefore establishing a Public Lending Remuneration Department: this introductory note has been prepared by An Chomhairle for applicants for the post of Executive Librarian, who will lead the PLR team.

2. LEGISLATIVE BASIS

2.1 The EU Directive and Irish legislation

The European Union adopted the lending and rental right Directive 2006/115/EC¹, which grants authors ‘The exclusive right to authorise or prohibit rental and lending’ of their works’. The Directive allows Member States ‘derogate from the exclusive right ... provided that at least authors obtain remuneration for such lending’.

Ireland transposed the provisions of the EU directive on public lending in the context of the Copyright and Related Rights Act 2000.

2.2 European Court Decision

In 2003 the European Commission instigated legal proceedings against Ireland for failure to transpose correctly certain provisions of the EU rental

¹ Council Directive 2006/115/EC on rental right and lending right (OJL 376, 27.12.2006, p. 28– 35). This Directive repealed and replaced the earlier Directive 92/100/EEC which established PLR originally.



and lending directive, specifically in regard to public lending. The European Court of Justice found in the Commission's favour in a decision delivered by that court in January 2007. The court found that Ireland had overly relied on the exemptions provisions in the directive to exempt all public libraries from the obligation to remunerate authors for the lending of their works.

To achieve full compliance with the court's decision, the Minister for Enterprise Trade and Employment drafted a bill to provide for a Public Lending Right payments system for authors for works that are loaned by Irish public library authorities.

2.3 Copyright and Related Rights (Amendment) Act, 2007

The Oireachtas passed the Copyright and Related Rights (Amendment) Act 2007, which became law in December 2007. The Act enables the Minister of the Environment, Heritage and Local Government, on foot of his responsibilities in relation to library authorities, to make regulations to establish a 'Public Lending Remuneration Scheme'.

Section 7 of the act amended the Copyright Act, 2000, inserting a new section (42a) under which authors will be remunerated for the lending of their books by Irish public libraries.



The Act also amended section 79 of the Local Government Act 2001 to provide a statutory basis for An Chomhairle Leabharlanna to administer a public lending remuneration scheme on behalf of the Minister.²

3. OUTLINE OF THE PLR PROCESS

3.1 The UK scheme and PLR system

A PLR scheme has been in operation in the UK since 1982, and the proposed Irish scheme is based on that scheme.

3.2 Author and Title Registration

Under PLR a payment will be made to registered authors, resident in the EEA, in respect of books registered with the PLR and loaned by public library authorities. Authors will be required to register with An Chomhairle, providing an address and bank details, etc. An online registration system will be put in place and authors encouraged to use this system. The details will be entered into an author/title database and checked against bibliographic databases for accuracy.

Authors will be required to register each title and each edition of each title for which they are claiming payment.

3.3 Collection of Loans Data from Library Authorities

Under the regulations library authorities will be required to provide An Chomhairle with loans data, giving details of the number of times each book

² An Chomhairle's functions are set out in the *Local Government Act 2001*, Section 79 (6).



in their collections is issued during a specified period. These loans data will be extracted from the library management system (LMS) by a PLR module, which will be required to be installed on each LMS.

An Chomhairle will provide a specification for the PLR module to library authorities and the LMS suppliers.

3.4 Processing of Loans Data for Registered Authors and Titles

At the end of the PLR period (i.e. each financial year), the loans data from each authority will be matched to the author/title data and a list of authors whose books have been loaned, and the number of issues of each, will be produced. Authors will then be notified of the amount they are to receive and payments will be made.

3.5 Basis for Payment of PLR

Payment will be made to authors in respect of their contribution to the work for which the payment is due. The scheme will allow for the percentage of the payment to be made for various levels of contribution, which include, *inter alia*, contributions such as sole author, joint author, editor, translator, and illustrator.

3.6 Rate of payment

The rate of payment will be set each year and will be the product of the total number of loans for which a payment is due, divided by the total amount available following the deduction of operating costs from the annual budget of the PLR.



A maximum amount payable to an individual author will be set, as will a minimum amount, below which no payment will be made (on the basis that the costs of payment would match or exceed the value of the payment).

3.7 Data on borrowing patterns

Through collecting the loans data from each library authority, An Chomhairle will build up a database on the borrowing patterns of library users. An Chomhairle will make this information available to each library authority and will use the national figures to promote the public library service and improve links with publishers and authors.