



WIPO Consultation on the Draft Best Practice Guide on Collective Management

31 May 2018

I would like to thank the Secretariat for this draft document, which is clearly the result of extensive work, and will provide a valuable resource for libraries. In the light of our discussions in SCCR, this seems to be another area where we may wish to explore the merits of a typology.

To start, I would like to note my agreement with the points raised by EIFL. In furtherance to this, I would like to ask what scope there will be to include more detail on licensing as relates to different types of user. In Europe, we are currently discussing provisions relating to licensing for cultural heritage institutions, or education. WIPO could provide useful guidance here.

Secondly, in our submission, we highlighted the importance of clarifying the relationship between collecting societies and governments. For us, it is preferable to ensure that CMOs are independent, in order to preserve them from political interference, and to help legitimise the policy-making process in the eyes of users. In short, the setting and implementation of policy should be kept separate where possible. Will this point be taken into account in future versions?

Thirdly, I wanted to highlight a point which has appeared a few times now – the situation of openly licensed works. We believe that it is important to ensure that the choice of creators to license their works in this way should be respected. CMOs should not be collecting revenues for their use.

Finally, I would welcome any indication of the type of comment that you are seeking – textual or more descriptive?

Thank you.